DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1909

REPORTED AND EDITED BY

HOLLAND BROS.

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FIRST SESSION--ELEVENTH PARLIAMENT

OTTAWA

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1909

SENATORS OF CANADA

ALPHABITICAL LIST

1st SESSION, 11th PARLIAMENT, 9 EDWARD VII.

1909

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
BAIRD, G. T.	Victoria	Perth, N.B.
BAKER, G. B.	Bedford	Sweetsburg, Que.
BÉIQUE, F. L.	De Salaberry	Montreal.
BEITH, R.	Bowmanville	Bowmanville, Ont.
BELCOURT, N. A	Ottawa	Ottawa, Ont.
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.
CAMPBELL, A.	York, Ont.	West Toronto.
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.
CHEVRIER, N.	St. Boniface	Winnipeg, Man.
CHOQUETTE, P. A.	Grandville	Quebec.
CLORAN, H. J.	Victoria	Montreal.
COFFEY, T.	London	London, Ont.
COMEAU, A. H.	Digby County	Meteghan River, N.S.
COSTIGAN, J.	Victoria, N.B.	Edmunston, N.B.
COX, G. A.	Toronto	Toronto.
DANDURAND, R.	De Lorimier	Montreal.
DAVID, L. O.	Mille Iles.	Montreal.
DAVIS, T. O.	Prince Albert.	Prince Albert, Saskatchewan
DERBYSHIRE, D.	Brockville	Brockville, Ont.
DESSAULES, G. C.	Rougemont	St. Hyacinthe, Que.
DE VEBER, L. G.	Lethbridge	Lethbridge, Alberta.
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.	Screl	Montreal.
FROST, F. T.	Leeds and Grenville.	Smith's Falls.
GIBSON, W.	Lincoln	Beamsville, Ont.
GILLMOR, D.	St. George	St. George, N.B.
GODBOUT, J.	La Salle	Beauceville, Que.
JAFFRAY, R.	Toronto	Toronto, Ont.
JONES, L. MELVIN	Toronto	Toronto, Ont.
KERR, J. K (Speaker)	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.

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.	Capé Breton	Halifax.
MCDONALD, W.	Cape Breton	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.
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.
RATZ, V.	North Middlesex	Parkhill, Ont.
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.
ROSS, G. W.	Middlesex	Toronto, Ont.
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.
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
SENATE DEBATES

FIRST SESSION—ELEVENTH PARLIAMENT

THE SENATE.

OTTAWA, Wednesday, January 20, 1909.

The Senate met at Two p.m.

Prayers.

The members of the Senate were informed that a commission under the Great Seal had been issued, appointing the Hon. James Kirkpatrick Kerr to be Speaker of the Senate of Canada.

The said commission was then read by the clerk.

The Honourable the Speaker then took the Chair at the foot of the Throne, to which he was conducted by the Hon. Messrs. Dandurand and Edwards, the Gentleman Usher of the Black Rod preceding.

NEW SENATORS.

The following newly-appointed senator was introduced:

Hon. Noé Chevrier, of Winnipeg, Man.

The Honourable the Chief Justice of Canada, Deputy Governor General, being seated at the foot of the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that 'It is the Deputy Governor's desire that they attend him immediately in the Senate.'

Who being come,

The Honourable the Speaker said,

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

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

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

The Senate adjourned until to-morrow afternoon at half past two o'clock.

THE SENATE.

OTTAWA, Thursday, January 21, 1909.

The SPEAKER took the Chair at Three p.m.

Prawers and routine proceedings.

The Senate adjourned during pleasure.

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. and a Knight Grand Cross of the Royal Victorian Order, &c., &c., Governor General and Commander in Chief of the Dominion 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 the House that 'It is His Excellency's pleasure that they attend him immediately in the Senate.'.

REVISED EDITION

Who being come, with their Speaker,

The Honourable Charles Marcil said:

May it please Your Excellency:

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

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

The Honourable the Speaker of the Senate then said:

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

His Excellency the Governor General was then pleased to open the session by a gracious speech to both Houes:

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In welcoming you to the performance of your duties at the first session of a new parliament, I desire to acknowledge with devout thankfulness the abundant harvest with which Divine Providence has again blessed us.

The Quebec Tercentenary festivities in July, which were honoured by the gracious presence of His Royal Highness The Prince of Wales, as representing His Majesty, marked an epoch in the history of the Dominion. The generous support given to the National celebration by the Federal parliament and provincial legislatures, and by the peoples of Canada, of the other Dominions and of the United Kingdom, emphasized the community of sympathy which binds the various parts of the British Empire to each other, and to the Throne and person of His Majesty the King. The presence of representatives from the United Kingdom, Australia, New Zealand, South Africa and Newfoundland, and from the great and freindly Republics of France and the United States, with the ships of war of the three nations, served not only to add lustre to the occasion, but to provide an assurance of increasing amity and peace.

I have much pleasure in announcing that a treaty relating to the Great Lakes and other International Waterways has been agreed upon between His Majesty and the government of the United States of America and is now awaiting ratification. Both countries are to be congratulated on having arrived at an amicable settlement which I trust will remove during the life-time of the treaty many vexed questions from the field of controversy. The treaty and papers relating thereto will be laid before you in due course.

A little more than a year ago, the whole civilized world entered into a period of commercial and financial depression, which may not yet have completely spent its force; signs there are, however, that it is gradually passing away. Whilst it is hardly disputable that owing to the abundance and elasticity of her resources Canada has suffered less than other nations, this depression has seriously affected our trade, producing and appreciable shrinkage in the public revenue, and calling for exceptional caution in the administration of our national affairs.

The rapid settlement of the new provinces calls for new lines of transportation. The construction of the Transcontinental Railway has been vigorously pressed forward during the last year. The line was open for the carrying of the crops from Winnipeg to the Battle river, a distance of 675 miles.

Exploratory surveys for a railway from the western wheat fields to Hudson bay are being pushed energetically. Four parties have been at work since August last. Upon their report it will be possible to reach a decision as to both the route to be followed and the approximate cost. The provision of the Dominion Lands Act of last session for the sale of pre-emptions and purchased homesteads has created a new source of revenue that will be sufficient to bear the cost of the railway to Hudson bay without burdening the ordinary revenue. From September 1, when the Act came into force, until January 1, sales of pre-emptions and purchased homesteads have amounted to over two million acres, all subject to homestead settlement conditions.

The total volume of immigration has not reached the high figure of previous years, but the number of those seeking homes on our unoccupied lands has been fully maintained during the last season, and, owing to the

ever closer supervision of the immigration branch of the public service, the character of these new inhabitants of Canada seems to be of the highest, and promises no small addition to the wealth of the country.

The government of the United Kingdom having expressed its willingness to include a representative of Canada among its delegates to the conference, held at Shanghai, to investigate the opium trade, my government has been pleased to welcome an offer so significant of Canada's growing importance, and on its recommendation the government of the United Kingdom has accordingly appointed a member of the Dominion Parliament to be a member of the commission.

Representatives of Canada participated lately in the permanent establishment and organization of the International Institute of agriculture, with its headquarters at Rome, an event of interest to our country in whose economic system agriculture plays so great a part. It is gratifying to note that among the forty-eight States adhering to the Institute, recognition of Canada's agricultural importance was shown by election of our representatives to some of the highest offices of the Institute.

The appalling calamity which has befallen Sicily and Southern Italy and caused a total destruction of life and property absolutely unprecedented and unequalled in the long series of historic disasters, has induced my government to offer assistance for the immediate relief of the hundreds of thousands of sufferers who were helpless against famine and all its consequent horrors. I confidently hope that you will approve its action.

In pursuance of an announcement made during the concluding session of last parliament, a commission was appointed to examine the various lines of railway connected with the Intercolonial Railway and which might become valuable feeders thereto. The report of this commission has been received and will be placed before you.

The commissioner appointed for investigating the conduct of officers in the Department of Marine and Fisheries has concluded his labour, but has not yet reported. His report, however, is expected at an early date and a measure will be submitted to you, based upon similar legislation enacted in 1906 by the parliament of the United Kingdom, aiming at the repression of the payment of secret commissions and gratuities both in public and private business.

You will be asked to consider measures relative to insurance, the civil service, immigration, naturalization and other subjects.

Gentlemen of the House of Commons :

The accounts of the last year will be laid before you.

The estimates for the coming year will be submitted at an early date; they have been prepared with a due regard for economy consistent with the requirement of the public service.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I pray Divine Providence that it may guide your deliberations, and that they may tend to a further increase in the prosperity of our country and the well-being of our people.

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

The Senate was resumed.

BILL INTRODUCED.

Bill ( ) An Act respecting Railways.—(Hon. Sir Richard Cartwright).

THE SPEECH FROM THE THRONE.

MOTION.

Hon. Sir RICHARD CARTWRIGHT moved that the speech of His Excellency the Governor General be taken into consideration by the Senate on Tuesday next.

The motion was agreed to.

THE STANDING COMMITTEES.

MOTION.

Hon. Sir RICHARD CARTWRIGHT moved:

That pursuant to Rule 77, the following Senators: the Honourable Sir Mackenzie Bowell, the Honourable Messieurs Gibson, Lougheed, Béique, Miller, Power, Watson, Casgrain and Ferguson, be appointed a Committee of Selection to nominate senators to serve on the several Standing Committees during the present session, and to report with all convenient speed the names of the senators so nominated, and

That Rule 24a be suspended in so far as it relates to the said motion.

The motion was agreed to.

The Senate adjourned until Tuesday next at three p.m.

THE SENATE.

OTTAWA, Tuesday, January 26, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

NEW SENATOR.

The Hon. VALENTINE RATZ, of Parkhill, Ont., was introduced and took his seat.

AN EXPLANATION.

The SPEAKER.—Before the orders of the day are called, I desire to make a statement. I regret to say that I am not a master of the French language, and have not felt free to undertake to address this honourable body of parliament in that language without some preparation. On the occasion of the opening of the House I hesitated to betray my deficiencies, which might, I thought, reflect somewhat on this honourable body, and, therefore, abstained from saying anything in the French language during the ceremony. I hope, however, to make amends for this, and some day in the near future to address the House in that beautiful language.

ICE BREAKING AT CAP ROUGE.

Hon. Mr. CHOQUETTE.—Before the orders of the day are called, I wish to inquire from the government whether they have come to a decision, or have taken some action, in regard to the objection made by the Quebec Board of Trade and the Quebec city council with reference to the work the steamer 'Montcalm' is doing —very bad work indeed in trying to break away the ice at Cap Rouge? This is a very important matter to Quebec. Although resolutions have been passed by those two bodies and sent to the government, I am told that nothing has been heard from them. I should like to know if the government has reached a decision or whether they are going to do something in regard to the matter?

Hon. Sir RICHARD CARTWRIGHT.—I believe the matter is under consideration of the department immediately concerned, and, perhaps, to-morrow I may give the hon. gentleman more definite information.

COMMITTEE ON SELECTION.

Hon. Mr. CHOQUETTE.—I regret to observe by the Minutes the speedy decision the House has arrived at in the last sitting in appointing the Striking Committee without giving the usual notice in order that members may consider the subject. I do not personally object to any members who have been appointed. They are all good men; but it was my intention to move that instead of having two hon. gentlemen from Montreal serving on that committee, the city of Quebec should have a representative, that Mr. Beique or Mr. Casgrain be replaced by Mr. Tessier. I am sorry to see that the committee was appointed without more consideration. Last session the motion was proposed on the fourth sitting of the House, and adopted on the sixth sitting. On Thursday last there was but a handful of members in the House when the motion was carried. According to my information, the proceedings are not correct, because the seconder of the motion was not even in the House. I do not see exactly what can be done, except to perhaps move a reconsideration. That may cause delay, but I wish to enter my protest against what has been done, and I hope one of the two hon. gentlemen appointed from the Montreal division will be kind enough to resign in favour of an hon. gentleman from Quebec, and I would suggest my hon. friend, Mr. Tessier.

Hon. Mr. BEIQUE.—As far as I am concerned, with the leave of the House I would be very glad to be relieved of the duty of serving on that committee, and would be pleased if I could be replaced by the hon. gentleman from De la Durantaye (Hon. Mr. Tessier).

Hon. Mr. CHOQUETTE.—With the consent of the Housse, I would move to suspend the rules to permit of this change being made, and I wish to thank my hon. friend from de Salaberry (Hon. Mr. Beique).

Hon. Mr. BEIQUE.—I move, with the consent of the House, that the name of the Hon. Mr. Tessier be substituted for my

name on the Committee on Selection, seconded by the hon. gentleman from Mille Isles.

Hon. Mr. DAVID.—No, I will not second it.

Hon. Mr. BEIQUE.—Then the hon. gentleman from Portage la Prairie?

Hon. Mr. WATSON.—No, I will not second it.

Hon. Mr. CHOQUETTE.—I will second the motion.

Hon. Sir MACKENZIE BOWELL—This seems to me to be an irregular proceeding. I shall not discuss now the action of the Senate on the first day of its meeting. My own impression was, at the time, that our action was too precipitate and out of order. The motion ought to have stood for consideration; but since it has been adopted, a motion to change the committee without notice cannot be regular. I would suggest to my hon. friend that he should put a notice on the paper for a reconsideration of this question. The irregular procedure suggested cannot be allowed, because there would be no finality about any order passed by the House if such a precedent should be established.

The SPEAKER.—The hon. gentleman's motion having been objected to is, of course, out of order.

Hon. Mr. CHOQUETTE—We frequently suspend the rules of the House, and as the hon. senator from Montarville is willing to retire from the committee there can be no objection to dispensing with the rules on this occasion. My object in wishing to proceed now is to save time so that the committees may be struck while the debate on the address is proceeding. I hope the hon. ex-leader of the opposition will withdraw his objection.

Hon. Mr. FERGUSON—The whole proceeding has been irregular. What should have been merely a notice of motion was permitted to slip through as a motion. The House was not well organized after the speech from the Throne, and I thought that the motion which was read was merely a notice and did not observe until too late that it had been carried as a motion. It is not only irregular to appoint a committee without notice of motion, but to appoint any committee until after the address has been adopted, so my hon. friend will have ample time to give notice, and it will mature before the House will be in a position to consider it, and the committee cannot sit and report until after the address is adopted.

The SPEAKER—The motion is out of order because an objection has been made. It could only be adopted by unanimous consent.

Hon. Mr. POIRIER—We are embarking on a very irregular procedure. A motion has been passed; it cannot be amended. While I sympathize on principle with my hon. friend to my right, because I may remark parenthetically there is no senator from New Brunswick on that committee——

The SPEAKER—I am sorry to interrupt but the hon. gentleman is entirely out of order.

Hon. Mr. POIRIER—If I may be permitted to speak on the point of order, I submit that the regular way to proceed would be for the hon. gentleman to simply resign, and then a motion could be made to replace him, and that would not interfere with the record of what has been done. We could go on with the work of the House. The committee would exist, only there would be a vacancy between the resignation of the hon. senator from De Salaberry and the appointment of his successor.

Hon. Mr. CHOQUETTE—Having made my protest, I shall have nothing more to do about it.

THE ADDRESS.

MOTION.

The order of the day being called :

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

Hon. Mr. DAVID—(In French).—Having had a short time to prepare myself to move the address in answer to the speech from the Throne, my remarks will be as brief

and concise as the official speech itself. I must first state that I am pleased to offer my congratulations to our new Speaker who has all the qualifications required to do honour to himself and to the Senate in the performance of his important duties, and will preside over our deliberations with wisdom and dignity, kindness and impartiality. It is a great honour to be called to preside over such an important body, composed of men who have grown old in the service of the country, and this honour must have been deserved by a laborious and honourable life.

Congratulations and regret are like joys and sorrows, often mingled in the affairs of life, and I cannot help regretting the retirement of the hon. gentleman who has been for so many years the leader of this House and who seems to take pleasure in defying the ravages of time and in developing beneath the snows of winter an eternal youth.

The hon. gentleman will enjoy in a well deserved rest the sturdy and happy old age promised to those who have faithfully served their God and their country, and whose life has been honest, useful, laborious, benevolent and virtuous. Happy, thrice happy, those who like the venerable gentleman can in the evening of their life look serenely, without regret, over half a century filled with good actions and with domestic and public virtues. In all the high positions which he has occupied, he has done his duty without fear or reproach, and he has displayed a variety of knowledge and aptitudes which enabled him to fill all vacant positions in the cabinet, and to make people forget those who were missing. He has become what I might call a public utility in the political and governmental field. Fortunately he remains with us still, and he will continue, in a more serene atmosphere, to sit in this House and to help us with his advice and experience.

The regret we feel because of his retirement is lessened by the thought that he is replaced by one of his old war companions, a veteran of our political battles, by a man whose talent and high culture are much appreciated. In the powerful generation which has brought forth Macdonald, Cartier, Blake, Tupper, Mackenzie, Mills, Thompson, Bowell, Laurier and many other distinguished men, he stood in the front rank; in that grand constellation which has illuminated the lights of our political world, he has been a bright star that still continues to shine. Soldier, or rather one of the commanders of the old guard, he will be assisted by one of the chiefs of the young body guard, who presided over this chamber with so much tact and intelligence in the last parliament; a man in the prime of life, whose tireless activity and electric and vigorous eloquence will no doubt create much animation in our debates.

From the Speaker's chair, where his activity was restricted, he comes back into this arena on which more than once he seemed to cast longing looks. He comes back to take his place in the first rank of the combatants, with experience and aptitude matured by study and observation, with an abundance of ideas, of sentiments and projects which will be highly beneficial to this House and to the country.

As the hon. members of this House may entertain a doubt if I continue in the same strain, whether I intend to comment on the speech from the Throne, I shall instantly proceed to consider it.

His Excellency commences in a most happy way by thanking Divine Providence for having given to our country the favour of an abundant harvest. It is not the only favour that we owe to Providence. God is merciful to Canada. He seems to take pleasure in bestowing His favours upon us, in keeping away from us the calamities and disasters which bring desolation to other countries, and in sparing us the troubles which threaten the peace of the world. Whilst other nations impoverish themselves by manufacturing ammunition and engines of war to destroy each other and cover the earth with ruin and blood, we build cities and railways, settle our lands, and develop the immense resources of our country, and our prosperity allows us to assist the unfortunate all over the world and to offer them a refuge, a home where they can be happy and prosperous provided they be industrious and law-abiding.

His Excellency speaks in high terms of the tercentenary festivals, of their character and significance. There is no doubt that they have given evidence of the feelings of

mutual respect and fraternity which bind together the different nationalities of this country. The sight of the descendants of the victorious and defeated on the Plains of Abraham fraternizing and mingling their flags on that famous battle-field where their ancestory so bravely fought, involved a lesson of tolerance and history, which I may say, moved the entire world. It showed how men whose ancestors were bitter enemies have become loyal friends, owing to a wise and liberal policy, and have united their strength and their varied aptitudes to insure the progress and welfare of their country.

I cannot refrain from acknowledging the broadness of thought and the tact displayed by His Excellency and those who helped him to accomplish his difficult task, in order to soften the effect of memory which might have been too painful and justified certain apprehensions, which, after all, were not unreasonable. His Excellency has once more given a striking proof of his benevolent and kind disposition, which renders him so dear to all classes of our population.

The speech from the Throne promises to submit to our consideration measures concerning the Intercolonial Railway, the insurance system, the civil service, immigration, Hudson Bay Railway, and other matters worthy of our attention.

The question of the civil service is one of the most important. There is no doubt that an honest administration conducted by intelligent and zealous civil servants has a great influence on the welfare of the country. It has often been said that if France has been able to withstand the evil results of the instability of its governments, it is due in great part to the integrity and stability of her administration.

The investigations initiated by the government have brought to light deplorable abuses which have grieved all those who have at heart the interest and honour of the country. Abuses seem to be inherent to the administration of public affairs. They have existed at all times, under all governments, and even under Democratic and Republican institutions. They must be corrected by severe laws, no doubt, but also by education and example, the example of integrity in the leading classes and also by giving to the public servants salaries sufficient to protect them from all temptation. We must by all means repress such abuses as have been made public, but I think that distinction should be made between the acts of high officials who are well paid, and of those whose inadequate salaries expose them to dangerous temptations, especially when they are entrusted imprudently with the handling of considerable sums of money. We must take into consideration the weakness of human nature, and endeavour especially to prevent a repetition of such faults and abuses.

The question of immigration will also receive our attention. There was a time when it was said that our public men were not zealous enough to attract to our shores the immigrants required to develop the resources of our country, and when the government was urged to adopt measures similar to those taken by American statesmen to increase the population of that country. Complaints are now made that immigration is too considerable, that it has become a danger to the country; at the same time large employers of labour contend that they are in need of more hands to carry out their extensive enterprises. However, I am happy to see that the government understands that it is not so much the number as the quality of the immigrants which should be considered. We need above all settlers, tillers of the soil, that agricultural class which has been at all times the strength, the bone and sinew of the country, the most powerful element in the progress and greatness of a nation. Agriculture is an inexhaustible source of moral, religious and patriotic strength, where humanity does not cease to acquire new vigour, to vivify itself, to fortify itself; which affords to a nation the most durable wealth, which gives the country vigorous soldiers to defend it, and powerful statesmen to lead it. The agricultural class is becoming more and more the element of order and peace, a bulwark against the pernicious theories which threaten the future of society. A settler, a ploughman, is in my opinion worth more for the welfare and prosperity of a country than ten other men. We can never make too many sacrifices to secure such immigration. We can never make enough.

To this may be added the carrying out of extensive public works, the construction of canals and railways which will make Canada the great route for the products of North America to the markets of Europe, so that we may feel confident that Canada will attain to a high destiny—that it will continue to be as it now is, one of the most prosperous countries of the world.

The Senate will continue to actively cooperate in this work of progress, of national development. In spite of those who ask that it be suppressed, the Senate will continue to exist in the interests of the very men who desire its abolition; it will continue to exist to correct their errors and protect society against their laws, which are often dangerous, and against pernicious theories. It will continue to exist in order to enlighten them, and even to receive them, when, having become wiser, they feel disposed to retrieve the errors of their past life by coming into its precincts to share in a work more modest perhaps, but more useful than their declamations against the Senate which are as futile as they are sonorous.

Hon. Mr. DERBYSHIRE—I want to thank the members of this hon. House for their kind reception, also my leader for asking me to second the address in reply to the speech from the Throne. My hon. friend from Mille Isles has gone over the ground in such a thorough manner, and so eloquently, that it will not be necessary for me to take much of your valuable time. I am sure we can all join heartily with His Excellency in his expressions of gratitude for the abundant harvest with which our Dominion has been blessed. Agriculture must continue to be the greatest of all our interests in this country, because if our farms produce abundantly, every industry in this young nation must flourish. We produced from our farms, last year, in field crops alone, four hundred and thirty-two million dollars, which means prosperity to all our interests. I consider this to be rather an under estimate. One hundred million dollars were produced by our dairymen, and we should do a great deal better. With our refrigerator car service and cold storage, our own ships, with the dairy education which is being carried on by our government, and also by the several provinces, we expect to make finer dairy goods and in greater quantities. Our home market is becoming an important factor, and is growing each year, so I look with hopefulness to a great expansion in this important branch. We point with pride to the wheat fields of the west. We must remember that the total area under wheat last year was 6,000,000 acres, out of an acreage already surveyed in the three prairie provinces, of 134,000,000 acres. The total area under grain of all kinds was only 9,600,000 acres. It is calculated that the wheat alone produced was 105,000,000 bushels, the value of all grain $143,000,000, with unquestioned superiority in quality, particularly in wheat, due to soil and climate, and in view of the remarkable development, very largely within the last six years, of those western provinces, who can venture to set a limit on the wealth to be produced in the future? North of the settled area, on the line of the new Hudson Bay railway, north of Manitoba, in Saskatchewan between the Saskatchewan and Churchill rivers and in Northern Alberta, and beyond in the Great Mackenzie Basin are vast tracts of fertile land, much of it not yet explored, but known to be of great fertility. Wheat has been grown with some success at a great many scattered points north and south throughout this area; barley, potatoes, and most garden vegetables are grown with assured success at almost every point where attempts have been made. When means of access to this vast country are furnished, by the extension of existing railways, there is no reasonable doubt that great agricultural development will result. Who will say that in the next decade we shall not produce five hundred millions bushels of wheat, and that our total grain products will not be at least $700,000,000? All we have to do is let the good men continue to come to our shores, select the good seed, and give our land intense cultivation, and we shall see prosperity such as we do not dream of now.

I am glad that His Excellency has referred to the tercentenary festivities. I am sure nothing has taken place in our time of such vast importance as this notable celebration. Then we saw our federal government ably assisted by provincial legisla-

tures and with the enthusiastic support of our people from the Atlantic to the Pacific, as well as the whole British empire. We had the Prince of Wales representing His Majesty the King, to add dignity to the occasion, and the warships of three nations anchored peaceably in our own St. Lawrence in front of Quebec the beautiful. Our own militia looked formidable, and it was an inspiring scene when they marched by Lord Roberts and other distinguished soldiers. It certainly was a spectacle, never to be forgotten. We could almost see Wolfe and Montcalm on the Plains of Abraham in the wonderful pageants, the like of which was never before attempted on this continent. It was a great thing to be entertained by our brethren of Quebec, who are past masters in the art, and the good fellowship prevailing on all sides will have a lasting influence in this country. I would like to make special mention of His Excellency, Earl Grey, who conceived the idea, and laboured so zealously from the very first to the sounding of the last gun to make it a memorable event, and the great success of this ever famous celebration is due largely to his energy and enthusiasm. We owe him a debt of gratitude for his work, not only in connection with this vast entertainment but for his deep interest and active co-operation in every popular movement throughout the Dominion, lending aid and encouragement to everything for the upbuilding of our young nation.

The treaty relating to the Great Lakes and other international waterways is not yet before us, but if it puts in concrete form a final and satisfactory settlement of the many questions that have been subjects of controversy between ourselves and our neighbours for the last hundred years, it will be hailed by us all with pleasure. We must however, be cautious how we consent for one moment to establish as a precedent, that any foreign power may interfere with or direct in any shape or form the use and administration of any territorial right that is now and should ever remain, absolutely within the control of our own people.

Our waterways, our water-powers and our fisheries are too vitally important to the future development of Canada to permit of any outside control over the administration of them. For that reason, while willing to meet our neighbours half-way on every debatable point, we should insist that what is absolutely our own we shall hold. We own over half the fresh water of the world and our fisheries are the most important.

We may congratulate ourselves on having been so little affected by the world-wide depression that has been such a severe strain on the resources of other countries. That depression is happily passing away, and nowhere in the wide world can be found a greater hustle or optimistic business expectation than in Canada. Our people have on deposit in our banks $650,000,000, while the loans by the banks to our people amount to $584,500,000, leaving $200,000,000 awaiting investment. The vast stores of silver in Cobalt and prospects of very much greater yet to be discovered, is rousing the attention, not only of the continent, but of the world. The richness and extent of the ore developed in the four years' life of the camp can be realized when Cobalt is compared with the world-famed mines of Montana, Arizona, California, Colorado and Idaho. The dividends recorded upon the tonnage shipped from Cobalt to the refineries have averaged $248 per ton shipped during the life of the camp up to the end of 1908. Their proportion to the gross value of production is estimated at 56 per cent. In 1908 the Cobalt mines produced more silver than the aggregate production of Montana, Arizona and California. The vast riches of the petroleum deposits of the Athabaska are yet untouched; the wonderful iron deposits and vast water-powers of the hinterland of Quebec are practically unknown to the average Canadian, and even the magnitude of our resources in agriculture are such that one can hardly conceive a financial depression in this progressive country that can create anything but a temporary embarrassment. Our population is increasing rapidly. No doubt every precaution that wisdom and experience can suggest will be taken by the government to exclude undesirables, and properly direct those who seek our shores with an earnest desire to better their condition and become loyal Canadians.

It is satisfactory to hear of the rapid construction of the Transcontinental Railway. It will no doubt require every channel that

can possibly be opened to accommodate the output of the great northwest, which will increase in progressive ratio with the rapid settlement of the new provinces.

The sober thought of the country will be with the government in their efforts to regulate, and, if possible, suppress the opium trade in this Dominion.

With a country teeming with wealth in agriculture, mines, forests and fisheries, with the completion of our transcontinental railway system, the building of the Georgian bay canal and the deepening and improving of our other canals and the opening up of our northern country, who can forsee the magnificent future of this Dominion under the able and patriotic management of the far-seeing statesmen who control the destinies of Canada.

Hon. Mr. LOUGHEED.—Since we last met in this Chamber we have had a general election, and while I at one time was hopeful that my hon. friends on the other side of the House would transfer themselves to the left of the Speaker, which I think would have been for the benefit and advantage of the country, yet it remains to be said that those of us who have been a sufficiently long time in public life have schooled ourselves to the inevitable, and we therefore accept the decree of the fates with that philosophy which should always become public men. However, some changes have taken place, and those changes have been very happily alluded to by my hon. friend from Mille Isles in moving the reply to the speech from the Throne. I heartily concur with him in most of the remarks he has made with reference to those changes. I am sure those of us who sit on this side of the House profoundly regret that my hon. friend opposite, who has so acceptably led this House for many years, has retired from the responsible and dignified position which he occupied. We all look back with very much pleasure upon the good will and courtesy which he ever extended during his time in office to hon. gentlemen upon this side of the House, and likewise to the entire Chamber. It is, however, a matter of satisfaction to us to know that my hon. friend still occupies his seat as a member of this Chamber, and I have no doubt that this House will be equally fortunate in the future as in the past in having the advantage of his long experience, ability and parliamentary knowledge in the transaction of the business of the country. The mantle of my hon. friend has fallen on the shoulders of my right hon. friend the Minister of Trade and Commerce. This is also a matter of congratulation into which this side of the House can enter with all sincerity. My hon. friend from Mille Isles referred to the right hon. leader of the House as like one of the brightest stars in the constellations which illumine this earth. While I have never associated my right hon. friend with such ethereal and celestial honours, I am tempted to say that had his translation to this pacific chamber taken place some few years ago when the Conservatives were in the ascendancy in this House, and at the time when my right hon. friend was hurling his bolts against the Senate, he then, instead of suggesting stellar thoughts to our minds, would have suggested the more militant idea of that destroying angel with one foot on the sea and the other on the land trumpeting the doom of the Senate and all his political foes. I therefore have always associated my right hon. friend's name with more militant ideas than those suggested by the hon. gentleman from Mille Isles. However, I am bound to say that the government has made a right choice in asking him to lead the Senate. The appointment is certainly a most acceptable one. There is no member of the Liberal party who has occupied a more illustrious position in the ranks of his party for a generation past than my right hon. friend, and it was very fitting that the responsibility of leading this House should fall upon him. I have to express the hope in all sincerity that while the Liberal party remains in office—which I hope will not be long—my right hon. friend may continue to lead with success and acceptability the government in this Chamber. Nothing has escaped the attention, apparently, of my hon. friend from Mille Isles. He commented on the fact that my hon. friend from De Lorimier has stepped down from the high position he occupied for the last four years, and has assumed the office apparently of

lieutenant to the leader of the Senate. It is only just to say, and it gives me very great pleasure to say it, that the hon. gentleman, while presiding over the deliberations of this Chamber, illustrated very clearly the possibility of one going up from the field of battle, so to speak, to occupy a position involving the holding of the scales fairly, in dealing out equal treatment to friend and foe. We shall all look back with pleasure upon his term of office while occupying the high position as Speaker of this Chamber. I am sure we can extend our congratulations to the present Speaker on his appointment. His broad and varied experience during many years not altogether of public life but of semi-public life, peculiarly qualify him for the position in which he has been placed, and I am satisfied that he will preside over the deliberations of this chamber as acceptably as did his predecessor.

It is usual to congratulate the mover and seconder of the address in language indicative of their being new members, but circumstances are such that older members have been called upon to move and second the address. I congratulate the hon. senator from Mille Isles upon his cultured and finished address to the House and my hon. friend from Brockville upon his very practical views on the material interests of the Dominion.

In looking over the address, and its many subjects of interest it must be said they are not of a controversial nature and scarcely suggest a discussion at this time. There is, however, one particular clause upon which a few observations may appropriately be made in opposition to the position taken by the government in former years. The clause to which I refer is :

> A little more than a year ago, the whole civilized world entered into a period of commercial and financial depression, which may not vet have completely spent its force; signs there are, however, that it is generally passing away.

It did occur to me that it was impossible in the Dominion of Canada that such a condition of affairs should arise without the government of the country being a party to it. Where was the magic wand of the present administration when this unfortunate condition of affairs presented itself before the people of Canada? I understood some years ago that the present administration raised their wand of magic, brought in prosperous times and announced to the people of Canada that for all time while they were in office this prosperity would continue. It seems to me it might have been dispelled to some advantage if they possessed the magic which the people of Canada for some years have been educated to believe rested with the government. In this connection it might not be out of place to look back upon the financial administration of the country, with a view to ascertaining to what extent the government may have been culpable in not being in a position to meet the financial depression and the results which naturally flow from that depression. It does not require very great business sagacity to make preparation in prosperous times for periods of commercial depression; but my hon. friends seem to have overlooked entirely the changes which take place in trade, and we have gone into this depression as a country in a very much worse position than could possibly have been anticipated. I ask the House to consider a few figures which are obtainable from the blue book, and which indicate the unfortunate position in which we find ourselves to-day at a time of falling revenue and rising expenditures. I find in the official 'Gazette' of the 31st December that the decrease in the revenue during the nine months of the current year, which ended 31st December, reached $11,475,000. I think we might safely say that by the 31st March, which will be the end of our financial year, the decrease in revenue from that of last year will have reached the enormous sum of $15,000,000. I recall when the Minister of Finance presented his budget at the last session of parliament he announced that the revenue for the then ending year was $96,000,000; that the estimated decrease in the revenue would not be more than $6,000,000, thus estimating that we should have a revenue of $90,000,000. It must be quite apparent to hon. gentlemen that the revenue for the current financial year ending on the 31st March next will not much exceed $80,000,000, and yet, notwithstanding the estimated decrease

in revenue, the current year's expenditure based on an estimated revenue of $90,000,000, which will not realize more than $80,000,000, reached the enormous sum of $132,777,748. Notwithstanding the falling revenues of the country, yet we find rising expenditures. At the expiration of the nine months ending the 31st December last we find an increase in current expenditure over the corresponding period of the previous year of $5,000,000, and an increase in capital expenditure over the corresponding period of last year of $7,000,000, making a total increased expenditure up to the 31st December last of $12,000,000, thus leaving the financial condition of the country $23,500,000 to the worse. During the twelve months ending 31st December last we increased our public debt $37,500,000, and from a return brought down to the House of Commons last night I observe our public debt has reached the sum of $291,000,000. I hope I am not entering upon controversial ground, or that I am promoting the asperities of party debate if I ask hon. gentlemen to give their most sincere and earnest attention to a question involving so largely the very best interests of this Dominion. The Senate from time to time is subject to hostile criticism in the press and on the platform, and I know of no higher function that can be discharged by this Chamber than to give an earnest attention to the financial affairs and interests of this great country as administered by the government of the day. One would fancy that this Senate should act as a break upon the administrative wheel which is revolving very quickly at the present time; but parliamentary institutions made up of the Senate and Commons seem not to give the slightest attention to the encroachments which are being made from time to time by the government upon the financial revenues of the country. I suppose I might safely say that parliamentary institutions had their origin in an endeavour to resist the encroachments of the Crown upon the public revenues and upon the rights of the people. Instead of admonishing the government and resisting the incursions which are made from time to time upon the financial revenues of the country, we find both branches of parliament in every possible way assisting the government of the day in extracting from the public exchequer all that they may possibly demand, though far in excess of what the country should pay. Let us analyse for a moment the expenditure of this money and consider if parliament has been doing its duty in granting supplies to the government to the extraordinary extent which is to be found in the Supply Bill particularly that of last year. We all recall how my right hon. friend and his associates previous to 1896 thundered against the alleged extravagance of the Conservative party. We recall how my right hon. friend and his associates held up their hands in holy horror at the idea of the Dominion of Canada spending in those days $41,702,000, which was the extent of the expenditure in 1896, but compare that expenditure of 1896 with the expenditure represented by the Supply Bill of last year, nearly $133,000,000, exclusive of the subsidies which may yet have to be paid to the railways, and which amounted to $23,366,000. As to the analysis of this enormous sum, I have selected a few of the spending departments so that we may make a comparative analysis of the present expenditures with the expenditure of 1896 :

	1896.	1908-9
Agriculture — Quarantine ..	305,000	1,663,000
Militia..	1,136,000	6,749,000
Public Works....	1,299,000	18,794,000
Marine and Fisheries..	1,074,000	5,585,000
Mail Subsidies..	534,000	1,740,000
Immigration..	120,000	1,020,000
Totals..	$4,468,000	$35,551,000

About 800 per cent increase.

For these particular spending departments in 1896 there was an expenditure of $4,468,000 as against $35,551,000, or an increase of 800 per cent in the short space of twelve years. I appeal to hon. gentlemen who should divest themselves of all that sympathy and activity of political life which is from time to time urged upon us in this particular Chamber, I ask if the increase in population within the Dominion of Canada, which I am safe in saying has not exceeded 25 per cent, would warrant the government in increasing the expenditure of the particular departments to which I have alluded by at least 800 per cent. I might put it in another way : for the twelve years since the accession of my hon. friends to office, the public revenue which has been

received by the government has amounted to $742,000,000 ; for a like period preceding the accession of the present government to office, the amount received by their predecessors was $438,000,000, leaving an excess which these gentlemen received during a like period of over $304,000,000, and yet notwithstanding the fact that the present Liberal administration had received $304,000,000 more during a like period than their predecessors, we find our debt increased by nearly $50,000,000, with an immediate probability of that debt running at least up to $450,000,000 ; and notwithstanding the fact that during that period loans had fallen in representing $80,000,000, yet with the receipts exceeding $304,000,000, over the receipts of their predecessors, they did not retire one dollar of the debt, but had increased it to the amount I have indicated. It is therefore not surprising that the government should make reference to the financial depression, and I have no doubt that this financial depression which has been so graphically described in the address will do service to the government, for some time to come as the ostensible reason why the finances of this Dominion, are in the unfortunate position in which to-day we find them. It might also not be out of place that we should give a little further consideration to what I claim to be the reckless extravagance of my hon. friends in administering the financial affairs of this Dominion. We are here as business men. The financial interests of this Dominion, concern me as well as they concern my hon. friends opposite. We all have a like interest, and it is the high and patriotic duty of every public man in Canada as well as every citizen of Canada, that he should insist upon a proper expenditure of every dollar of the public moneys, to the same extent that he would exercise prudence and caution in expending his own money. Grouping the section in the address to which I have referred with two or three others, will involve an investigation, cursory though it may be, as to the expenditure of the administration of the government with reference to certain other departments of the public service. I observe a clause in the address indicating that the government intends taking action as to the purchase of several branches connecting with the Intercolonial Railway. The paragraph states :

> In pursuance of an announcement made during the concluding session of last parliament, a commission was appointed to examine the various lines of railway connected with the Intercolonial railway and which might become valuable feeders thereto. The report of this commission has been received and will be placed before you.

There is an old saying that whom the Gods would destroy they first make mad. It seems to me if the present government were bent upon the destruction of the Intercolonial railway, they could scarcely conceive of any more effective way of destroying its usefulness than the policy now being pursued. This proposed movement of the government in considering the acquisition of further branches is along the same lines. Since the accession of my hon. friends to office, we find the deficit up to 1906 in round figures of $3,000,000 and a capital expenditure of $23,500,000. By a proper investigation of that expenditure we would of necessity come to the conclusion that the deficit was very much larger than the $3,000,000, which has been represented in the blue books.

My hon. friends will remember that some few years ago there was an interesting discussion not only in parliament but in the press as to the manner of charging up maintenance and betterments to capital account on the Intercolonial Railway. Be that as it may, we have a deficit and expenditure in the management of the Intercolonial Railway of over $26,000,000 since my hon. friends assumed the reins of office. Not satisfied with destroying the reputation of the road, as a railway enterprise, they proceeded to construct the National Transcontinental Railway system paralleling the government highway, at a cost for the section from Winnipeg to Moncton, including the Quebec Bridge, of $200,000,000. We have the government coming down during the present session indicating that they propose to acquire certain additional lines of railway in connection with the Intercolonial Railway system, notwithstanding that they have during the last ten years had a deficit of $26,000,000 in the operation and capital expenditure of the road. I should like to as-

certain from my right hon. friend, if he is at liberty to disclose the views of the government on the subject, what is proposed to be done with the Intercolonial Railway? Immediately before the last general election we read many eulogies of the administration of the present Minister of Railways, and were told that a very great success was being made of the road, but no sooner were the elections over than it was ascertained that negotiations had been going on between the government and certain railway magnates of the Dominion, for the sale of that great public work, and I have no doubt it was the intention of the government to sell or lease it, but owing to the protests which appeared in the press of the maritime provinces they have been obliged to recede from their purpose. Now why does not the government come down with a common sense scheme and place the Intercolonial Railway in commission? That has been urged in parliament session after session. Great railway corporations in this country have been endeavouring for some time past to acquire the Intercolonial Railway. It is well known that the Canadian Pacific Railway was willing to take it over, and that the Grand Trunk Railway was ready to acquire it if possible. It is also known that other large corporations are prepared to give a very substantial consideration for the Intercolonial Railway system. There is no doubt whatever that the proper way to manage the road is by a commission of experts, and thus give to the maritime provinces a more satisfactory service than they receive to-day. Very recently an examination was made into the character of that administration, and I would point out some of the information that has been ascertained. On the employees pay-roll we find 8,424 names. Of the number which I have mentioned, 1,500 had obtained and retained their positions because of political influence, and are unnecessary to the management. At $2 per day these would represent a yearly pay-roll of about $1,000,000. I may also state that the patronage system exists in all its viciousness on the Intercolonial Railway. From the revelations before the Cassels commission, it became apparent that under the patronage system of the departments, supplies cost the country from 25 to 50 per cent more than the proper market values. It is an exaggerated view to take of the situation to say that at least $500,000 could be saved in supplies on the Intercolonial Railway by the abolition of the present system of management and placing the road in commission? This together with the retrenchment which would take place through the dismissal of unnecessary employees, would represent at least one million five hundred thousand dollars per annum, not taking into consideration for a moment what additional sums might be obtained by increasing the freight rates to a standard basis. Leaving that controversial matter out of the question, it is apparent that the road would gain to the extent $1,500,000 per annum if it were placed under commission and administered as any other railway enterprise would be.

There is another public service which illustrates the recklessness with which the government is expending the public money. I refer to the National Transcontinental Railway. It is conceded by my hon. friends opposite that the road will cost, when completed, somewhere within the vicinity of $200,000,000. That is not denied. I would like to ask my hon. friends in what way can such an expenditure be reconciled with financial economy, in view of the fact that the cost of the road is exceeding the original estimate by at least $125,000,000? The original estimate submitted to the parliament was in the vicinity of $78,000,000. Can there be any justification or explanation why the estimates for a public enterprise of that nature could not have been determined with approximate accuracy? Why should they be doubled, nay almost trebled? Who is culpable for such an enormous mistake, for such reckless administration? Estimates were brought down to parliament concurrently with the Bill introduced by the government showing that the expenditure would be somewhere less than eighty million dollars. Now consider the estimates. I appeal to the House if such financial administration ever characterized any undertaking or commercial enterprise? If so would it not be bankrupted almost at its birth? In fact it would be impossible to do business

under such conditions with the financial institutions of any country. Then is it not reasonable to urge upon the government that something like a cautious and prudent administration of the public revenues should be had? It is the duty of the Senate to properly consider and to resist in every possible way, the demands made by the government of the day from time to time for enormous sums to carry out the public service without the necessary information being brought before us to show what those services will actually cost. Another phase of the public expenditure has been revealed by the inquiry into the Marine Department. I say that those disclosures reveal incompetency in the administration of the public service to a shocking extent. Minor as well as major officials of that department were permitted to incur obligations representing a corrupt expenditure from 20 to 150 per cent higher than any business man would have paid for the same supplies. It is idle to attempt in behalf of the interest of a political party to vindicate the government in administration of that character. What has been disclosed in connection with the administration of the Marine Department marks every spending department of the government. Even the commissioner himself was obliged to say in his report—are there not other departments administered by the government which could be dealt with in the same manner? It is well known that the great spending departments are administered with the same reckless extravagance and incompetence as the Marine Department; and yet when we remember that the abuses involved in those disclosures were vindicated by the government on the floor of parliament—when we remember that every possible obstruction was thrown in the way of the public accounts committee in its investigation, one is humiliated at the action of parliament and led to ask what the duty of the people's representatives is? It was this same department that attacked the report of the civil service commission when it was laid before the House. We all recollect with what indignation the Minister of Marine and Fisheries and the Minister of Finance attacked their own commission for suggesting that such abuses existed. We can recall the various attempts made some two or three years ago to have a proper investigation into the administration of the Marine Department. Every attempt was blocked by the government and the majority in parliament. I reiterate, that this is not the duty of parliament. The duty of the representatives of the people in both Houses is to see that the fullest investigation is made when any such charge is brought before them, and that every opportunity be afforded to investigate the facts with a view to stop abuses. I observe in the report of Commissioner Cassels that a reference is made to the necessity of awakening the public conscience. It occurs to me that he has not come as closely in contact with political conditions in Canada as those more closely identified with public life, or he would have concluded that for some years the public conscience has been dead. At the last general election, an opportunity was given to the public to show whether a public conscience did exist in Canada, and I venture to say that there was not a question involving public conscience before the electorate that received favourable consideration in any constituency. How could it be expected, in view of the course pursued by the Prime Minister himself? In a letter addressed to his associate member in the city of Ottawa, he assured the civil service that if he should be returned to power to increase their salaries by at least 12½ per cent, and to make that increase retroactive. Now what does that mean? It means simply that the Prime Minister of the Dominion had not sufficient public conscience to realize the enormity of seeking to bribe a constituency with money out of the public treasury. There are fifteen hundred civil servants in Ottawa. At the last session of parliament the Minister of Agriculture informed the House of Commons that the recommendation made by the civil service commission for an increase of salary could not be carried out. When the two seats of the city of Ottawa seemed to be in jeopardy, what did the premier do? He announced to the 1,500 civil servants that if the Liberal administration was returned he would use his influence to increase their salaries by 12½ per cent and to make that increase date from the 1st of September last.

Hon. Mr. CHOQUETTE—Do you object to the increase ?

Hon. Mr. LOUGHEED.—That is not involved in the question. Commissioner Cassels in his report to parliament pointed out that the only remedy for the abuses which the evidence disclosed was an awakening of the public conscience, and I pointed out that the Prime Minister of this Dominion did not seem to appreciate the enormity of his offense in attempting to bribe fifteen hundred civil servants in Ottawa to support him by promising to increase their salaries to the extent of $50,000 to $75,000 for past services and 12½ per cent as a future and permanent increase. Yet hon. gentlemen talk about the government of the day administering the affairs of the Dominion with regard to honour, conscience and moral considerations. I may say that this was not an isolated case. In a hundred constituencies throughout the Dominion practically the same bribes were offered to the public. Take, for instance, the question of rural mail delivery. Notwithstanding the position taken by the government last session in absolutely refusing to concede rural mail delivery to the farmers on the ground of expense, and on the ground that it could not be practically carried out, the Postmaster General announced on the eve of the election, when Ontario seats seemed to be in jeopardy, that, if the government were supported, rural mail delivery would be granted even before the election. And this announcement was made at a time when certain government organs were opposing everything touching rural mail delivery. I would illustrate this by mentioning what occurred in Edmonton. At the time when the Postmaster General made that promise the Edmonton 'Bulletin,' the organ of the Minister of the Interior, published on the same day an article opposing in the strongest language the introduction of this same rural mail delivery. Take again the expenditure in October last. It was $1,536,000 more than the expenditure in the corresponding month of 1907. No doubt that increased expenditure was intended to have its effect upon the electorate.

Hon. Sir RICHARD CARTWRIGHT.—When my hon. friend speaks of the expenditure in October last being a million and a half more than in October of the preceding year, I presume he included capital as well as ordinary expenditure?

Hon. Mr. LOUGHEED.—I fancy the expenditure on capital account would have the same influence on votes as ordinary expenditure.

Hon. Sir RICHARD CARTWRIGHT.—Possibly, or possibly not, but I presume that he is putting the two together?

Hon. Mr. LOUGHEED.—Oh, yes, I am putting the two together, but I would point out to my right hon. friend that it was scarcely a coincidence that in that particular month, when the elections were about to be held, it was considered not unwise tactics to make a very much larger expenditure than in the corresponding period of the preceding year. This is how we cultivate public conscience.

Reference is made to the increased care exercised in immigration. That is a matter on which we can, in a qualified way, congratulate the government. I regret that the government has not done away with the bonus of $5 per head given to immigrants. I fail to understand why Canada does not follow the example of the United States of America. Our neighbours do not pay emigrants to come to their shores, but on the contrary impose a poll tax of $4 per head upon them. There are sufficient inducements in the country for immigrants without offering bonuses. The character of our immigrants is undoubtedly a source of very heavy expenditure to the different provinces of the Dominion. I would illustrate this by mentioning some statistics taken from the blue book of the province of Ontario, showing what it is costing that province to support what I might term the criminal immigrants located in that province. During the past five years the number of foreign born admitted to the asylums has nearly doubled. In 1903 it was 180; in 1907 it was 364. This was nearly double their proper proportion in the population. The proportion of foreign born in the whole population of Ontario is 20 per cent; the proportion of foreign in the Central prison is 51 per cent; that is 31 per cent beyond the percentage of their population. The pro-

portion of foreign born in the jails of the province of Ontario is 38 per cent. It is pointed out that the yearly cost of each inmate of the asylum to the province of Ontario is $200, so that each commitment of an alien to an asylum means a future cost to the province of $6,000, and so the 364 sent to the asylum last year means an ultimate cost of over $2,000,000 to the province. It therefore seems to me that it would be wise administration on the part of the government to revise their immigration policy. I quite agree with what my hon. friend from Mille Iles has said, that the first consideration should be quality instead of numbers. The European immigrants, particularly those from the slums of European cities, have added greatly to the cost of the local authorities. It is, therefore, in the best interest of Canada, even on financial grounds, entirely apart from moral and national grounds, that there should be careful discrimination exercised as to the character of immigrants being allowed to land on our shores. I should like to make a few observations with reference to the incursion of the government into the treaty-making field. I notice that the address makes allusion to certain treaties that are being negotiated, but omits entirely any reference to treaties of a more interesting character. The government congratulated itself some years ago on having struck out on an independent path so far as the treaty making power is concerned, and I observe of late that a kind of diplomatic corps is being cultivated by the government within its cabinet circle, and certain hon. gentlemen seem to be clothed with ambassadorial powers to attend foreign courts occasionally with a view to negotiating treaties; but I can scarcely congratulate the government on what these hon. gentlemen have accomplished. We recall the mission of the present Minister of Agriculture to Japan a couple of years ago in connection with the question of immigration. That gentleman appears to have been diplomatically chloroformed on that occasion. He was told to return to Canada and the relations between Japan and this country would continue to be harmonious, and the imperial court would see that not too many Japanese would come out.

That mission apparently failed in its results. A couple of years ago the Minister of Marine and Fisheries and the Minister of Finance went to France, apparently to engotiate a treaty, and a very great eulogy was paid to those hon. gentlemen upon their apparent success. They had thrown off the incubus, so to speak, of the British representative upon that mission, and had practically, of their own motion, and upon their own responsibility, successfully negotiated this treaty. But we were surprised to learn a short time ago that, notwithstanding the ratification of the treaty by this parliament, the treaty had yet to be ratified by France.

I notice the right hon. Prime Minister, in the House of Commons last night, stated that a supplementary treaty had been entered into. I should like to learn from my right hon. friend why the treaty was not ratified by the French government. The press report rather indicated that the Canadian ministers failed to represent to the government of France that, under the favoured nation clause, Switzerland would come within the rights of the treaty. Parliament has not received any information on the subject. I should like to know from my right hon. friend if he has any information on that subject? What will be the provisions of the supplementary treaty? Is it proposed to negotiate a new treaty, and to alter the terms of the old treaty, or what is the intention of the government on that point? This is a matter involving public interest, and I scarcely understand why allusion is not made to it in the speech from the Throne. I very much doubt if this treaty had been negotiated by British diplomats that it would have been left in the incomplete shape in which it was left by the representatives of Canada in dealing direct with the French government.

There is another subject which should be of some interest to the trade of Canada, and that is the extent to which this government may have gone in their correspondence with the German government relative to the removal of the tariff reprisals which obtain against both countries. The policy of the government has been to open up; or it is represented that the policy of the government has been to open up, new markets; it seems to me to be a senseless

condition of affairs that our relations with Germany since 1903 should have been disrupted, and that they should thus have continued, especially in view of the policy of the present government to negotiate treaties with foreign powers. When my right hon. friend comes to speak on this subject, I should like to have some information upon an article which appeared in the 'London Times' very recently, in which it was stated that negotiations had been opened up with the Dominion of Canada, relative to the promotion or development of economic trade relations with Germany and the removal of those reprisals which had existed between the two countries. I understand also from what has appeared in the European press that a line of steamers has been established or will be established at an early date, between Germany and Canadian ports, and I observe further that in Germany alone some of the representative men of that country have formed a committee to promote better trade relations with Canada. It seems to me that reference should be made in the address to these matters, if they have been the subject of negotiations between the two governments. Another matter, to which attention might have been directed in the address—it is a matter to which public attention has been given—namely that the President of the United States, at a recent date, sent a special envoy to the Prime Minister of the Dominion, and the Governor General of Canada, and also to the government of Mexico, inviting those countries to send representatives to attend a conference to be held in Washington on February 18, with a view to the conservation of the natural resources of these countries. From the press reports the envoy was received by the Governor General and the Prime Minister of Canada and yet no reference has been made to it neither in the address, nor on the floor of the House. It is an opportune time that attention should be given to the conservation of our public resources. Of late years we have been prodigal, we have been reckless in, not only alienating those resources, but in being remiss in regard to taking proper steps for their preservation. I need not point out that nearly two-thirds of the timber resources of the new provinces have been alienated by the government for practically no consideration. I might allude also to the fact that nearly all the coal lands of that western country have been alienated without any or little regard being paid to the operation, or to the development of those resources. Hence, if public attention can be directed, by an international conference such as has been outlined in the message of President Roosevelt to the proper conservation of our resources, it will certainly conduce very much to the benefit and advantage of Canada.

In connection with my hon. friend assuming the responsibility of the leadership of this House, I should like to say that almost every session attention has been directed to the remissness of the government in not furnishing the Senate with work and recognizing the duties of this body as entitled to participate more largely in the legislation of the country. That has been attributed more or less to the fact that the government has from time to time decreased its ministerial representation in this chamber. I regret to say that this has now been reduced to one representative. My right hon. friend will be a host in himself, yet it certainly suggests the question, does the government intend to give further ministerial representation upon the floor of the Senate? I have no doubt my hon. friend from De Lorimier will qualify for that position at a very early date, if he has not done so already, and may possibly arrange at an early date to take his place as member of the cabinet. In all seriousness I for one would protest against the reduction of ministerial representation upon the floor of the Senate to one minister from a cabinet that has been substantially increased since my hon. friends have taken office. I hope, therefore, that my right hon. friend will exercise the same vigour with reference to asserting the constitutional rights of the Senate in having an equal share in the legislation of the country as he has done on other occasions in his political career.

Hon. Sir RICHARD CARTWRIGHT—After the very interesting and able address which we have just listened to from my hon. friend, I think I will probably consult

both the wishes and convenience of the Senate by deferring my reply—which must necessarily, looking into the vast variety of subjects he has travelled over, occupy some considerable time—until to-morrow, and I therefore, with the concurrence of the House, move the adjournment of the debate.

Hon. Sir MACKENZIE BOWELL—Before the motion is put, might I ask the hon. gentleman, for the information of the Senate, if he can give us an idea of the character of the changes which have been made in the French treaty. I observe that the only information given in the other House was that it affected the fat cattle trade. No other information was given to the questions that were asked by the leader of the opposition in the other House. It would be interesting to know how far the Finance Minister has gone in suggesting or agreeing to changes in the treaty as it exists to-day. It struck me when I saw that item that it affected the very important cattle trade of this country, and consequently would have a very serious effect, providing there were any restrictions placed upon the interests of those who are engaged in that particular business.

Hon. Sir RICHARD CARTWRIGHT—I will be able I think to-morrow to give my hon. friend somewhat more detailed information, but I think that all that has been conceded has been the excluding of fat cattle ready to be butchered, but I would prefer to postpone answering that question until I had occasion to deal with the remarks of my hon. friend.

The motion is agreed to.

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

THE SENATE.

OTTAWA, Wednesday, January 27, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE ADDRESS.

DEBATE CONTINUED.

The order of the day being called:

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

Hon. Sir RICHARD CARTWRIGHT.—Most assuredly neither my hon. and esteemed friend and colleague beside me nor myself can at all complain of the courteous manner in which we were dealt with by the hon. leader of the opposition on the occasion of his remarks in respect of the address from the Throne. For myself I desire to say that it is a matter of very great regret to me personally that my hon. friend beside me should have seen fit to resign the position which he filled so long, so honourably and so well, and the best that I can hope for is that I may be able to discharge the duties of my present position half as acceptably to both sides of the House as my hon. friend did during the period of his incumbency. I take this occasion to state to the House that while I will endeavour on all occasions to do my utmost to uphold the dignity of this House and to discharge the duties of my present position, I am afraid I will have to ask the indulgence of both sides of the House in the matter of attending to the various committees of this Chamber. For various reasons, physical chiefly, I am sorry to say, I have been obliged to request my hon. friend on my right (Hon. Mr. Dandurand) to act as my representative on these occasions, and I dare say the House will be gainer and not the loser by the change. As regards the other wishes kindly expressed by my hon. friend opposite, that during the period of my incumbency, which he rather thought would be shorter than I expected, that I would be able to discharge my duties as well as my predecessor, I can only say that I am more generous than my hon. friend. So far as desiring that he should continue to occupy his present distinguished position for a short period, I trust most sincerely that he may long continue to occupy it in common with his associates in another place, and I may observe, without in the slightest degree desiring to disparage the way in which my hon. friend has discharged his duties here, that unless the gentlemen in another place considerably alter their methods and manners, I am inclined to think they are likely to continue to adorn the left hand of the Speaker there for a very considerable period of time to come.

My hon. friend traversed a very considerable deal of ground, and raised a good

many questions of very considerable practical importance, with some of which I trust to be able to deal. Before doing so I shall take the opportunity of replying to an inquiry made by my hon. friend or his distinguished predecessor with respect to the French treaty recently under negotiation at Paris. As I am advised, the chief alteration that has been made in it is this: Article one provides that the cattle items in schedule A be modified by excluding cattle in fat condition for slaughter. Article 2 provides that the ruling of the French experts as to fat cattle shall be final, subject, however, to the right of the Canadian government to ask for revision of any regulations that they may find objectionable. So far as the treaty is concerned, I believe that that is almost the entire difference that is likely to be made; but I would take occasion to point out to my hon. friend that these cable communications, which are all we have to depend upon at present, are necessarily somewhat brief and incomplete and that I do not desire to be understood as saying this is absolutely final. I am giving him the best information that I possess at the moment.

Hon. Mr. LOUGHEED.—Can my right hon. friend say whether the Minister of Finance, who is in France, I understand, has authority to accept the new proposals made by the French government suplementary to the treaty?

Hon. Sir RICHARD CARTWRIGHT.—I cannot say whether he has authority as to all matters. I am not advised as to whether everything the French government has asked for has been conceded or not. I am simply giving the hon. gentleman information of the major, and, I believe, the only important change that is likely to be made in the treaty.

Hon. Sir MACKENZIE BOWELL.—Surely the Finance Minister would not suggest or accept a proposition of that kind except with the consent of the government?

Hon. Sir RICHARD CARTWRIGHT—He certainly would not accept any important proposition. There may be some small matters of detail as to which reasonable discretion might be given.

Hon. Sir RICHARD CARTWRIGHT.

Now, to come to matters to which the hon. gentleman has devoted a great deal of attention, and in respect to which I propose also to speak, I might remark to him in the first place that he has, I think without intending it, a little exaggerated the probable loss of revenue in the current year. This my hon. friend estimated at about $15,000,000, basing his calculation, naturally enough, on the last 'Gazette' returns down to the 1st of January. I am glad to be able to say to my hon. friend, that while it is quite true the figures as he gave them are correct down to the 1st of January, he will do well in making his calculations for the remaining three months to bear in mind that the loss of revenue during the first nine months of this year was, from very obvious causes and reasons, very much larger in proportion than it is likely to be in the remaining three months, and I will give him the latest information in my possession as to the total loss of revenue. On the 20th January—only seven days ago—the total loss of revenue amounted to $12,038,000, and as it is probable that the months of February and March will not show any appreciable decline, and as it is even possible that they may show a slight increase over the months of February and March, 1908, I think my hon. friend may rely upon it that the figure now attained is not likely to be materially exceeded, which, no doubt, will be very satisfactory to him. I may also observe that although it is quite true that there has been a great shrinking in our revenue and in our imports, it is equally true that on the whole, and as compared with other nations, Canada is able to make a very respectable showing. First of all, and it is a point which I have no doubt hon. gentlemen will thoroughly appreciate, being as they are, many of them, men who are conversant with large affairs—first of all although the storm struck us as well as the United States with very considerable severity, we can say to our credit that Canadian financial institutions displayed a most remarkable stability. Over the United States, as every hon gentleman knows, there was something like a complete suspension of specie payments. Nothing of the sort was thought of, dreamed of or expected in Canada, and it reflects no small

credit on Canadian institutions that that should have been the case. Another point, also of considerable moment and interest, is this: I have here, and I shall presently lay it on the table for the information of my hon. friends, the unrevised statement for the fiscal years 1907 and 1908. These give our total exports for the period of twelve months expiring on the 1st of January, and it is noteworthy that the total exports of Canadian home produce in the year 1908 not only maintained themselves perfectly well, but were a good many millions in excess of our total exports of the same quality for 1907. The figures for 1907 showed that we exported of home produce a matter of $237,000,000. The figures for 1908 show that we exported of home produce $247,000,000. Now, I do not attach as much importance as some of my hon. friends appear to do to the question of the balance of trade; still there is a limit, and I would not like to see any very heavy balances of trade against us under present circumstances; but I may fairly point this out that when in the year 1908 we succeeded in exporting eight or nine millions worth more of home produce than we had done in 1907, I am perfectly justified in believing that that is a pretty conclusive proof that the great sources of industry in Canada were in no respect injured or imperilled by the commercial calamity that had befallen our neighbours, and to some extent ourselves.

However, the point to which I suspect my hon. friend would more particularly desire to direct our attention, is the very large increase which, beyond all doubt, has taken place within the last twelve or thirteen years in the expenditure of this country. It is quite true, as my hon. friend said, that in old times when Canada was in a state of stagnation, when the population of Canada were fleeing from the country at the rate of one or two hundred thousand a year, it is perfectly true, and I am not the man to deny it in the slightest degree, that I condemned any addition to expenditure under such circumstances. But it does not follow that I would therefore condemn a reasonably liberal expenditure when Canadian commerce and trade are increasing by leaps and bounds in spite of disaster in other countries, and when in place of losing our population at the rate of hundreds of thousands we are adding to our population, and that of a very good quality, at the rate of two or three hundred thousand a year. Still, although that is very good ground for considering that we are justified in having a large and liberal addition to our expenditure, I agree with my hon. friend that it would be no justification for extravagance on our part, and still less justification for graft. I propose to analyse briefly the expenditure which has taken place, and I think I will be able to show to the House that, on the whole, and making reasonable allowance for human infirmity—and the government do not pretend to be anything but human—we are fairly justified, up to date at any rate, in what we have done in the way of increasing the expenditure. In the first place I may observe that I am a little at a loss in conducting this discussion, for two reasons; to a considerable degree this discussion on our part, seeing that we have no control of the public purse, except in some very desperate emergency, is rather of an academic character, and in the next place I am free to say that, on the whole, and to some extent I agree with my hon. friend in thinking that it is high time that our expenditures should not continue to increase, and that it may be found necessary to put a check on some of them. But the point to which I am more particularly going to address myself is the very large additional expenditure, which, as he truly says, has taken place between 1896 and 1908. For this purpose I think that my hon. friend would have done well to do as I am going to do; that is, to confine myself in the discussion not to the sums which have been expended for ordinary revenue and for capital put together, because everybody knows that we cannot engage in great works of the nature and character that we are now prosecuting without having a large legitimate expenditure on capital account, and he knows that nothing of that kind was going on in 1896. But what I think is a fair thing to do, and that which I shall address myself, is this: I shall take the expenditure actually ascertained from the public records, which I hold in my hand, for 1896 and for the year 1908. There is a very large difference between them; there

is something like $38,000,000 to be accounted for, or a little more. My hon. friend is perfectly justified in saying that it lies on the government to give to the people of Canada and to the parliament of Canada, a reasonably satisfactory explanation for the addition that they have made of $38,000,000 to the annual expenditure of Canada. I admit that frankly. I shall proceed to do it to the best of my ability. In the first place, I call the attention of my hon. friend and the House to the fact that of this increase of $38,000,000, a very large amount which I would be disposed to put as high as fourteen or fifteen million, probably fifteen million, is to all intents and purposes a mere nominal addition to our expenditure. It is composed of sums which go out of one pocket and come into the other. For example, we have, in the first place, very largely added to our expenditure and largely added to our receipts on account of the Intercolonial Railway, as to which I shall have something to say a little later on. We have in the second place—and I think on the whole to the very great advantage and convenience of the people of Canada—added very largely to our expenditure for postal purposes; we have reduced the rates to the people of Canada and we have added to the revenue. We had a handsome surplus in 1908, but, as a matter of course, the difference between the sum expended in 1896 and the sum expended in 1908 goes to swell the apparent expenditure. Those two items alone would go very far to account for the sum that I have named, but when you add to those the fact that, be the policy good or be it bad, the country unanimously agreed to add some four or five million a year to the sums paid to the several provinces, you will see that there is a very good justification for my statement that of the $38,000,000 in question, about $15,000,000 went practically out of one pocket into the other. As to this addition to the subsidies to the provinces, I have merely to say for my own part that if it had been possible I would have greatly preferred to sever the provincial payments from the Dominion expenditure altogether, as is done in the United States. But everybody who is acquainted with the circumstances attending the formation and existence of our confederation knows that however desirable a thing that might have been, it is found practicably impossible, and that all we can hope for now is—perhaps it is hoping against hope—that the last addition shall be the finally, finally, final, and that we shall not have any more applications during the life time of this parliament, and I hope of several parliaments to come for any further modifications of the terms between the Dominion and the provinces. But it would hardly be fair, looking at the facts, that all the provinces with, I think, the solitary exception of British Columbia, which did not get quite enough, that all the provinces concurred in this demand, and all the local legislatures concurred in it, and the parliament of Canada, the opposition as well as the ministers included, made no objection to it, it would be hardly fair to say the government were very much to blame for having consented to that demand. I may also point out in that connection that when you collect a revenue of some $60,000,000 in place of a revenue of $20,000,000 it is not an unreasonable thing that the expenditure for customs should be double in 1908 what it was in 1896. If you bear that in mind, and bear in mind, as I have said, that of this $38,000,000 that $15,000,000 was in effect transferred from one side of the account to the other; that we have received in the case of the Post Office and in the case of the Customs, and in the case of the Intercolonial Railway, as much money as we have paid out, I think that as far as that particular portion of the account is concerned we stand pretty fairly and squarely before the public.

Then we come to a point on which there may be a great deal more dispute. My hon. friend was disposed, I think, to underestimate the increase of population which has taken place under our regime. That is a subject to which, in other places and on former occasions, I have paid a good deal of attention, and I say here, after having very carefully considered the evidence which was laid before the census authorities when they took the census in 1901, that there is the strongest reason to believe, absolute proof in many cases, that the population in 1891 was very considerably exaggerated, whether by accident or design I am not prepared to say. I con-

sider that it was probably done by the vicious system of enumeration which prevailed, under which, to my own certain knowledge, many persons who had been absent from Canada for five, ten or fifteen years, and had no sort of intention of returning, were enumerated as citizens of this Dominion. Therefore I believe that if, as I suggested at the time, though I was not able to get it carried out, an honest enumeration had been made—or a correct enumeration we will say had been made—of the inhabitants of Canada in 1896, they would not have at all exceeded 4,800,000 at that time. Later on from the evidence given us by the last census in Manitoba, which took place in 1906, and the evidence of our statistical office, there is reason to believe that our population is now something like 6,800,000. It may be considerably more. At any rate the increase of population would have amounted, not to 25 per cent in twelve years as my hon. friend put it, but probably to 40 or 45 per cent, a very material difference, and if we were to add or to demand for the additional 40 per cent or the 45 per cent, take the small number, if we were to demand that similar allowance should be made for them as was made for the 4,800,000 we found when we came into office, then it would follow that at least of the remaining sum another $15,000,000 could be struck off by reason of the increased population, and the fact that that increased population was scattered over an immense extent of territory and involved numerous expenditures, very considerable expenditures, which would not have occurred had they settled in the older and more thickly peopled parts of the country. Now, if those calculations are correct —and I think they will be found to be substantially correct, though as I said there may be a difference of opinion here and there on the point—it follows that of the $38,000,000 expenditure which have been added in those 12 years, $30,000,000 are fairly well accounted for in the two ways I have spoken of. That will leave a matter of $8,000,000 to be accounted for. I am quite willing to discuss the question of those $8,000,000 with my hon. friends here or elsewhere. First of all, I may take occasion to observe what I think no man who has any familiarity with public affairs will be likely to deny, that there has been all over the country, as everybody knows, within those twelve years, largely owing to the great and rapid progress of the country, an enormous increase in the cost of labour and material which has affected all our public works, which has affected all our public employments and the salaries of our public officers. That alone might very fairly be an offset against the increase which I have spoken of, the increase of some $8,000,000 within a period of twelve years; but it is better always in these cases to go to the actual figures and facts and the details of these expenditures. I find in 1896 that in the item of militia my hon. friends opposite, or the gentlemen who represented them on that occasion, reduced the total expenditure of the militia to $1,136,000. I am inclined to think it was reduced for a purpose, and to make a showing, because it is very much less than it was in the preceeding year, but at any rate they reduced it to about $1,136,000. Our expenditure for 1908 amounted to $5,500,000. Of the $8,000,000 of increase, therefore, about $4,500,000, or $4,400,000 to be exact, arose from the increased service of militia. How did that come about? Mainly it came about, or very largely it came about, from the fact that Canada has assumed the responsibility of maintaining the garrisons of Esquimault and Halifax at a charge of probably something over $2,000,000, a thing which I believe not one single gentleman on the opposition side of the House objected to or protested against. They appeared to have considered that all right, nor have I heard that they objected in the slightest degree to the increase which took place in the other branches of the militia service, bringing the sum total up to the amount of $5,500,000, as I have mentioned. As in the case of the militia, so likewise in the case of some other services. But, as some hon. gentlemen may say, the militia is a subject on which all honest, patriotic and gallant citizens, such as my hon. friend the ex-leader of the opposition, agree shall be maintained, we will take one which has been pretty well under fire and has been the subject of pretty severe criticism. Take that much abused and much maligned Department of Marine and Fisheries. In 1896 the expenditure under one

head, for lighthouse and coast service—there are other branches of it, but this will do to illustrate my point—amounted to $445,000. The expenditure in 1908 amounted to $2,835,000. That is to say, that of the $8,000,000 in question $2,400,000 were devoted to the improvement of the lighthouse service. The lighthouse and coast service mean practically the lighthouse service. I am not disposed to say that the administration of that department has been entirely free from censure. I think probably, as the report of Judge Cassels seems to indicate, that there has been very considerable extravagance in certain quarters, and that there has been certainly something which looks extremely like graft on the part of a good many officials. That extravagance the government will check. That graft, if the law permits them to do so, they will punish ; but I would call attention incidentally to this fact, that the offenders, if they be offenders, are for the most part men whom we did not appoint, but whom we found in office when we came in in 1896 and whose morals may have been contaminated by the company which they were obliged to keep.

Hon. Mr. BOLDUC—The new company or the old?

Hon. Sir RICHARD CARTWRIGHT—The old, most decidedly, and I think if my hon. friend remembers certain events which took place in parliament in the years 1893-4-5, he will know that officials of that department, did stand in considerable danger of being contaminated. However, that is not exactly the point. The point I want to make is this: It is true there has been a very large increase, at any rate in the Department of Marine and Fisheries, and under the head of lighthouses and coast service, but at the same time there has been an enormous improvement in that service, and an enormous benefit conferred on the mercantile marine, aye and on the people of Canada by that improvement. To-day the St. Lawrence is lit and supplied with lighthouses and light accommodation as it never was before, and as very few rivers of its magnitude are to-day. I believe that the amount saved to the community in insurance alone would much more than compensate them for the increase in expenditure on the lighthouse department, and I may say this, every hon. gentleman who knows anything of the trade of Canada, knows that the value of the cargo of the ships that go down the St. Lawrence to-day amounts to several hundred of millions of dollars. An accident to one of those ships carrying such a cargo as they do would in a single year much more than offset the total amount of the increase, large as it is. And while, as I have said, I am in no way disposed to defend any unnecessary expenditure in this or any other department, I do say that when you accuse the government of extravagance merely because the expenditure increased in such a department as that by a couple of million dollars or, may be more, you will do well to remember that the community at large—and this affects the whole community, because practically almost the whole of our exports go via the St. Lawrence, at any rate during the summer season—you will remember that the community derive a very large benefit from that expenditure.

I do not think it necessary to go into minute details about these matters, except the remark that before I have done I think I shall be able to show the House that in the remaining item which would be necessary to make up the eight million dollars that I am now discussing—that is the item of immigration- the money that we have expended has been of enormous advantage to the people of Canada. There I think the increase has amounted to something like $1,000,000 or thereabouts. In 1896, our expenditure for immigration amounted to about $120,000. It had increased to very nearly one million one hundred thousand dollars per annum in the twelve years terminating in 1908. Now, the House will observe that while I do not pretend to say that there may not have been some ground for criticism with respect to any one of those departments, I do maintain, and I think the House on due consideration will agree with me, that in the cases that I have enumerated, either the whole parliament concurred in the expenditure, as in the case of the militia, or there has been good value given for the money expended. Perhaps my hon. friend opposite will permit me to ask him a ques-

tion or two. Could he tell me off-hand what was the population of Calgary in the year of grace 1896? Does he remember or was it so small that it has slipped his memory?

Hon. Mr. LOUGHEED—I could not tell my right hon. friend, but it was a fairly numerous population.

Hon. Sir RICHARD CARTWRIGHT—In 1896 what was the population? I think I can supply an approximate estimate my self. I think it will be found that if the population of Calgary in the year of grace 1896 reached 1,500 it was quite as much as it was.

Hon. Mr. LOUGHEED—I can assure my right hon. friend that the population of Calgary in 1896 would be six or seven thousand at the very least.

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman is correct, it is a remarkable fact. The census returns for 1901 showed that the population of Calgary was at that time 4,091. In 1906 it had grown to 11,967 and I take it for granted that by this time the population is certainly thirteen or fourteen thousand.

Hon. Mr. LOUGHEED—May I ask my right hon. friend where he got his figures?

Hon. Sir RICHARD CARTWRIGHT—They are furnished by the chief officer of statistics.

Hon. Mr. LOUGHEED—My right hon. friend will find that the official census of Calgary in 1901 was about 11,000.

Hon. Sir RICHARD CARTWRIGHT—The official estimate of the population of Calgary was a little over 4,000; in 1906 it was 11,967.

Hon. Mr. LOUGHEED—That is clearly a mistake.

Hon. Sir RICHARD CARTWRIGHT—Of course it is not for me to contradict my hon. friend. I know a little about Calgary, but I do not pretend to say that my information is equal to his. I think, however, he will find that the official figures represent correctly the population of Calgary in 1901 and 1906. At any rate, these are the statistics as recorded in the census, and if my hon. friend intimates that the census statistics have done Calgary a wrong, I shall do my best to get it amended.

Hon. Mr. LOUGHEED—The rapid increase reflects great credit on the enterprise of the people of Calgary, and is due to their own efforts more than to the efforts of the government.

Hon. Sir RICHARD CARTWRIGHT—That is a question whether the growth of Calgary is due to the efforts of the people of Calgary or to the efforts of the government. I could contribute a little information on that subject. If I am not gravely misinformed, the last time we had occasion to buy property in Calgary the intelligent natives—not the aborigines but their successors—demanded something like $200 a foot for property which ten or twelve years ago we could have bought for $100 an acre

Hon. Mr. LOUGHEED—I have no doubt of that.

Hon. Sir RICHARD CARTWRIGHT—That will show my hon. friend how rapid the progress of Calgary has been, and how great the increased values under the present government, although he will not give us credit for having helped to produce the improvement.

Hon. Mr. LOUGHEED—The hon. gentleman is not taking into consideration the enterprise of the people of that city.

Hon. Sir RICHARD CARTWRIGHT—Their enterprise is great, and their skill in using the advantages of their position to get money out of the government is great also.

Hon. Sir MACKENZIE BOWELL.—I remember when the population of Calgary was in tents.

Hon. Sir RICHARD CARTWRIGHT—I can remember that myself.

Hon. Mr. FERGUSON.—Were not those who built the Canadian Pacific Railway really the largest promoters of the increase of population in Calgary?

Hon. Sir RICHARD CARTWRIGHT—They were precious slow about it. There was no appreciable increase until after 1896. From that time forward there has been a very rapid improvement and increase in population, but unless my memory is wholly at fault, the total number of homesteads taken up in all the Northwest in the year before we came into office was something less than 1,200, while the total number of homesteads taken up annually since 1896, after we got fairly into the saddle, has been rising to something like 30,000 a year. However, that is a detail.

My hon. friend was good enough to allude to the case of the Intercolonial Railway. That railway is a sore spot and a sore subject. Both governments have tried their hands at it without any unqualified success. I am myself very much of the opinion that the Intercolonial under any government—I do not care whether it is of good government or bad—will always be run at a much greater expense than if it was managed by private owners. I am also of the opinion that the rates obtainable by a government will be very much less than those obtainable by a company, as the facts show, and I shall be glad of any suggestions from my hon. friend or his friends behind him as to how the Intercolonial Railway could be put on a better footing. It is engaging our earnest attention, and I hope something will be done, but after 35 years experience of it, I think it will be admitted that it is an exceedingly tough proposition. It was badly engineered, badly laid out in the first place, and the difficulties in the way of doing anything with it are great though they may be overcome.

My hon. friend made a very strong point indeed of the expenditure incurred on the Transcontinental Railway. He stated, and with perfect accuracy—I am not disposed to find fault with his statements there—that the total expenditure on this road to the public will very greatly exceed the estimated cost. With respect to that there are one or two things to be said per contra. One is that the road is being constructed on an extremely high standard, a most unusually high standard for a road of that magnitude, and going through a country of that kind. In the next place—and this bears on the question I was alluding to before—there has been, since that road was undertaken, a very great appreciation in the cost of labour and material, and calculations which might have been very fairly made then would prove quite erroneous to-day. But wholly and entirely apart from that, there are, as probably many hon. gentlemen in this House know, two opposite schools of railway engineers who propose to build railways on totally different principles. There is one school, and there is a great deal to be said under certain circumstances for their contention, who say that the best way you can build a railroad is to get it through anyhow, under almost any conditions as to grades, curvitures or anything else, and finish up at your leisure—that that is the cheapest way to build it, and the only way you can build it on reasonable terms. There is also, as gentlemen in this House know, an opposite view, and those who say that under certain conditions and where it is probable you will have to deal at once with a large amount of traffic, that the only way to construct a railroad is to build it in a first-class way, first-class as to grades and curves and all the rest of it. I need hardly point out to the House that the difference in the initial expense between these two systems is necessarily enormous. The latter system has been pursued in the case of the Transcontinental Railway. The difference is so great, as I was told on one occasion—I am not pledging myself to the details, I am giving the evidence laid before me—that whereas on a road constructed in the first fashion you might have difficulty in dragging a train loaded with two or three hundred tons in ordinary cases, on the other road, properly constructed, with one of the engines now in use it is quite feasible that you should haul a train load conveying something like two thousand tons. It will be perfectly evident to everybody that accordingly as you build your road, on the first plan, or as you build it on the second plan, there must be an enormous difference in the cost. As to the value of it to the country, I have something else to say. Practically speaking, if we assume my hon. friend's estimate—which I am not prepared to absolutely concur in—but assuming his estimate to be correct, and that the Transcontinental

Railway will cost the people of Canada two hundred million dollars—that is to say that it will involve them in a charge for interest of six or seven millions or possibly more, with the present price of money put it, say, seven millions a year, it becomes our duty to see what value the people of Canada are likely to obtain for their money, not directly, but in the benefit to the country through which that railroad passes. I am in the judgment of my hon. friend, and I think he will hardly dispute my statement when I say that when you are putting a railroad of that kind through a country such as exists between Winnipeg and the Rocky mountains, it is fair to assume that something like twenty miles of country on either side of that road will become available for settlement and almost immediately productive. That, I think, is a minimum, because every one knows that a great transcontinental railroad like the Grand Trunk Pacific will provide itself with branches which will bring in other large areas of land. This bears largely on the policy of the government and on the nature of the country, and is, to a great extent, the justification for the enterprise they have engaged in. Suppose that I am correct—and I think the estimate is not an unreasonable one—that for a thousand miles, on either side, the land is of good quality—and it is almost all good country in that region—and is made available for settlement and occupied in a reasonable time, you will have 40,000 square miles practically added to the Dominion of Canada. That is equal to 25,000,000 acres. You will have a charge, no doubt, of seven, perhaps eight millions on your annual revenue. You will have in return, what? You will have 25,000,000 acres of good land, or almost all good land, made available. At the time the last census was taken, there were in all Ontario just 21,000,000 acres in the hands of the people of the province, of which 13,000,000 were improved and 9,000,000 under crop. I do not think that I am very much out of the way in saying that out of the 25,000,000 acres along the line of the Grand Trunk Pacific, something like 10,000,000 acres would be speedily brought into active cultivation. According to the census returns the 9,000,000 acres under crop in Ontario returned about $196,000,000 a year, including cattle products. We can afford to stand a burden of seven or eight millions if we are able to point to a country of 25,000,000 acres whereof 10,000,000 acres should be producing in the ratio that the population of Ontario succeed in making their land produce, and I may further remark, and a very interesting and suggestive fact it is, that at this present moment there are in Alberta, Saskatchewan and Manitoba a very much larger number of acres under actual grain crop than there are in Ontario, Quebec and all the maritime provinces put together. The plain truth of the matter is this: It is not entirely due to the enterprise even of the citizens of Calgary, nor to my hon. friends either, but the fact is this, that the circumstances in opening up and developing a prairie country, as we are doing now, are so favourable that it is no boast, but a literal fact to say that ten years there will do the work of 100 years in the older provinces. It is a very different thing indeed from turning a population into a thickly wooded country where they have to laborously, in the course of half a life time, clear a few acres and let their children do the rest, and turning them on a rich and virgin prairie where in a year they will receive a return from the crop they put in in spring. I repeat, while this does not justify extravagance. much less justify graft, that these are most pregnant and suggestive facts and they go a long distance indeed to justify a bold and liberal policy on the part of the government in developing a country like that, and producing such results as I think and hope will be produced, and I do not think my hon. friend will be disposed himself to deny that it is not an unreasonable suggestion on my part, that within a few years some results as I have sketched out may be expected to arise from the increased settlement of the Northwest, particularly bearing in mind that the best class of settlers going in are by no means diminishing, but are rather increasing in numbers as the returns in the hands of the Department of Immigration show conclusively.

Hon. Mr. LOUGHEED—I quite agree with what my hon. friend says with reference to the prairie section, but it is not on

that particular section that this liability is being incurred. The conditions spoken of would not apply to the government section.

Hon. Sir RICHARD CARTWRIGHT—I am quite aware of that, but my hon. friend will remember that the bargain with the Grand Trunk Pacific is a bargain for the whole line. They are bound at the expiration of a few years to take the section which the government are building off their hands and operate it, and if they fail to do that they forfeit, or perhaps I should say that the government would be justified in forfeiting the prairie section. My hon. friend remembers the terms of the bargain sufficiently well to know that that is a correct statement.

Hon. Mr. FERGUSON—There are no such provisions in the contract.

Hon. Mr. LOUGHEED—I do not know that it is a correct statement.

Hon. Sir RICHARD CARTWRIGHT—Yes, they are bound to operate and to rent.

Hon. Mr. LOUGHEED—They are bound to operate and to rent, but I am reasonably sure as to the forfeiture of the prairie section.

Hon. Sir RICHARD CARTWRIGHT—I am glad to hear my hon. friend make that remark, because it will be a notification to the hon. gentlemen behind him that should they be in office they will not bear hardly on the Grand Trunk Pacific if they default. I should like to ask him is that the policy of the Conservative party

Hon. Mr. LOUGHEED—I should like the hon. gentleman to direct the attention of the House to the clauses in the statute, empowering the government to forfeit the prairies section should the Grand Trunk Pacific default.

Hon. Sir RICHARD CARTWRIGHT—The Grand Trunk Pacific Company are bound to operate or to give up the whole road. However, the hon. gentleman can satisfy himself on that. I may remark, that would not altogether militate against my argument. I was allowing that the seven millions of interest would be a permanent charge upon the people of Canada. I was showing that by expending that, we acquire an asset of incomparably greater value in the development of the Northwest and that he will not deny. That is my point, that the money, even if it were thrown away—that is to say if it was necessary to expend it in order to get the Grand Trunk Railway to build the other—the money was well spent, and would make ample return to the people of Canada. The question is not precisely what the terms of the bargain were, although I think he will find I am correct on that point ; but the question is, when the present government proposed to enter upon this work and expend this large sum if it is necessary to expend it, are they able to show to the people of Canada that there will be a fair and just return for that enormous expenditure ? That is my point, and I think with the blessing of Providence that both he and I will live long enough to see that matter fully established. I think my hon. friend is a little bit mistaken in his vocation. I listened attentively to him, and was surprised that he did not deem fit to risk his seat here and to select a constituency in Alberta and indoctrinate those gentlemen in the other Chamber with some of his excellent views on political economy and public expenditure. With all due regard to his feelings, I think the opposition in the other House have been rather derelict in their duty and responsibility for the enormous increase in expenditure. I take the case of last session. I should like to know how many times, when very large supplementary estimates were submitted to them, and in how many individual cases the opposition of the day challenged the expenditure of the government? Speaking from memory, there were about 1,200 votes in those estimates, but the opposition took them all at the gulp. I do not think they criticised them at all; they certainly did not move to strike out a single item. Why is that? Was it that they were so profoundly convinced that the government could do no wrong that they could not find one of those 1,200 items to criticise, or was it peradventure with a general election looming ahead that they were too cowardly to risk losing a few votes ? My hon. friend

can choose which he likes ; the fact remains. How many taxes did the opposition during the last dozen years propose to reduce ? Have they tried to reduce the people's burdens ? I cannot recall one single occasion on which the opposition either collectively or individually moved to reduce a solitary tax now imposed on the people of Canada ; but I can recall a very considerable number of occasions when the opposition expressed their earnest desire that we should double, treble, or quadruple the tax on particular articles. In conclusion let me say this: the government are not blind to the fact that there has been a very serious reduction in the revenue, and that the depression may last some time, and that in any case it is now desirable to call a halt and bring our expenditure within stricter limits than has been hitherto thought necessary. The government desire to reduce the expenditure as far as lies in their power, which perhaps will not prove to be very great, inasmuch as my hon. friend knows we have an enormous mass of fixed charges which neither this nor any other government can interfere with. The government do not desire. in spite of the demands of the opposition, to be pressed into new works until they have got rid of the important enterprises they now have in hand. If that is done, I think after a reasonable period, looking to the enormous expansion going on in the Northwest, and the enormous immigration which is pouring into the country in spite of the depression elsewhere, and at the quality of that immigration, we shall be able very shortly to congratulate ourselves that Canada has resumed its position as practically the leader in the expansion, not merely of the Dominion, but the other countries belonging to the British empire. My hon. friend took exception to the expenditure on immigration. I am advised by my hon. friend the Minister of Agriculture that very little is being done in the way of assisted immigration. What is being done is entirely in bringing in a desirable class of agricultural labourers.

Hon. Mr. LOUGHEED—It was only with reference to the bonusing of immigrants that I spoke.

Hon. Sir RICHARD CARTWRIGHT—He proposes to diminish it still further. I may also incidentially remark he has adopted a strict policy for the purpose of keeping out undesirable immigrants who are likely to be dumped on Canada by various so-called charitable associations and others. But the point I more particularly desire to call attention to is this ; in the case of immigration there has been an enormous expansion. We are spending to-day $8 for one that was spent in 1896. The expenditure then was $120,000 ; the expenditure to-day is something like $1,100,000. I doubt whether there ever was any sum of money spent to greater practical advantage than that expended in the last few years by the Department of Immigration. The mere settlers' goods brought in by these immigrants during those twelve years amounts to—I speak from recollection—something like fifty or sixty million dollars. That has been added to the wealth of this country, and most of it goes at once towards assisting production.

What the value of the immigration may be, I would rather leave to my hon. friend to say. If you add a million, or if you add half a million, to our population in the Northwest, and if a half million continue to produce one-half as well as they have done hitherto, the accession to the wealth and the annual income of the country and to the revenue of the country from these people would probably equal something like one hundred and fifty millions a year, if we are to place reliance on the census statistics. Thereon it is that the justification of the policy of the government must rest. If they add largely to the productive population of this country, if they add to the productive resources of the country and the general income of the country, they may be pardoned if they have, perhaps in their zeal, a little overstepped the bounds and spent a few hundred thousand dollars which might have been saved by a more frugal administration. Be that as it may, I repeat the assurance that it will be the policy of the government to reduce the expenditure within the narrowest bounds compatible with the efficient discharge of their duty, and that they are not disposed to engage in any further works, at any rate until we see our way to getting through with those we have already undertaken.

Hon. Sir MACKENZIE BOWELL.—It is not my intention to contribute to the debate on this question, but I would like to call the attention of the hon. gentleman who made the assertion just now that the insurance on the St. Lawrence has been reduced owing to the improvements which had taken place, to the proceedings of the board of trade and the utterrances made by those who discussed questions affecting the navigation of the St. Lawrence which appeared in to-day's 'Gazette.' He will find that the insurance has been increased, and that a resolution has been passed calling upon the Minister of Marine and Fisheries, and also upon other authorities, to take steps in the direction of reducing the insurance which is now imposed and the extra insurance which has been imposed upon what are termed the tramp shipping.

Hon. Sir RICHARD CARTWRIGHT.—I will certainly call the attention of the Minister of Marine and Fisheries to that matter, but I think if my hon. friend looks a little deeper he will find that there has been a material reduction, not perhaps as between this year and last, but as between this year and a matter of seven or eight years ago.

Hon. Sir MACKENZIE BOWELL.—I am not prepared to deny that, because I have not read the report carefully, but I just call attention to to-day's paper in which the directly opposite statements are made.

Hon. Sir RICHARD CARTWRIGHT.—I am obliged to my hon. friend for calling attention to it. I will take occasion to call it to the attention of the Minister of Marine, on whose authority, by the way, I made the statement. I think, however, because this is a matter that to some extent comes under my own purview, as Minister of Trade and Commerce, that he will find that I am correct in stating that even if there has been some alteration made recently in the rates of insurance there has been a material reduction within the course of the last five or six years.

Hon. Sir MACKENZIE BOWELL.—I will just read the resolution I have referred to. I have no doubt that in a matter of this kind my hon. friend may have been misled, or he may have drawn deductions from the fact of the immense amount of money that has been spent on the St. Lawrence, and the result of which ought to have been what my hon. friend has indicated. The resolution reads:

> Be it resolved that the council of the board of trade be instructed to take such step as may be necessary to investigate as to the cause of such extra insurance being continued, in view of the very great improvements which have been made in the channel of the River and Gulf of St. Lawrence in recent years.

Hon. Sir RICHARD CARTWRIGHT.—That might be quite consistent with my view and my hon. friend's view.

Hon. Mr. LOUGHEED.—I do not know whether my hon. friend overlooked the question which I asked yesterday, but it was in the way of eliciting information, namely, as to whether any negotiations have been carried on between this government and the German government with reference to the removal of the reprisals between the two countries?

Hon. Sir RICHARD CARTWRIGHT—I might just say to my hon. friend that no formal negotiations have been carried on. There have been some pour-parlers with some official of the German government, but I would point out to him that we have never protected against Germany, and it is in the power of the German government to emancipate themselves completely from our surtax if they only choose to do so. He will recollect that the surtax was imposed in consequence of the Germans deliberately putting us in the worst position they possibly could, as a penalty for our granting a special favour in the preferential tariff to our mother country, Great Britain, and we intimated to the Germans that it was not part of their business, what one portion of the British empire did in respect to another portion of it, a view in which I think my hon. friend will sustain me. Thereupon the Germans shook their fists at us, took us out of the category in which Great Britain was, and placed us in an inferior category. They have a kind of triple category, like ourselves. We said, 'If you are going to do this because we trade on even terms with Great Britain, we shall put a surtax on you' and as we hap-

pened to buy from them about seven or eight times as much as they buy from us, the canny German is beginning to discover that he made a mistake and he is very anxious to get out of it. He can get out of it if he pleases. All he has to do is to put himself in the same position he was in before the imposition of the preferential tariff.

Hon. Mr. LOUGHEED—I am not criticising the action of the government in the matter ; but as I understand it, both tarriffs worked automatically against the interests of both countries. We found ourselves placed under the general conventional tariff of Germany, which is their higher tariff.

Hon. Sir RICHARD CARTWRIGHT—They struck us out of the tariff we were under before.

Hon. Mr. LOUGHEED—On account of the favoured nations treatment.

Hon. Sir RICHARD CARTWRIGHT—No, not on account of the favoured nations treaty, but on account of our granting a preference to Great Britain.

Hon. Mr. LOUGHEED — Automatically we came under that tariff.

Hon. Sir RICHARD CARTWRIGHT—They automatically come under ours.

Hon. Mr. LOUGHEED—We legislated increasing the tariff practically by one-third above the regular tariff. It seems to me senseless that a politico-economic war should exist between two great commercial countries, and in view of the correspondence which has taken place over an arrangement which apparently is being negotiated at the present time, it seems to me it is a matter of interest to the commercial public whether this economic war is to be continued.

Hon. Sir RICHARD CARTWRIGHT—I am not prepared to say as to that. I may take occasion while I am on my feet to say to my hon. friend with respect to another matter as to which he inquired—that was the very courteous invitation tendered by president Roosevelt to our government to nominate some persons to appear at Washington and discuss the question of the conservation of natural resources, that it is our intention to accept it, and to send some parties there to represent us.

Hon. Sir MACKENZIE BOWELL—Before the motion is adopted, my hon. friend will permit me to congratulate him on that portion of his speech especially which referred to the effect which will follow the construction of railways through the prairie portions of our country. Had I not known his voice, and if my eyes were shut. I should have thought some one was repeating the speeches made by Sir Charles Tupper about twenty-five years ago, when he predicted what the result of the construction of the Canadian Pacific Railway would be. That my hon. friend has become a convert to those views is gratifying to me, particularly when I remember the position he and those with whom he acted in those days took on that question. I think there is scarcely a man who has given that question any thought who will not agree with him as to the effect which will follow the opening of the vast territory to the west of us. Having congratulated my hon. friend on that point, let me ask a question, if he is at liberty to answer. I notice in the press, particularly the press supporting the government, that there was a proposition made, or that the government intended to introduce a measure providing for an increase of represen tation in this Senate : that is the in crease of representation from the western portions of the country. We all know that under the constitutional Act there is no power to increase or even decrease the representation in the Senate, except by petitioning the imperial government. I am not going to discuss the propriety of it, but I think it would be very interesting for the country to know whether the government intend to introduce any measure of that kind. There is another point which we all feel very solicitous about ; that is how long the gentleman who has resigned his seat in the lower House to open a constituency for the minister of Inland Revenue is to remain out of the Senate. If the predictions which have been made by the ministerial press in Ontario are to materialize, of course that hon. gentleman will not be

kept out of his seat or out of the honour of a seat in this House for very many months. If, however, he is to remain out until a vacancy occurs through death or any other cause, he may possibly be kept out for a number of years, and every one will regret that very much under the circumstances, after he has sacrificed so much. If the hon. gentleman would give us that information, I have no doubt that others beside Mr. Sloan would be highly gratified.

Hon. Sir RICHARD CARTWRIGHT.—With respect to my hon. friend's last question, I think he might afford to wait for two or three weeks, and then I will be in a better position to reply to him.

Hon. Mr. LOUGHEED.—What is the date of the by-election?

Hon. Sir RICHARD CARTWRIGHT.—This is a question which will engage the serious consideration of the government. With respect to the other very important matter which has been brought up, I do not think it is possible, in view of the lateness of our assembly, to deal with a question of that importance during this session. Later on we shall consider the subject.

Hon. Mr. DANDURAND.—The question was raised by the hon. gentleman from Hastings as to the amount of money saved to the country by the deepening of the channel and the greater facilities given to navigation on the St. Lawrence. I have not the figures before me, but, as far as I can remember, they will be found in the evidence taken before Mr. Justice Cassels I think my memory serves me well when I state that figures were given by some gentleman qualified to speak as to the reduction of rates of insurance on the St. Lawrence, making a sum total which struck me as very large. The statement which the hon. gentleman read was made, as far as I could understand him, at a board of trade meeting in Montreal on Monday last. He simply mentioned one point touching the question of insurance. I see that Mr. Drummond, who is not a party man, the retiring president, spoke of harbour improvements and the channel improvements which perhaps it would be well to quote since the question has been raised. He stated that:

> The past season has seen the completion of the fourteen double-deck freight sheds, the system of grain carriers and the readjustment of railway tracks on the wharfs. The work is being carried forward in a systematic and businesslike manner that reflects credit on the harbour board, its engineers and officers, and on the minister under whose jurisdiction the board is working. It is indeed now a pleasure to offer our thanks and appreciation to those who are so efficiently carrying out the good work.

In order to show that improvements are in demand throughout the country and no further away from the capital than Montreal, the next paragraph concerns a demand for a dry dock, and reads as follows:

> With our shipping trade increasing, and the knowledge that it will continue to increase with the growth of our country and improved harbour facilities, the necessity for a dry-dock grows greater and greater day by day and we hope the government will provide for this during the present season.
>
> The work of deepening and improving the St. Lawrence channel has been vigorously carried on during the past season, a gratifying feature being the commencement of the thirty-five foot channel.

Then there is reference to the work of the Transcontinental Railway and the Quebec bridge. All this goes to show that the business men of the country appreciate the work that has been done on the channel of the St. Lawrence.

Hon. Mr. LANDRY—Where does the insurance come in?

Hon. Mr. DANDURAND.—It has been reduced in ratio to the money spent in improving the St. Lawrence.

Hon. Sir MACKENZIE BOWELL.—I hope my hon. friend did not understand me to complain of the improvements to the St. Lawrence? I made no reference to that at all. All I referred to in that respect was that the right hon. gentleman made the statement that owing to the improvements that had taken place, the insurance rates were reduced. That is all.

Hon. Sir RICHARD CARTWRIGHT.—I will get the facts for my hon. friend.

Hon. Sir MACKENZIE BOWELL—On the contrary, I have always advocated the mak-

ing of the St. Lawrence as safe as it can be possibly made. And as to the dry dock in Montreal, I have long been of the opinion that all governments had neglected their duty in not providing one at that port. What I wanted to point out, and what I think I did point out, from the utterances of those who spoke on the matter at the meeting, that instead of insurance by the St Lawrence route being decreased, it was increased.

Hon. Sir RICHARD CARTWRIGHT.—I think you will find that refers to some very recent action.

Hon. Sir MACKENZIE BOWELL.—Perhaps so.

Hon. Mr. CASGRAIN.—The hon. gentleman said that he did not know exactly the figures. I heard this discussed very often, especially during the last election, and I heard the Minister of Marine and Fisheries make this statement. I heard him make it on the occasion of placing the last rivet on the sheds in Montreal, that the decrease in the rates in insurance was to such a large extent on the goods coming into Montreal and the goods going out from the harbour of Montreal as to make up an amount of $922,000 a year. That is on the goods alone. The chairman of the habour board. Mr. George Washington Stephens, read the figures to the meeting, and, moreover, he asserted that if he took into consideration the decreased insurance on the hulls of the ships, the amount would be equal to $1,500,000 per annum on the goods and on the ships coming into and going out of Montreal.

Hon. Mr. FERGUSON—I do not intend to make any remarks upon this question, further than to say that I fear the right hon. leader of the House is like myself. His memory is not quite so good as it was, and I have come to this conclusion from a statement he made to the House that the contract with the Transcontinental contained provisions by which the Grand Trunk would forfeit the prairie section if they did not continue to operate the eastern division. I knew when my hon. friend made the statement that he was very wide of the mark. There is no such provision in the contract of 1903 or the contract of 1904, and I have refreshed my recollection by looking up the statutes. I find also by giving a glance at the discussion on the question, that in this House more particularly, and perhaps also in the other House, the opposition made a most strenuous point against the contract on the ground that there was no guarantee for the operation of the road. The only guarantee that was given was a deposit of $5,000,000 which was liable to forfeiture if the company did not put on a certain amount of rolling stock upon the eastern division. But there is no provision in either of the contracts, the first one of 1903 or the modified one of 1904, for any such thing as a forfeiture of the prairie section of the road if the operation of the eastern division was not carried out. There was no guarantee of any kind given for the continued operation of the eastern division.

Hon. Sir RICHARD CARTWRIGHT.—We will inquire further into that at a future time.

The motion was agreed to.

BILLS INTRODUCED.

Bill (A) an Act relating to the Water Carriage of Goods.—Hon. Mr. Campbell.

Bill (B) an Act to amend the Government Annuities Act.—Hon. Sir Richard Cartwright.

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

THE SENATE.

OTTAWA, Thursday, January 28, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RECONSTRUCTION OF THE SENATE.

NOTICE OF RESOLUTION.

Hon. Mr. SCOTT—I propose to bring in resolutions for the consideration of this Chamber. In doing so I wish to state that I have not consulted the government nor any member of this Chamber, nor

do the conclusions which I have reached arise from any conversation that occurred during the time I was a Privy councillor in the many deliberations in the Privy Council chamber. I think it important I should state those views, because many hon. gentlemen may be surprised at the conclusions which I have reached. They are the result of over 34 years of experience in this Chamber, seventeen on this side of the House, sitting as a member of the government and leader of this Chamber for a number of years, and sitting for seventeen years on the other side of the House. The opinions I have formed relate to the constitution of the Chamber, and I think no more opportune time could arise than the present moment for the Senate to give its earnest consideration to the future composition of this Chamber. The government of the day have a majority in both Houses. They are quite able to carry out any reforms in the Senate that we think would be beneficial to it. I think I would be able to show that if we wish the Senate to preserve the position it assumed at confederation, and its character since, we owe it to ourselves to advocate certain changes in the direction of what might be called reform in favour of popular representation. Before going further, I will read the resolution, when, with the permission of the House, I shall be glad to give further explanation inasmuch as I see by the motion which has just been carried this House will not be in session for a month, and, therefore, during that month I should not like to see the resolutions go to the public without some explanatory remarks as to the reasons that induced me to submit the proposals to this Chamber. I give notice that on Wednesday the 3rd day of March, I will move:

That, in the opinion of the Senate, the time has arrived for so amending the constitution of this branch of Parliament, as to bring the mode of selection of Senators more into harmony with public opinion, and with that object, he will submit for approval, the following resolutions:—

1. That the Provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this Chamber. That the Provinces of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the Province of Prince Edward Island into two electoral districts for election to this Chamber; and that for the present, and until the four Western Provinces have been given increased representation in this Chamber, that Manitoba, Saskatchewan and Alberta be each one divided into three electoral districts, and that the Province of British Columbia be divided into two electoral districts, all for the election of candidates for representation in the Senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience, local interests and county boundaries.

2. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing Senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence, local interests or other reasons.

3. That as vacancies hereafter arise in the representation of the said electoral districts, the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

4. That in order to diminish the expenses attending over wide areas, and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of election expenses, Provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising the franchise.

5. That the remaining eight senators in each of the Provinces of Ontario and Quebec: the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining in British Columbia, who has not been allotted to any constituency, shall be classed as senators for the particular province at large, and as a vacancy arise, in that class, it shall be filled by appointment, as at present, by the Crown.

6. That the term for which a senator may be elected or appointed, be limited to eight years.

7. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the Government, the principle laid down in Sections 26 and 27 of the British North America Act shall apply; that is to say, the incoming administration may appoint an additional number of senators, not exceeding nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a reasonable one, but not more than one of the senators to be appointed, shall be taken from any one province; and that no more appointments of senators shall be made for that province until a second vacancy has arisen; thus reverting to the original number of senators allotted to the said province.

8. That the senators representing the several different provinces be requested to meet and suggest the best mode of dividing the province into senate electoral districts and also the name of the senator who will represent each particular district.

9. That the House of Commons be asked to occur in the proposed changes in the constitution of the Senate.

10. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the Union, be so amended as to conform to the foregoing resolutions.

In a few words, the principle is this, that two-thirds of this House should be elected. Of course hon. gentlemen are independent judges, because it does not propose that any hon. member's seat shall be forfeited. Each hon. gentleman is a free agent. My object is that the Senate shall be perpetuated in some form that will be reasonable. I fear it will not be unless the Senate itself will take action and recommend some system, some place in the government of this country. that will be acceptable to the popular sentiment. I may say that in discussing the basis of confederation the statesmen of that day conceived that there would be equality in the Senate, and those two clauses to which I have referred in the British North America Act, which I will read for the information of hon. gentlemen, would be sufficient to bring about political equality if it was thought necessary to preserve the functions the Senate is supposed to discharge. Section 25 of the British North America Act reads:

If at any time on the recommendation of the Governor General the Queen thinks fit to direct that three or six members be added to the Senate, the Governor General may by summons to three or six qualified persons as the case may be, representing equally the three divisions of Canada, add to the Senate accordingly.

Section 27 of the British North America Act reads:

In case of such addition being at any time made the Governor General shall not summon any person to the Senate except on a further like direction by the Queen on the like recommendation until each of the three divisions of Canada is represented by 24 Senators and no more.

The necessity for that was apparent, in fact it appeared that a time might arise when the governing power, the people, as represented by the House of Commons, might have their views thwarted by the majority in opposition in the upper Chamber. The Conservative party in this country have been extremely fortunate. When they were in power they have always had a large following in this Chamber. The Liberals in two parliaments had not been supported in this Chamber. At a later stage I will probably make further allusion to the embarrassment to the government from 1873 to 1878 in consequence of the action of the Senate. At present I simply make that reference as showing that at the time of confederation it was distinctly assumed that the parties would be equal. The fathers of confederation were very careful to see that in the representation of the upper House both the Liberals and the Conservatives should be equally represented. The personality of the late Sir John Macdonald, no doubt, in the earlier years, caused a number of Liberal Senators to drift to his support, and that caused the first disturbance. The other events, to which I need not now allude, created a still further defection. I may mention as a fact that Mr. Aikins, with whom I sat in the old House of Assembly as a Liberal, was elected as a Liberal in the Legislative Council, and yet he transferred his allegiance at confederation. But before confederation cabinet changes took place very frequently. We had an election in 1854 and one in 1857, and one in 1861 and another in 1863; I am not quite sure whether it was in 1864 that Sanfield Macdonald came into power. I speak subject to correction. But in framing the Confederation Act the fathers of confederation had in mind that the changes in government would be sufficiently frequent to make up any deficiency in numbers in either political party. Hon. gentlemen will clearly recognize the principle that it would be far better if this Chamber were nearly equally divided. As it is now we can quite easily see it is drifting entirely in one direction. Since we sat here in 1896 eighteen gentlemen who represented the people of Ontario, Conservatives, have disappeared. The places of those have been taken by eighteen Liberals. There are today from that province, which now I may say we all know is represented by the Conservative party in the provincial House, and which province is largely represented by that party in the House of Commons, only five senators from Ontario in this Chamber. It is not pleasant to foreshadow events in the future that will involve

changes, but it is naturally forced to every man's mind what will arise at the end of the term during which this government is likely to hold office. Will there be a Conservative senator from Ontario? That is the question. Can the constitution of Canada be defended if one of the great political parties is entirely ignored in the upper Chamber? I think it requires no very serious consideration to see that this Chamber would go down in the judgment of the people; that nothing could save it. We have now the example of the House of Lords, which has been enacting legislation rather contrary to the spirit of the Liberal government. Mr. Asquith, as premier, has had very great difficulty with his Bills. The Lords have thrown out several, and public opinion is aroused, and what is the consequence? It has forced the Lords to consider the reconstruction of their chamber. They are now actively engaged in the direction of amending the constitution. That Chamber has stood now for nearly one thousand years. Families that have had representation on the peerage floor for the last three or four centuries will cease to hold seats in the House of Lords within one year from this time. Lord Rosebery's committee, appointed to consider what changes were absolutely necessary on certain points, was made up of 25 of the leading members of the House of Peers. Lord Lansdowne, as you all know, leads the most important element in that House. Lord Rosebery is an important figure, but still he has not the influence that the Marquis of Lansdowne has.

He has given his adhesion to the principle that only certain of the peers shall be entitled hereafter to sit in the House of Peers, that a peerage per se gives no right to a seat in that House; that hereafter only those who can be classed as Lords of Parliament will have seats. The peerage consists of about 665 members, including the Irish and English peers. The proposition is this, that they shall meet and elect, not for eight years, but for a term of parliament, 200 of their number to represent that body in the House of Peers; that all the peers who have filled high offices, cabinet ministers, secretaries in the various departments, the Governor General of Canada, the Vice-Roy of India, gentlemen who have sat in the House of Commons for a number of years— say ten years—if they are peers, shall be entitled to be added to that number. It is calculated that will bring 130 more into the House of Lords. There are princes of the royal blood who will be entitled to sit in the upper House. I shall now read from the report, only issued last month, giving the conclusions of that committee. It is important that at this juncture we should recognize that when so stable an institution as the House of Lords, which has lasted 900 years, feels that it is obliged to give way to public opinion it is hardly possible the Senate of Canada can stand unless it can be justified before the country. Here is the amended resolution on that subject which was moved by Lord Rosebery and concurred in by the committee:

It is moved by the Lord Rosebery (Earl of Rosebery) to insert the following new paragraph, viz.;—

It will be seen by reference to the following figures that the House of Lords under the arrangements suggested would number 350, viz.: —3 peers of the blood royal, 200 representatives elected by the hereditary peers, 130 qualified peers, 10 spiritual lords of parliament, and five lords of appeal in ordinary. To these must be added a possible annual increment of 4 peers for life, up to the number of 40, thus bringing the total number of the House to something under 400.

A proposition is also now being considered quite in line with clauses 26 and 27 which I have read to the Chamber, and which I think are necessary if the constitution of the Senate is to be preserved in the direction I have indicated. I am reading now from the report of the committee of the House of Lords which was only printed last month. This principle applies particularly now to Canada, and I invite the attention of the House to it in connection with the views I have expressed, that in order to give strength to any government, it shall have some respectable following in this Chamber, and the privilege should be extended of anticipating appointments by naming nine or any number that may be considered reasonable to this House. The clause which I am about to read is 33:

Within recent years the House of Lords has been criticised not so much for any alleged incapacity to perform efficiently its legislative functions, as on account of the uneven distribution of political parties within its walls.

It is obvious that difficulties between the two Houses must arise when a government is in power which is supported by a large majority in the House of Commons and only by a small minority in the House of Lords.

The committee do not wish to imply, that in their opinion, the majority in the House of Lords should be made mechanically to correspond with the majority in the House of Commons, but they feel that the party in power in the elected chamber should be able to count upon a substantial following in the House of Lords.

Then clause 35 reads as follows:

In order to bring the House more into harmony with changes of political opinion in the country, some members of the committee desired that persons experienced in local or municipal administration should be introduced from outside at each general election to sit and vote in the House of Lords for the duration of the parliament. To effect this object various proposals to admit to the House elected representatives from county councils and municipal corporations, whether peers or not, were discussed. On this capital question the committee were almost equally divided and were, therefore, unable to make any recommendation.

I quote this to show the drift of public opinion even in England, where the House of Lords itself recognizes that in order to preserve that body they must introduce the principle of election, and give an incoming administration the right to increase the number of its supporters in the upper Chamber. They all agree on the first proposition to which I have referred, that is, of the 665 peers 200 should be elected to begin with, and that even election will not give a life seat in the House of Lords but only a seat for that parliament, so you can quite see the feeling of the House of Lords is that they have fallen behind the times and want to recover their position. Now, I do not want to see the Senate of Canada fall behind the times. It is made up of men who are quite up to date and recognize the rights of the electorate of this country, and I have confidence enough in the hon. gentlemen who now listen to my voice that they will be equal to the occasion and will devise some means by which we shall get more in line with the public sentiment of this age. I submit my proposition as an improvement at all events on the constitution we now have. It does not disturb the gentlemen who occupy seats in this Chamber now; it brings about the change in a gradual way. It is not revolutionary in any sense; but postpone it another five years and I cannot foreshadow the consequences. If the House of Lords has been obliged to give away to public opinion, will not the Senate of Canada be obliged to follow the same course in this country where popular views are more freely expressed and the claims of the people are represented in changes to a greater extent than in Europe? It is not only in Great Britain, but in every country in Europe that this desire for change has been manifest. Countries that 50 years ago were governed by the aristocratic classes have had to yield to the popular demand for representation in the upper chamber, and it has been granted. If it had not been granted, a revolution would have ensued, and in some cases the changes have been brought about by revolution. The plan which I suggest for an elective system is not open to any objection. In large areas the big man in that area will be the one selected. In a smaller way that was the effect in the early fifties. From 1850 up there was a determined expression of opinion in Upper and Lower Canada that the Legislative Council should be swept away, and they were swept away. The Legislative Council existed for years, but they had to give way. Their patents were as strong as ours, stronger in fact, because royal gifts had greater permanence then than they have to-day. In the House of Assembly in 1856 the Act was passed with practical unnaminity—the vote stood 80 to 12, and not a single member from the province of Quebec voted to sustain the nominating principle. The twelve in minority were all members from the province of Upper Canada. I quote that as showing the sentiment at that time in Ontario and Quebec. Has that sentiment changed? Not a bit of it. Give any justification for raising an agitation on that subject and you will find that sentiment will arise and be too strong for this House to meet or overcome. We have evidence that the elective principle operated well in those days. It brought to this Chamber men who were distinguished in the various activities of life. Mr. Allan, who ornamented the Speaker's chair, was one of the elected members. I had great pleasure, although in opposition to him when he was Speaker

of the Senate, in saying that if his election rested with the Senate of that day, so high was our regard for Mr. Allan, that his election would have been unanimous. Mr. Christie was another elected member who occupied the chair after confederation. Mr. McMaster, head of the Bank of Commerce, and many other distinguished men were elected. No finer man ever sat in parliament than Sir Alexander Campbell. He was liked by both sides of the House. He was reasonable and fair on all occasions ; he was an elected member. Mr. Vidal was one of the most recent in that class, and hon. gentlemen know the character he held among us. He was loved and respected by all. So it was in the province of Quebec. You had Sir Narcisse Belleau, Sir Letelier de St. Just, who was my colleague at one time, Thomas Ryan who was vice-president of the Bank of Montreal, and chairman of the Board of Trade, Montreal, Mr. Sanborn, afterwards a judge—all elected members. I could go over a long list of men who were distinguished in this Chamber, and who were selected by the people as their representatives. It cannot, therefore, be urged that the elective system which prevailed before confederation was in any sense a failure. In the change which I propose, by compulsory voting the cost of election will be largely reduced. Any man who has a right to vote should exercise his franchise on an occasion of that kind, when the destinies of the country are in the balance. He should express his view as to the best men to represent Canada and cast his vote. If he disapproves of all the candidates he has only to attend and put in a blank ballot; he is not compelled to vote. But certainly any man who gets the franchise and has the protection of the law of his country ought to take at least that small part in the administration of public affairs, to say who, in his opinion, is the most honourable and suitable man to represent the people in the parliament of Canada. Then a question naturally arises, why was it at confederation this change was made ? The people were not consulted, as you all know. There were many large questions coming up at the conferences held at Charlottetown, Quebec and London. The smaller questions, and that was one of them in the minds of many, had to give way. Still, the representatives of the Liberal party did not yield their opinion. The Hon. William McDougall and Sir Oliver Mowat, both representative men at the Charlottetown conference and the Quebec conference, advocated the elective principle. George Brown, strange to say, although all his life advocating this question of representation by population and giving the people the broadest power, by some inexplicable change of his mind took the other view for the moment, but the people had no opportunity of discussing it. If the question were raised again in Canada as to the proper way of constituting this Chamber, it would be in favour of election by the people. The people are exceedingly jealous of their rights, and they would insist upon exercising their power. I have suggested what I consider a fair proportion of the elected and appointed. I had some difficulty in making up my mind as to what was the best proportion. I have drawn up a variety of proposals, and I find that the proportion fixed in the resolutions seems best. When the four provinces to the west of the lakes obtain their complement, it will bring the representation of this House up to 96—24 from the maritime provinces, 24 from Ontario, 24 from Quebec and 24 from the west. That will give 32 appointed to 64 elected, and that I thought was a fair proportion. It would give what I think is necessary to the government of the day, a reasonable following in the Chamber. The views of the House of Peers coincide with my own; you must have, under our system, a majority supporting the government in one House which the people have exclusive control over, and the policy of that House must not in any way be thwarted in the upper House. The true line to take in the upper House is to criticise, amend and modify, to correct the errors and hasty legislation of the other Chamber, and not to set itself up and advocate something different, and not to throw out Bills affecting the policy of this country which the House of Commons had the right to inaugurate. On that principle, I conceive, in order to give the government of the day, whether Consertive or Liberal, some reasonable following in this Chamber, that one-third of the nominations should rest with the government.

As the House is to have an adjournment for a month I thought it only fair, since I had prepared a scheme, that hon. gentlemen should at least know the views of the one who drafted the proposition when he prepared this paper. I do not think I need say more to impress on this body the absolute necessity of not allowing this session to go without their taking up this question just as the House of Lords has done. It is far better that it should be taken up by the Senate itself, and that we should meet public opinion, than that a more drastic scheme should be forced on the Senate in consequence of our refusal to recognize the progress of events. I will not anticipate what might occur if the Senate is not equal to the occasion. There cannot be two elective Chambers. The Commonwealth of Australia is endeavouring to carry out that proposition. They are failing. Under the constitution in Australia—and I may say it has not been in existence eight years and yet they have had three elections in that time—if an upper House does not meet the views of the lower Chamber after a given time, the government have the right to dissolve parliament. A man may have been elected only the year before and thus be forced to seek re-election. The tenure is limited to six years; every three years half the House is renewed, and if an upper House, although recently from the people, does not accord with the lower house, the government have the right to dissolve parliament. I cannot see that a House thus constituted can be considered an independent body if at the will of the government of the day, although recently elected by the people, it can be dissolved.

APPOINTMENTS TO SENATE OFFICES.

The Speaker read the following memorandum:

The undersigned has the honour to represent that the services of two pages were required at the opening of the present session of parliament, owing to two of the four who were in attendance last session having outgrown their usefulness as such. That in the absence of the Speaker, the Clerk, as has been the custom hitherto, appointed Coleman Gillespie and Clifford Russell to fill the positions, subject to the confirmation of the Senate.

The undersigned, therefore, recommends that the said appointments be confirmed, at the same salary as the other pages.

J. K. KERR,
Speaker of the Senate.

Hon. Mr. LANDRY.—Does the Senate decide, or is the matter to be referred to the Standing Committee on Internal Economy?

Hon. Mr. POWER.—Under the Act the Speaker is the authority, not the Standing Committee. If any hon. gentleman thinks this report should be laid on the table until to-morrow, in accordance with our rules, that would be a proper course to take.

Hon. Mr. LANDRY.—We are taken a little by surprise, and perhaps it would be as well to let the matter stand until to-morrow.

Hon. Mr. WATSON.—I understand that under the new Act the Speaker has to make the appointments for the Senate Chamber, and they have to be concurred in. In the past the Internal Economy Committee have made recommendations.

Hon. Mr. LOUGHEED.—May I point out to hon. gentlemen this view of the question, that in matters of this kind it might be desirable, while it is not incumbent under the Act that it should be done, that instead of it being referred to this Chamber it might be referred to the Internal Economy Committee, and the report from that committee adopted without discussion. It would be much better, where questions have to be asked and information given relative to these small appointments, that that should be done.

The SPEAKER.—This is a matter which we are initiating and we should not be hasty in taking action to-day. Under section 22 of the Civil Service Act, the Speaker is created a head of a department for the purposes of the Act, and the clerk of the House is created a deputy head. Appointments to the position of messenger and other positions in the lower grades determined by the Governor in Council, may be made by the Governor in Council on the recommendation of the head of a department, based on a report in writing of the deputy head and accompained by a certifi-

cate of qualification from the commission, if his appointment requires examination. So the matter rests in this way. The position of Speaker here is very much the same as the minister of a department. The minister's appointment would not be the subject of reference to a committee. The responsibility of making the appointment is on the head of the department, and he can make the inquiries which are necessary as to the qualifications of those filling the minor appointments, and the responsibility is on him that that shall be done. It seems to me, while I would like the matter to stand over until to-morrow for consideration, we would make a mistake to refer it to a committee for consideration. It practically comes to this: The Speaker must take the responsibility of submitting appointments that he is sure the Senate will adopt.

Hon. Mr. LANDRY.—The Senate take the place of the Governor in Council, and the Speaker makes his report to the Senate the same as a minister would make it to the Governor in Council.

The SPEAKER.—Minor appointments.

Hon. Mr. POIRIER.—This being a new departure, what action we are going to take will be a precedent, and we should move slowly. Taking up the view of the hon. the Speaker that the Speaker of the Senate is empowered in the same manner as a minister of a department, and that the report may not be submitted to the Internal Economy Committee, I beg to offer an objection, which may not be serious. It is this, that before a recommendation made by a minister of the Crown is accepted it goes to His Excellency the Governor General and is submitted to the Privy Councillors. Proceeding in a similar way and in order to protect our Speaker whose recommendations may not be accepted, I would give him the same safeguard as the ministers respectively have in their own departments, the Privy Council, or what is equivalent to the Privy Council, the Internal Economy Committee. The recommendation of a minister is handed to His Excellency. It has to pass through the Privy Council, and so when the recommendation of our Speaker comes before us it has passed by the proper channel in to the hands of the Internal Economy Committee, and is approved and recommended by them. This is a mere suggestion, but it may be worth while taking it into consideration.

Hon. Mr. BELCOURT.—It seems to me, on reading the section referred to, that neither the House nor the Committee on Internal Economy have anything to consider. We have deprived ourselves of that privilege or function, because by subsection 2 of section 3 of the Act, so much of this Act as relates to appointments and promotions shall apply to the officials of both Houses of parliament. I take it that under section 22, when the deputy head has made a recommendation to the head of the department, who, in a sense, is the Speaker, that is the end of it. The Governor in Council upon that recommendation makes the appointment without any reference to this House or any committee of this House.

Hon. Mr. LANDRY—I think clause 45 is the one which governs. It says :

> Whenever under sections 5, 8 and 10, 21 and 22 of this Act, or under the Civil Service Act, any action authorized or directed to be taken by the Governor in Council, or by order in council, such action in respect to the officers of the House of Commons or the Senate shall be taken by the House of Commons or the Senate as the case may be by resolution.

So the Senate is substituted for the Governor in Council.

Hon. Mr. POWER—If the House will pardon me for saying a word on this matter—because this discussion is quite irregular, this being a notice of motion. The natural course would be that any action dealing with the staff of the Senate should originate with the Committee on Internal Economy. That committee report, and then, if their report meets with approval, the Speaker, as representing the House, makes the recommendation under the Act. I think that practically would be the best way to carry out the Act. I am not raising any question now as to the action of His Honour the Speaker in this particular matter. This vacancy was one which existed at the opening of parliament, and it was desirable that those additional pages should be appointed at once, and his Honour the Speaker has acted under the Act; but in future, in

dealing with appointments of a different character, before the matter comes before the Speaker, it should be considered by the committee, and if the committee's recommendation meets with the approval of the Speaker of the House, then it goes.

Hon. Mr. WATSON—I should just like to say, as chairman of the Committee on Internal Economy and Contingent Accounts, that I was entrusted to perform the duties, as chairman, in providing messengers, &c., until my successor was appointed at the coming session, and in recommending the appointment of those two pages I think I was carrying out the direction of the committee in recommending those appointments.

The SPEAKER—Emergencies have to be provided for as in this case. There were messengers wanted for the opening of the House, and there was no Speaker; some one had to undertake the responsibility of making the selection, and on inquiry as to that, the Speaker afterwards approved of what had been done and the report is now before the House. Perhaps it had better stand over till to-morrow.

The paragraph of the report was allowed to stand.

The SPEAKER. There is an item in the report providing for the appointment of Arthur Hinds to act as stenographer to the law clerk of the Senate at a salary of $75 a month. It is not an easy matter to get a competent shorthand writer, and unless you engage a man at once some one else will employ him, and it is necessary to act quickly. In this case we took the responsibility of placing this man in the position.

Hon. Mr. POWER—That can stand over.

The item and following items in the report were allowed to stand till to-morrow.

DECEASED SENATORS.

Hon. Sir RICHARD CARTWRIGHT—Since we last met, we have had to regret the loss of two gentlemen who have been for a very considerable time members of this House. I had not the pleasure of being intimately acquainted with these gentlemen, but I believe I am perfectly correct in saying that although only one, I think, of them, Mr. Bernier, was in the habit of participating in our debates, that both these gentlemen during the considerable period they remained members of the House were very constant and faithful in their attendance at the Chamber here and were very useful and estimable members in performance of the duties of the various committees to which they were assigned. I am sure we will all very much regret that these gentlemen should have been summoned away. One of these gentlemen was a representative in an especial sense of a section of my own province whom we have been able to replace by a countryman of his own, and the other was a gentleman who belonged to a different nationality but who, I have every reason to believe, was very much respected and very much looked up to by the members of his own religion and race. In his case in particular, the gentleman from the province to which he belonged I am sure will agree with me in regretting that he should have been summoned away. Both of these gentlemen had attained an age at which it was only natural that their term of life should expire, and both, I believe, left behind them high and unstained reputations as citizens and men who were in every way worthy of the high honour that had been conferred upon them.

Hon. Mr. LOUGHEED—I join in the sentiments of high regard and esteem which have been expressed by my right hon. friend with reference to the loss by death of the hon. gentlemen referred to. Their colleagues on this side of the House had always entertained for those hon. gentlemen the deepest sentiments of friendship. For a great number of years Mr. Merner was associated with the activities of this Senate. Before his entry into the Senate, he had for many years been a member of the House of Commons. Although he never took an active part in the discussions of this Chamber, yet there was no member of the Senate who concerned himself more deeply in its deliberations than that hon. gentleman did during his lifetime. He was a rare example of a gentleman coming from a foreign country in his early days, identifying himself with our institutions of Canada and becoming one of its leading public men. He was actively identified with not

only the municipal institutions of the particular part of Ontario in which he lived, but to a very marked extent with the origin, growth and development of the manufacturing industries of the county in which he settled. During the period that he was with us his disposition was of that character by which he was endeared I might say to every hon. gentleman on either side of the House. Mr. Bernier was to a very large extent an associate of my own, coming as he did from one of the western provinces. Formerly he had been a citizen of Quebec, but in the very early days, almost thirty years ago, he removed to the province of Manitoba. Very few gentlemen in that province had been more identified with the development of the educational, municipal and governmental institutions of Manitoba than was Mr. Bernier. He interested himself in the institutions of higher education and had been for many years bursar of the University of Manitoba, also superintendent of education of the Seperate school system in that province. He also had been identified with the provincial institutions of government for many years and from the time of his appointment to this Chamber down to the time of his death he had been a very active and useful member of the Senate. He was a gentleman with very fixed convictions and never hesitated to express the opinion which he possessed, notwithstanding the differences which might exist in the minds of other members respecting those particular matters. We all admired him for the courage he possessed and for his manliness in giving expression thereto. I am sure the sympathy and the condolence of this Senate will be extended to the members of the families of these departed gentleman. We entertain a deep regret for their loss from amongst us as well as profound respect for their memory.

Hon. Mr. BOLDUC (in French). It is with a profound sentiment of sadness that I join the hon. members who have preceded me in deploring the loss which the Senate and the country have sustained by the death of the hon. Senators Bernier and Merner.

I was particularly well acquainted with the Hon. Mr. Bernier, with whom I maintained the warmest friendship during all the time he occupied a seat in this hon. House.

Good literary man, perfectly instructed, a man of integrity, in work or in pleasure showing excellent judgment, the Hon. Mr. Bernier rendered, and was able to render time and again, precious services to his country. He did not speak frequently in this Chamber, but every time that he took part in a debate he conducted himself with calmness, dignity, sincerity and courtesy, and his deep and intelligent arguments were followed with attention and listened to with great interest. Our colleague has died at a comparatively early age, but few men have done more for their country. His earnestness, his intelligence, his love of work and his honesty placed him in the front rank in his early life. He was yet but a student when he engaged in journalism and was one of the principal editors of the 'Courrier' de St. Hyacinthe, where his writings were always marked with the greatest sincerity and the highest patriotism. Only a few months after having been admitted to the practice of his profession, his high merit was recognized and his professional success led to his nomination as Queen's counsel. I am convinced that if he had remained in the province of Quebec he would have played an important role and soon been considered one of our first lawyers, for such was his prestige that he was elected president of the Society of St. Jean Baptiste at an age when young men give little attention to public affairs. However, our late colleague did not find in his own province a field large enough to employ all his energy and ability, and in 1880 he moved to Western Canada, where the need of men of his worth was keenly felt. There, as in the province of Quebec, it took him but a short time to make himself appreciated, and he has successively occupied the positions of Superintendent of Education and Assistant Clerk of the Legislative Assembly in the province of Manitoba; was the life and soul of a great number of benevolent societies, mayor of St. Boniface for a number of years, and, apart from his numerous and interesting articles on different subjects, published an important pamphlet on the climate and resources of Manitoba. The members of

this House who had the advantage of hearing the grand and beautiful speech which he delivered on the Manitoba school question will agree with me that his work on that question will be considered a sufficient monument to perpetuate his memory as a distinguished man. The death of Senator Bernier is a serious loss to his family, to the Senate and to the country, and I pray the family of him whom I had the honour of counting among the number of my intimate friends, to except this expression of my very warm and sincere sympathy.

The death of the late Senator Merner is also a great loss to the Senate. He was a man whose counsel was always appreciated, and who counted as many friends as there are Senators in this Chamber.

RATES OF INSURANCE ON THE ST LAWRENCE.

Hon. Sir RICHARD CARTWRIGHT—I may mention to my hon. friend opposite as it is a matter of considerable interest, that in regard to the question that was raised, I think, by the hon. gentleman from Hastings, about rates of insurance, I referred the matter to the Department of Marine and Fisheries, and they have furnished me with a report which I lay on the table, in which, apparently—of course the House will understand I am just giving the report as received from them—the saving in insurance during the past eight years, from 1900 to 1908, amounts on hulls and exports only, making no reference to the saving on goods imported into the St. Lawrence, to a sum of $6,121,759.

Hon. Mr. LOUGHEED—Can my hon. friend say what the percentage of reduction is?

Hon. Sir RICHARD CARTWRIGHT—The chief reduction appears to be in the insurance on vessels, which is given there in detail. This reduction would appear to amount to something about 10 per cent. It used to be 5 per cent, and will be reduced to 4½, but my hon. friend can see the details in the paper. The question, he will remember had been brought up by the hon. gentleman who sits behind me in reference to a statement of mine, and I thought it was well the report of the Department of Marine should be laid on the table accordingly.

Hon. Mr. FERGUSON—As my hon. friend has submitted some information relative to the discussion yesterday, perhaps he would be prepared to give us the result of an inquiry he promised that he would make into the question as to the security of the Grand Trunk Pacific with regard to the operation of the eastern division, in the right of forfeiture of the prairie section if they failed to operate?

Hon. Sir RICHARD CARTWRIGHT—I will have that looked into and will report, I was going to say at an early period, but judging from the resolution we passed today, I will say as soon as possible after we meet again.

THE STEAMER 'MONTCALM.'

Hon. Mr. CHOQUETTE—Can the right hon. minister give us any information in regard to the steamer 'Montcalm?'

Hon. Sir RICHARD CARTWRIGHT—I applied to the Minister of Marine and Fisheries in respect to that matter, but I regret I found that he was confined to his house through illness and I was unable to obtain a reply from him.

REPORT OF BOARD OF RAILWAY COMMISSIONERS.

Hon. Mr FERGUSON—Might I ask my hon friend when we may expect the report of the Board of Railway Commissioners? The year expired on the 31st March last and we have no report.

Hon. Sir RICHARD CARTWRIGHT—The report of the Transcontinental Railway Commissioners?

Hon. Mr. FERGUSON—No, of the Railway Commission for the year ending March 31, 1908.

Hon. Sir RICHARD CARTWRIGHT—I will make inquiry.

COMMITTEE OF SELECTION.

MOTION.

Hon. Mr. GIBSON moved the adoption of the first report of the Committee of Selec-

tion, appointed to nominate the senators to serve on the several standing committees for the present session.

Hon. Mr. LANDRY—Is that the usual way to adopt that report—en bloc, or each committee ?

Hon. Mr. POIRIER—En bloc.

Hon. Mr. WATSON—The whole of it ?

The SPEAKER—Yes, that has been the practice since I have been here.

Hon. Mr. DAVIS—While I have no objection to the report of the committee, I rise to offer a suggestion. Since I have been in this House I notice that there has been quite a bit of friction about the appointment of the striking committees. I do not wish to make any motion with reference to the report of this committee. It has been moved by the leader of the House and adopted; but I think the better plan to appoint a proper striking committee would be, to name one representative from each of the nine provinces on that committee That would give nine members. I find some provinces are left out, and some provinces have two representatives. The committees are very important, and there are important questions coming before the committee. It is a committee that practically decides all matters coming before them. The House seldom rejects the report of a committee. Questions come up affecting the welfare of the provinces, and I think that each province should be properly represented on the different committees. I find on going through the committees as they have been struck by the present striking committee, that some of the provinces have a large representation on a committee, while other provinces have no representation at all. Take the committee on Standing Orders, which is the gateway through which all legislation affecting the railways and affecting the western part of this country particularly enters this House. Saskatchewan is left without representation on that committee. I do not think that is fair. There should be a proper distribution of the members on the different committees. The proper way to arrive at it would be to have a striking committee composed of one member from each province. I am giving this as a notice of motion for next year. If the suggestion is not adopted, I will then move it as an amendment.

Hon. Sir RICHARD CARTWRIGHT—I will take note of the suggestion of my hon. friend. Possibly it may be found expedient that we should enlarge the size of that committee a little, but we can discuss it later on.

Hon. Mr. CLORAN—I wish to call the attention of the Housse to an anomaly in the construction or make up of this committee. I heard the hon. ex-leader of this House state that the Liberals have always stood for representation by population. We to-day in this House stand sixty-one to twenty-six according to political division. and I find that on the Striking Committee the 26 have as much to say as the 61; that is they are four to five. That is an anomaly that should not be allowed to exist any longer. I have been in consultation with some hon. members of this House and they quite agree with me, and I take occasion to call the attention of the House to the fact that the administration of the House should be manipulated by the majority and not the minority. As the hon. gentleman from Saskatchewan has just stated, the legislation of this country is largely in the hands of our committees. We know that, and why should the minority have as much right to dictate who shall be on the committee as the majority? I am not making any formal objection to the present construction of the committee. It is too late to do so. If I had been here when the committee was struck I would have called the attention of the hon. leader of the government in this House to the fact; but it is too late now, and like my hon. friend from Saskatchewan, I call the attention of the hon. senators to this matter. It is not that I am against any of the hon. members on the committee, but surely if we are going to stand by our principles we should have representation by population.

Hon. Mr. POWER—As a member of the committee I may be allowed to say a word or two. The objection taken to the composition of the Striking Committee by the hon. gentleman who has just resumed his seat, is not one which will commend itself to the judgment of this House. As stated by the hon. gentleman, this House is made up of 61 supporters of the government and 26 hon. gentlemen who are opposed to the government. I take it that whatever the complexion of the Striking Committee may be, the 61 gentlemen who support the government in this House are quite able to take care of the interests of the government side of the House; and we simply followed the old practice with respect to this committee, of not removing gentlemen from the committee, even though there is a change in the composition of the House. I remember when there was a very small body of members who sat at the Speaker's left, and when we were allowed by the great majority of that day to have a very considerable say in dealing with the patronage of the House.

In this House we should not undertake to draw party lines where they are unnecessary. If it is absolutely necessary to do so we would. With respect to the objection made by the hon. gentleman from Prince Albert, I remember that on a former occasion the hon. gentleman objected because there were not a sufficient number of members from the west on the Railway Committee; but when inquiry was made it was found that a majority of the members from Alberta and Saskatchewan were on that committee. In the present case his complaint, although made in general terms, comes down to a complaint that all the provinces are not represented on the Striking Committee, and on the Standing Orders Committee. The duty of the Standing Orders Committee is simply to see that the rules of the House have been complied with. I ask any hon. gentleman what on earth has the province from which a member comes to do with a question whether the rules have been complied with or not? When an hon. gentleman has nothing more serious to complain of than that, he has very little ground for a grievance.

Hon. Mr. ROSS (Halifax)—By the death of Senator Lovitt, member from Yarmouth, there is a vacancy on the Railway Committee. By right the appointment should be from the province of Nova Scotia; but the committee in their wisdom are giving this position to a man from Ontario. I think Ontario has too much already and should allow this position to go to the province of Nova Scotia.

The motion was agreed to.

ACCIDENTS AT RAILWAY CROSSINGS.

Hon. Mr. ELLIS—I should like to ask the leader of the House in view of the large number of appalling accidents at railway crossings recently reported, whether any action has been taken by the government or any one representing the government?

Hon. Sir RICHARD CARTWRIGHT—I entirely agree with the sentiment expressed by my hon. friend. I have long felt that the carelessness of the railroads in this matter, regarding accidents which have occurred at railway crossings, should receive the attention of parliament. These accidents at railway crossings have been a disgrace to the railways and to parliament and the government. I have myself over and over again personally called the attention of the Railway Commission, and prior to that the attention of the officers connected with the Railways and Canals, to the scandalous state in which many of these crossings were in localities with which I was intimately acquainted, and deeply as I regret the loss of life which has occurred recently at several places, I believe that on the whole it will result in great good by stirring up parliament and the government to take vigorous action in the way of preventing these accidents in future. My hon. colleague, the Minister of Railways, has this matter in hand at this moment, and I trust I shall speedily be in a position to inform the House that proper measures have been taken to prevent the recurrence of these unhappy disasters.

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

THE SENATE.

OTTAWA, Friday, January 29, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WATER CARRIAGE OF GOODS BILL.

SECOND READING.

Hon. Mr. CAMPBELL moved the second reading of Bill (A) An Act relating to the Water Carriage of Goods. He said: This is precisely the same Bill as was passed last year by the Senate. Hon. gentlemen will recollect that a very thorough inquiry was made in reference to this measure. The parties interested, both for and against, were allowed an opportunity to present their views before the Committee on Banking and Commerce, and the result was that in the end an agreement was reached. The shipping interests were satisfied with the Bill as it was amended, and it passed the Senate unanimously, but it was so late in the session that when it went to the House of Commons the time for discussing public Bills had elapsed, and consequently there was no opportunity of passing the Bill. The government, I may say, were anxious to have the Bill passed, and did call the order in the latter part of the session, but some members objected that it was such an important measure there was not sufficient time to consider it in the closing days of the session, and, therefore, it was left over till this year.

Hon. Mr. LANDRY—I do not think it was distributed.

Hon. Mr. CAMPBELL—I have a copy of it. Of course if any hon. gentleman objects it can stand over, I suppose, but I would like to get it through as soon as possible so that it can go to the House of Commons.

Hon. Mr. LANDRY—There will be no delay at all, because it must be referred to a committee, and the committee cannot sit before the 25th. I think the government will have ample time to have the Bill printed during the recess.

Hon. Sir RICHARD CARTWRIGHT.

Hon. Mr. CAMPBELL—Public Bills need not necessarily be referred to a Standing Committee. They go to Committee of the Whole.

Hon. Mr. LANDRY—But it must go to a Committee of the Whole also.

Hon. Mr. CAMPBELL—Last year it was referred to a committee on account of the opposition to the measure, and the desire of some parties to be heard.

Hon. Mr. LANDRY—I think we are not in a position to pass it to-day because it must be referred to a Committee of the Whole.

The order of the day was discharged and placed on the orders of the day for the 25th of February.

GOVERNMENT ANNUITIES ACT AMENDMENT BILL.

SECOND READING POSTPONED.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (B) An Act to amend the Government Annuities Act, 1908. He said: There is no question of principle involved in this. Its object is to make one or two amendments which have been suggested by the Department of Justice to make a little more clear the obvious intention of the measure, and to enable, under certain conditions stated therein, a man who has acquired an annuity to make a certain division with his wife in conformity with the rules and regulations laid down, a proposition to which I am sure the House will not oppose any objection. The discussion of the Bill can be postponed until it is referred to committee. If any hon. gentleman wants to discuss it now, I would prefer to let the second reading stand. I propose just to take a stage for the Bill now and after we return it can be discussed fully in committee.

Hon. Mr. LANDRY—Since the hon. gentleman is in no hurry, I should like to have the second reading postponed until we can have a French copy of the Bill.

The order was discharged and the Bill was fixed for the second reading on the 25th February next.

APPOINTMENT OF SENATE EMPLOYEES.

MOTION.

Hon. Mr. WATSON moved the adoption of the memo. from the Speaker of the Senate recommending the appointment of two pages.

Hon. Mr. LANDRY—I should like to call the attention of the Senate to section 8 of the Civil Service Act which reads as follows:

8. As soon as practicable after the coming into force of the Act, the head of each department shall cause the organization of the department to be determined and defined by order in council, due regard being had to the status of each officer or clerk as the case may be.
2. The order in council shall give the names of the several branches, with the number and character of the offices, clerkships and other positions in each, and the duties, titles and salaries thereafter to pertain thereto.
3. After being so determined and defined, the organization of a department shall not be changed except by order in council.
4. Copies of such orders in council shall be sent to the Commission.

This section falls under the provisions of section 45, which substitute for the Governor in Council, the Senate. Has anything been done, in accordance with section 8 of the Act, before we proceed any further with the appointment or promotion of any employee in this department, because this must be called a department? We do not know what action the Civil Service Commission may take upon this matter, because the commission is called upon to superintend the working of this Act. Besides the action we take ourselves the commission has something to do, and might perhaps say to us, the first thing you have to do is to put yourself in accord with section 8 of the Civil Service Act. Perhaps the ex-Speaker might tell us if anything has been done by him, because he was, from the time the new Act came into force up to the choice of a new Speaker, the head of a department.

Hon. Mr. DANDURAND—As I knew that the powers of the Speaker would end at the opening of the new session, I felt it my duty to leave to my successor the obligation of conforming to this Act and preparing these memoranda for the Senate. I understand from the Speaker that he is now preparing the classification, which will be ready when we next meet.

The SPEAKER—These two appointments are vacancies which occurred before the opening of the House.

Hon. Mr. LANDRY—I am not attacking these nominations. My whole object is to see that we proceed regularly. Because if we make the nominations before doing what I think is obligatory under the law, I do not know what stand the Civil Service Commission may take. I am suggesting a measure of prudence. I have stated all I have to say, and the Senate can do as it pleases.

The SPEAKER—I was about to add that the commission have signified that they consider that they have nothing to do with appointments of this character and will not interfere with them.

Hon. Mr. POWER—Looking at section 18 of the Act, it strikes me that there is some question as to the correctness of the view as expressed by the commission. Section 18 provides as follows:

18. From the said list the Commission, on the application of the deputy head, with the approval of the head, of any department, shall supply the required clerks, whether for permanent or temporary duty.
2. The selections shall be, so far as practicable, in the order of the names on the list, but the Commission may select any person who in his examination shows special qualifications for any particular subject.
3. The Commission shall forthwith notify the Treasury Board and the Auditor General of the name and position in the service of each clerk supplied to any department, and also of the rejection of any such clerk during his probationary term.
4. Assignment for temporary duty shall not prejudice the right to assignment for permanent duty.
5. No clerk supplied for temporary duty shall be so employed for more than six months in any year.

The SPEAKER—That is as to clerks. This is as to messengers.

Hon. Mr. POWER—This is with respect to the next one—

Hon. Mr. BELCOURT—I should like to draw the attention of the House to what seems to me to be hardly consistent with the importance of the Senate and with its dignity, that the Order Paper should be loaded down with three orders of the very small importance of the last three items on the order paper. Order No. 3 reads as follows:

Consideration of the Memorandum from the Speaker of the Senate recommending the appointment of two pages.—(Hon. Mr. Watson.)

Order No. 4 is:

Consideration of the Memorandum from the Speaker of the Senate recommending the appointment of a sessional clerk in the Law Clerk's office.—(Hon. Mr. Watson.)

Then we have order No. 5 which reads:

Consideration of the Memorandum from the Speaker of the Senate recommending the appointment of a sessional messenger.—(Hon. Mr. Watson.)

That this high and important body should be expected to deliver itself solemnly and separately on three very small matters of this kind seems to me hardly to be consistent with the dignity and importance of the Senate. I hope some means will be found by which these matters of detail shall be left in the hands of the Speaker. I think the appointment of pages, messengers and sessional clerks, and all minor employees of that kind, should not be made the subject of debate in this House. Under section 45 we might very well adopt a general resolution which would enable the Speaker to deal finally with these matters. If that section were carried out literally, I suppose every time a page was appointed a resolution of this House would be required to sanction the appointment. What would seem to be more consonant with the dignity of this House would be the adoption of a general resolution which would place in the hands of our Speaker the appointment of these minor officials. I could quite understand when we are dealing with the higher positions, such as the clerk and the assistant clerk, the House might be very reluctant to debar itself of the power of consultation, but when it comes to messengers and packers one would think it would be very much more consonant with the dignity of the Senate that it should be left to the Speaker. I cannot make a motion now, but as one of the younger members I may be permitted to make the suggestion so that it may be dealt with at a future time.

Hon. Mr. LANDRY—Could we by a simple resolution override the law?

Hon. Mr. BELCOURT—If my hon. friend will follow closely he will see that it can be dealt with by a general resolution. Section 45 reads:

Wherever under sections 5, 8, 10, and other sections mentioned there, any action is authorized or directed to be taken by the Governor in Council or order in council, such action with respect to the officers, clerks or employees of the House of Commons or the Senate shall be taken by the House of Commons or the Senate as the case may be, by resolution.

If we can deal with that individually, why cannot we deal with it collectively, and pass a general resolution authorizing the Speaker to deal with these matters as they occur?

Hon. Mr. LANDRY—The memo. instead of being for one case would be for three cases.

Hon. Mr. BELCOURT—Yes, we would deal with them collectively.

Hon. Mr. LANDRY—That would be more dignified.

The SPEAKER—The difficulty is that these appointments were made at different times. The copy of the letter sent by Wm. Foran, secretary of the Civil Service Commission, to the clerk of the Senate reads as follows:

January 18, 1909.

Sir,—I am in receipt of your letter of this date, requesting the issue of certificates of qualification in favour of Clifford Russell and

Coleman Gillespie, whom it is proposed to appoint as pages in the Senate, under section 22 of the Civil Service Amendment Act, 1908. In reply, I beg to say that in the opinion of the Commissioners the employment of sessional help either as clerks or in subordinate positions does not come under the operation of the Act in question, and that no reference to the Commission is, therefore, necessary in the matter of such appointments.

I may add that this view is concurred in by the Deputy Minister of Justice.

I have the honour to be, Sir,
Your obedient servant,
WM. FORAN,
Secretary.

So that it would be quite open to have such a resolution dealing with it in the manner suggested at a later date. In the meantime I will submit the present motion to the House.

The motion was agreed to.

THE RESTAURANT COMMITTEE.

Hon. Mr. YOUNG—I move that the second and final report of the Joint Committee on the Restaurant be adopted, and that the following hon. gentlemen be appointed as the committee: His Honour the Speaker, Hon. Messrs. Campbell, Watson, Lougheed and Landry.

Hon. Mr. POWER—Before the motion is put to the House, I should like to know whether all the hon. gentlemen whose names have been mentioned as members of the committee take their meals at the restaurant, because that is an important matter.

Hon. Mr. YOUNG—I am not clear on that; if the hon. gentleman will allow his question to stand.

Hon. Mr. WATSON—This committee was appointed for the purpose of acting as a joint committee with the committee of the other House, and they should, as soon as possible, be in a position to do business, and for that reason it is desirable that the motion should be carried now. I think all the hon. gentlemen named, up to the present, take their meals at the restaurant.

Hon. Mr. POIRIER—Or somewhere else.

Hon. Mr. WATSON—Or somewhere else.

The motion was agreed to.

The Senate adjourned till Thursday, February 25, at three o'clock.

THE SENATE.

OTTAWA, Thursday, February 25, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (No. 6) An Act to amend the Railway Act.—(Hon. Mr. Ellis).

Bill (No. 8) An Act to amend the Dominion Lands Act.—(Hon. Sir Richard Cartwright).

Bill (No. 9) An Act respecting the Brandon Transfer Railway Company.—(Hon. Mr. Young).

Bill (No. 10) An Act respecting the Brazilian Electro Steel and Smelting Company, Limited.—(Hon. Mr. Kirchhoffer.)

Bill (No. 11) An Act to incorporate the Canada Western Railway Company.—(Hon. Mr. Watson).

Bill (No. 12) An Act respecting the Collingwood Southern Railway Company.—(Hon. Mr. McMullen).

Bill (No. 13) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Mr. Gibson).

Bill (No. 14) An Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Ratz).

Bill (No. 15) An Act respecting the Mexican Land and Irrigation Company, Limited.—(Hon. Mr. Kirchhoffer).

Bill (No. 18) An Act to amend the Animal Contagious Diseases Act.—(Hon. Sir Richard Cartwright).

Bill (No. 19) An Act to amend the Post Office Act.—(Hon. Sir Richard Cartwright)

Bill (No. 20) An Act to amend the Government Railways Act.—(Hon. Sir Richard Cartwright).

Bill (No. 21) An Act to amend the Railway Act.—(Hon. Sir Richard Cartwright).

Bill (No. 24) An Act respecting the Edmonton and Slave Lake Railway Company.

Bill (No. 26) An Act respecting the Kootenay Central Railway Company.—(Hon. Mr. Perley).

RAILWAY STATISTICS.

MOTION.

Hon. Mr. FERGUSON moved:

That an humble Address be presented to His Excellency the Governor General; praying that His Excellency may be pleased to lay before the Senate copies of all requests to the Board of Railway Commissioners by the Minister of Railways, under Section 28 of the Railway Act, and also copies of all Orders in Council made within the last twelve months respecting level crossings by railways over public highways, the dates of making such requests or Orders in Council to be given.

He said: I wish to call the attention of the right hon. gentleman who leads this House to the fact that the Senate has not yet been put in possession of either the Railway Statistical Report or the report of the Railway Commissioners. In one case, that is with reference to the statistics, the law provides that they shall be laid before both Houses of parliament within twenty-one days after the opening of the session, and, in the other case, that the report shall be submitted within fifteen days after the opening of parliament. On the 28th of January I made an inquiry as to when we might expect to get the report of the Board of Railway Commissioners, and the right hon. gentleman was good enough to say that he would look into the matter. The day following, the report, in manuscript, was submitted to the House of Commons, but it has not yet been submitted to the Senate. In this matter two things appear; first, a great laxity on the part of these boards in the performance of their duty under the law, and, second, a slight thrown, whether wantonly or not, at this House in not treating it in the same manner as the House of Commons has been treated with reference to the report of the Board of Railway Commissioners. While this slight has been cast on the Senate and while this laxity in the performance of duty is evident, the Board of Railway Commissioners have apparently been supplying information to the press, perhaps through the minister, and furnishing very important statements and statistics to the public. It seems to me this information should come in the legal and proper manner through the representatives of the people in both Houses of parliament, according to the law, instead of being dealt out, ex-parte as it were, to the press as in the present instance.

Hon. Sir RICHARD CARTWRIGHT—I shall call attention to the matter forthwith. I think the report has not been printed.

Hon. Mr. FERGUSON—I am speaking of two reports, the report of the Railway Commissioners, which was submitted in manuscript to the House of Commons on the 29th of January, but has not yet been submitted to the Senate in any form, while the law requires that it shall be presented to both Houses within fifteen days after the opening of parliament.

Hon. Sir RICHARD CARTWRIGHT—We adjourned, I think, on the 29th.

Hon. Mr. FERGUSON—And there is the volume of railway statistics which, under the Act, should be laid before both Houses of parliament within twenty-one days after the opening of the session, but which has not been presented to this House and had not up to to-day been presented to the House of Commons.

Hon. Sir RICHARD CARTWRIGHT—That, of course, would be from the Department of Railways.

Hon. Mr. POWER—I have no desire to interfere——

The SPEAKER—I do not know whether the hon. gentleman has considered that perhaps this motion is unnecessary and possibly out of order. An address to His Excellency is not required now that the Railway Commission are under the direct control of parliament. Formerly, when it was the Railway Committee of the Privy Council I suppose an address would be required, but the Railway Board are now the ministers of parliament under the Act of Parliament, and a simple order of the House is all that would be required without having an address to His Excellency. I suppose it can be done either way.

Hon. Mr. FERGUSON—I think my hon. friend the Speaker, if he looks into the mat-

ter carefully, will come to the conclusion that the motion is perfectly right. It is quite within the compentency of parliament to invoke the power of the Governor General at all times on all questions. We have sometimes taken another course and moved that an order of the House should issue, but I purposely adopted the course I have taken because I found we had very great difficulty last year in getting returns from the Board of Commissioners. They gave my hon. friend the then leader of the House a good deal of trouble, and intimated that they did not think it was their duty to attend to such matters as furnishing returns to the House—something to that effect—and therefore I have adopted the course which I think is open always to members of parliament, to make a motion that an address be moved to the Governor General in order to get any information required in regard to governmental affairs. My motion is a double one. It not only calls for some information from the Railway Board, but it also asks for certain orders in council, if any such have been passed.

Hon. Mr. POWER—I should like to ask my hon. friend from Marshfield if, in the interests of parliament and business, he would not agree to a slight alteration in the wording of his resolution. It will be noticed that the hon. gentleman asks for copies of all requests to the Board of Railway Commissioners and also copies of all orders in council made within the last twelve months. Now, there have been many applications to the Privy Council and there have been many orders in council, and I think if the hon. gentleman would content himself by asking for abstracts or summaries of the requests and the orders in council he would save a good deal of unnecessary clerical labour on the part of the officers of the Railway Commissioners and would attain the end he wishes to attain just as well. You see at the close of this resolution it is set forth that the dates of making such requests or orders in council shall be given. That will remain, but if the hon. gentleman will just substitute extracts or summaries for the word 'copies,' he would save a good deal of unnecessary work.

Hon. Mr. FERGUSON—If my hon. friend represented the government in the remarks which he made I would consider there was some force in them, because then there would be information behind the statement that it involved a great deal of work; but I am informed, and I think on what is very good authority, that there will not be more than one or two documents of either kind in existence to be brought down, and perhaps no orders in council at all. I am quite sure it is not a voluminous return.

Hon. Mr. CLORAN—It might be pointed out that it will involve much more labour to condense, analyse and make a summary of these requests than to copy them. Better have the full document rather than an abstract.

Hon. Sir RICHARD CARTWRIGHT—I may say before this motion is put that I have notified the Railway Commission to furnish the information the hon. gentleman asks for.

The motion was agreed to.

BILL INTRODUCED.

Bill (C) An Act to amend the Railway Act.—(Hon. Mr. McMullen).

SECOND READING.

Bill (A) An Act relating to the Water Carriage of Goods.—(Hon. Mr. Campbell).

ANNUITIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (B) An Act to amend the Government Annuities Act.

He said: This Bill is intended to amend in two or three small particulars the Annuities Act which was passed last session. I will just briefly explain the purpose of these amendments and we can discuss them more fully, if hon. gentlemen wish, in committee. In the first place, the House may possibly remember that the Annuities Act as it stands limits the total amount which can be paid to a husband or wife or any other parties to a matter of $600. Now, we propose in the working of this Act to allow

preferred annuities to be purchased at a very early age, and it has been represented to me—and I think correctly—take the case of a man who chooses to purchase an annuity for a child at the age of ten or fifteen years, as the case may be, not coming into force until the age of 55, and take the case of this child marrying a person who has in the ordinary course contracted for or purchased an annuity; it is considered that it would be a very unfair thing to prevent the two parties from receiving the annuities which they had respectively purchased. I propose in the case of husband and wife, where this has been done before marriage, to allow each party to have the annuity up to the extent of $600. That is the first alteration I suggest. The next alteration would be that where a married man has acquired the possession of an annuity that he be allowed under the restrictions herein contained to divide this with his wife if he sees fit. No possible inconvenience to the state, no possible risk of loss can possibly arise if the division is made having due regard to the differences of age between the parties. Such a man, under the Act, would have a certain sum at his disposal, and all that is done here is to allow this sum, whatever it may be, to be divided between the husband and wife, the husband retaining not less than one-half and giving as much of the rest as he pleases to his wife.

Hon. Mr. LOUGHEED—In the event of the wife predeceasing the husband, what then would be the position of the annuity? Would it revert to the original annuitant?

Hon. Sir RICHARD CARTWRIGHT—No, if the husband chooses to divide it, the wife becomes the absolute possessor of the annuity just as if she had purchased it in the first instance. If she dies first it would lapse. That would be necessary, more particularly as the chances are that the lady would be a good deal younger than her husband, and would, therefore, be in possession of the divided annuity for a considerably longer time. That would all have to be done, of course, according to a scale. If a man had, say $3,000, to his credit, and he divided it, he would receive an annuity in proportion to his age. If his wife were several years younger, she would receive such an annuity as half the amount would purchase. The fourth subclause merely emphasises the fact that the annuity cannot be transferred. The last subsection is to the effect that if any parties choose to contract themselves out of the agreement, the money paid may be returned to them, and the reason is this: Several parties have applied to us who have no dependents upon them, and who do not want, therefore, to make any provision for such dependents in the case of their death. In these classes, which are known as class (B) as contradistinguished from the original classes, if they choose to enter into such an agreement they can get a much larger annuity than they would where it is provided that in case of their death prior to attaining the age of 60 or 65, as the case may be, the money is to be paid to their heirs with compound interest. If a man chooses to purchase an annuity and take the risk of surviving to the age at which he would otherwise receive it on condition of receiving a larger annuity, we allow him to do so. These are the several clauses in the Act which we propose to amend. Any further explanations I shall be glad to give in committee.

Hon. Mr. LOUGHEED—To what extent have the public availed themselves of the provisions of the Act?

Hon. Sir RICHARD CARTWRIGHT—Thanks to the Printing Bureau, I have been barely able in the last few weeks to get possession of the necessary documents to place them in the hands of the public The success has been of a gratifying character. The Superintendent of Annuities tells me that he is in receipt of hundreds of letters every day inquiring about the details of the scheme, and he has certainly received not less than $25,000 and expects to receive very much more as the Act becomes better understood by the parties to whom it is intended to benefit. We have some lecturers at work, one in particular, a gentleman well known to many members of this House, Dr. Sampson, and he reports to us that very great interest, wherever he has been able to address any audience, has been taken in the whole question, and that he finds that the public in his part of the work are bestirring themselves oc-

tively in the matter of obtaining the requisite information. Of course it is too soon yet to say how far or to what extent the Act will be taken advantage of, but I am in hopes, as the scheme becomes known, that the advantages of it will appeal largely to the public in general, and it may interest my hon. friends to know that several rather eulogistic comments on it have been forwarded to me from the United States press, in many of which they earnestly exhort the respective governments of the various states to follow our example and introduce similar legislation. Of course, as I said, it will take some time before we can get the thing properly before the public, but I think parliament has no occasion to repent of the experiment they have introduced.

Hon. Mr. FERGUSON—I am not at all surprised that a great many inquiries have been received by the department with reference to this law, for the subject is certainly one on which the public mind, not merely in Canada, but all over the world, is being forcibly directed at the present time, and as affording an instalment at least of legislation on a very important subject. I really wish that before we had dealt with this Bill—not because the Bill itself contains any controversial matter, but because it affords an opportunity of discussing the progress that has been made—it had been possible to furnish information in detail to the House with regard to the rules and regulations that may have been passed regarding it, and also that we should have information as to the staff that has been appointed to carry this measure into operation. I am aware that the right hon. gentleman has taken charge of it in his own department, which is very well, as he has been the originator of the legislation, and while he presides over the department it is desirable that he should lend it his fostering care in its initiatory stages; but I had some little doubt as to whether my hon. friend would be equipped with properly skilled officials to operate a very technical Act such as this is. There is no doubt if the Insurance Department had charge of it they have men who are very competent to handle a subject of this kind. My right hon. friend may, however, have got actuarial assistance of a superior kind, and have the Act operating under such guidance. There is only one point to which I wish to refer, and it is perhaps one better suited for discussion in committee than at this stage; that is with reference to the division of the annuity between man and wife. I should almost think—although I may be entirely wrong—that the division is rather arbitrary against the woman, especially if the division is made at a somewhat advanced stage of life. We know the probabilities of life are decidedly in favour of the female after 50 or 55 years of age, while in another stage of life it is in favour of the male. The question is whether this division should not be made on the tables of the probabilities of life?

Hon. Sir RICHARD CARTWRIGHT—It will be.

Hon. Mr. FERGUSON—At one time in the life of the pair the woman would have a right to accept less than one-half, but there might be another time when she should have considerably more than one-half, if a division was made. I think it should be made so as to enable a couple to have the annuity taken, first in the name of one and divided as between the two. If the annuity is paid only to the man and he dies it would all drop, whereas in the case of a division with his wife, if he dies it is continued for the wife as long as she lives.

Hon. Sir RICHARD CARTWRIGHT—I would have great pleasure if I could do so in laying on the table of the House copies of the various tables of annuities authorized by order in council. I shall endeavour to get them before this Bill comes up for the next reading. I may inform the hon. gentleman further that these tables have been carefully prepared by actuaries of the Insurance Department and it necessarily delayed us a little, but it was proper that it should be done. They were employed for several weeks in carefully working out the various somewhat intricate details under which annuities could be granted at various ages and in various conditions. My hon. friend will find that these have been carefully looked into and very fully pre-

pared, and I shall have several copies of them laid on the table of the House before the Bill is taken up in committee.

Hon. Mr. LOUGHEED—Can my right hon. friend say on what principle the division between husband and wife is based? I observe it can be made three months before the annuity becomes payable. Let us assume that the husband has reached almost the allotted span of life, and the wife is a young woman; what will be the position of the government with reference to the payment of that half annuity to the wife?

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will remember that we grant no annuities until the age of 55 has been attained, except in certain cases of disability. The position would be somewhat this: We will suppose a man has $3,000 to his credit, and that he has purchased an annuity of say four or five hundred dollars. One-half of that sum or more he would retain if he chooses, because it is his own property to do what he pleases with; one-half he would apply to purchasing an annuity for his wife, under the rules and regulations which apply to granting annuities to females. If the lady was 55 and he 65, she would get whatever annuity she would be entitled to if she had put down $1,500 to purchase an annuity at that age, and so on.

Hon. Mr. LOUGHEED—What I cannot appreciate about it is this: The husband may have been paying for some years, but in three months before the annuity becomes payable he makes a division.

Hon. Sir RICHARD CARTWRIGHT—The annuities are all made quarterly.

Hon. Mr. LOUGHEED—I mean before the lapse of time.

Hon. Sir RICHARD CARTWRIGHT—When he becomes seized of his annuity he can divide it.

Hon. Mr. LOUGHEED—Before he is entitled to his first payment he makes a division with his wife, who may be much younger than he is. The tables on which that annuity would first be taken out would be based on his age, not contemplating the division.

Hon. Sir RICHARD CARTWRIGHT—But when he makes the division the tables come into play. If my hon. friend will look at the Act he will see that that is guarded. The provisions of this Act and the regulations are complied with in all material respects. Supposing a man had an annuity of $500 a year, and he was of the age of 65, it would be utterly impossible to give the wife at 55 an annuity of half that amount. She would get whatever annuity one-half of the money at his disposal would purchase.

Hon. Mr. FERGUSON—That point appears to be reasonably clear. The division between the man and his wife will be based on the principle of probabilities of life to some extent, I suppose?

Hon. Sir RICHARD CARTWRIGHT—Necessarily.

Hon. Mr. FERGUSON—That is where I think the provision that the wife should receive one-half requires more consideration. Supposing a man and his wife are of the same or nearly of the same age, the annuity is bought first on the life of the man and is payable, say, at the age of 65. At 64 years of age a proposition is made to divide the annuity with his wife. We all know that at that age the probabilities of life are largely in favour of the woman, and that a much smaller amount of money would buy a certain annuity for her than for her husband, while the whole thing has been based on the probabilities of the life of the man. Therefore, it should seem to me this restriction to one-half should not be there at all, because it would allow a larger proportion to be paid to the woman. The government would be gaining by it if they divided it, and did not give the wife what she would be entitled to receive under expectation of life.

Hon. Sir RICHARD CARTWRIGHT—We give her all she is entitled to. There would be no attempt to gain one farthing for the government. Take the case of a lady who is a good deal younger than her husband; it may not be expedient to allow the husband to divest himself entirely, at the instance of his wife, of the annuity which he has purchased. I think they might fairly go into a co-partnership there. I do not

think that any practical trouble will arise, but no advantage whatever will be taken of the female in such a case; she will get whatever annuity she would be able to purchase with one-half the amount at the man's credit. My hon. friend will notice that the whole principle of these annuities is that up to a certain point they accumulate to whatever sum is requisite to purchase the annuity. There is a certain amount at the man's credit, and when he attains the age at which he chooses to take his annuity, he is entitled to divide the amount at his credit equally between himself and his wife. That is all we propose to do, but it is left with him to decide, up to the amount of 50 per cent, what he will give his wife.

Hon. Mr. POWER—I am very glad to hear from the right hon. minister that the regulations made under this Act of last session have at length been printed. Speaking for the province from which I come, I may say that there was a great deal of interest taken in this system of annuities there, but there was no way of getting information with respect to the working of the Act. Not only were the regulations not made public, but, as a matter of fact, the Acts of last session have only been distributed since the beginning of this session. Now, I am glad to have the chance of saying that I have always approved very strongly of the measure which the hon. gentleman has introduced, and I am pleased to know that the delay has not been through any fault of his or of parliament. My hon. friend to my right, the hon. gentleman from Ottawa, has apparently the feeling that this Senate is not properly discharging its functions and is not satisfying the public. Now, in my opinion, the Printing Bureau, which was so long under my hon. friend's control has given us much more reason to be dissatisfied and given the public more reason to be dissatisfied than has the Senate, and if there is a question of abolition or reconstruction, I should suggest to my hon. friend that he should devote a little of his leisure time to devising a plan either for getting rid of the Bureau altogether or for improving its working. The operation of the Printing Bureau costs a great deal. The prices that are charged for services are exorbitant in the extreme. For instance, for binding our debates, I understand, a work which would be liberally paid for at $1, they charge $2.25, and this is, of course, with the object of showing that the institution is paying its way. I think we got our work done much more promptly and more cheaply under the old system of contracts. The introduction of the present system took place, I think, in 1883, and we have had a reasonable experience with it now, and its reform really rests on the government. I have no doubt my hon. friend to my right will be glad to give them assistance. He ought to understand the Printing Bureau pretty well. He will be glad to lend his help to any scheme which may improve the present condition of the public printing.

Hon. Mr. SCOTT—I am sorry my hon. friend has not personally inquired into the working of the Printing Bureau. Those who have inquired have come to the conclusion that it is ahead of anything on the continent. There is nothing in England or the United States which will at all compare with it. The reports of the proceedings in Congress are not furnished for a week after the speeches are delivered. In London, except the small fragments which are published in the daily papers, the speeches made in parliament are not distributed for four or five days afterwards. It is idle to discuss the question of cost, and I do not think hon. gentlemen expect me to discuss it. There is no money made in the Printing Bureau, such as was made by the contractors. We know very well that when the public printing was given out to contractors very large sums of money were made. There is just this difficulty about the institution: It was erected and originally equipped for about one-fifth or one-sixth of the work that is now being performed there, and as a consequence a very large amount of work has to be given out in Montreal, Ottawa and Toronto. Few gentlemen, except those who have made inquiry into the matter, have any conception of it. I challenge anybody to say that a more carefully managed institution than that exists in Canada to-day. There are always complaints of delay, because the work is so far in excess of the capacity of the building and machinery that it is im-

possible to keep pace with it. In reference to the binding, I presume the charge of $2.25 per volume refers to a special class of binding. That is a superior class——

Hon. Mr. POWER—No, the binding of our own debates.

Hon. Mr. SCOTT—The statutes are delivered in Ontario for, I think, $1.25 a volume. It is the first time I have ever heard of any extravagant charge for binding. There is no money for the institution. It is all for the Crown. There is no profit outside of that.

Hon. Mr. FERGUSON—May I be permitted to make a suggestion to my hon. friend which he can consider up to the time we go into committee? In looking over the Bill with some friends who took a lively interest in the legislation, it was noticed that only residents of Canada can take advantage of the Act. My hon. friend might consider the suggestion whether Canadian born British subjects, though temporarily resident in Newfoundland or Great Britain, the United States or the West Indies, might take advantage of it, as well as those who were residing in Canada at the time. There is not what you may call a straight gratuity to anybody in the Bill. It is pretty much 'You pay for what you get,' and I think we might go a little further and extend it to natives of Canada, although they might temporarily be residing at the time they make their application in the United States, Newfoundland or West Indies.

Hon. Sir RICHARD CARTWRIGHT—I will take it into consideration, but my hon. friend will notice that we make no profits out of this. We tax the people of Canada to some small extent, a very small extent, for the maintenance of our staff and the diffusion of information about it, and, moreover, that the allowance of four per cent is a pretty liberal allowance. It is rather better, I think, than the average insurance company would give.

Hon. Mr. FERGUSON—Not very liberal now.

Hon. Sir RICHARD CARTWRIGHT—We do not expect money will always be as tight as it is just now—at least I hope not for the sake of the country. Four per cent, I think, is not too much to pay in Canada for some time to come, but it is a liberal allowance all the same. However, I will mention that matter to my colleagues and advise my hon. friend.

Hon. Mr. POWER—The confining of the benefit of this system to Canada is, I think, a right and proper thing if for no other reason than that it affords an inducement to outsiders to come into Canada.

Hon. Mr. FERGUSON—I would only go as far as Canadians, natives of Canada temporarily residing elsewhere.

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

The Senate adjourned till three p.m. tomorrow.

THE SENATE.

Ottawa, Friday, February 26, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RAILWAY STATISTICS.

Hon. Sir RICHARD CARTWRIGHT laid on the table of the House the report of the Railway Statistics. He said: If the House will permit me I take the opportunity of mentioning that I have required the Department of Railway and Canals to permit a copy of the report of the Board of Railway Commissioners to be laid on the table of this House. They state that the Act only requires the report to be laid on the table of the House of Commons; but I am not sure of that. My hon. friend opposite thinks that is an error on their part.

Hon. Mr. FERGUSON—That was a provision of the original Railway Act, but we amended it in this House last year, requiring that the report should be laid before the Senate as well as the House of Commons, and I presume that Mr. Payne has been consulting the unamended Act

Hon. Sir RICHARD CARTWRIGHT—I presume so. I shall see that it is attended to. I intended to lay the report on the table whether it was required or not.

BILLS INTRODUCED.

Bill (D) An Act to incorporate the British Colonial Fire Insurance Company.—(Hon. Mr. Choquette).

Bill (E) An Act to incoporate the Dominion Burglary and Plate Glass Insurance Company.—(Hon. Mr. Ross, Middlesex).

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

THE SENATE.

OTTAWA, TUESDAY, March 2, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INTERCOLONIAL RAILWAY EMPLOYEES IN MONTREAL.

INQUIRY.

Hon. Mr. TESSIER, in the absence of Hon. Mr. Choquette, inquired:

1. What was the number of employees in the office of the Intercolonial Railway in Montreal, July 1, 1908?
2. Their names and salaries?
3. What is the number of employees at present?
4. Their names and salaries?

Hon. Sir RICHARD CARTWRIGHT.—On the first of July, 1908, there were twenty employees. Their names and salaries are as follows:

Assistant General Freight Agent's Office.

W. H. Olive	$166 66
R. E. Perry	150 00
A. R. Evans	110 00
Miss J. M. McGregor	50 00
P. J. Demers	55 00
S. A. McQuestion	90 00
J. A. Chabot	85 00
T. Ahearn	75 00
G. A. Ambrose	40 00
A. H. Maguire	75 00
Miss A. V. McGregor	40 00
J. J. B. Charbonneau	60 00
Alfred Greene	50 00
T. J. Elliott	20 00

Assistant General Passenger Agent's Office.

H. A. Price	$150 00
J. O'Reilly	70 00
Victor Pelletier	90 00
George Strubbe	93 50
J. Schultz	25 00
O. J. Browning	60 00

The number of employees at present is nineteen, and their names and salaries are as follows:

Assistant General Freight Agent's Office.

W. H. Olive	$166 66
R. E. Perry	150 00
A. R. Evans	110 00
Miss J. M. McGregor	50 00
P. J. Demers	55 00
S. A. McQuestion	90 00
J. A. Chabot	85 00
T. Ahearn	75 00
G. A. Ambrose	40 00
A. H. Maguire	75 00
Miss A. V. McGregor	40 00
J. J. B. Charbonneau	60 00
Alfred Greene	50 00
A. Charest	20 00

Assistant General Passenger Agent's Office.

H. A. Price	$150 00
J. O'Reilly	70 00
George Strubbe	93 50
J. Schultz	25 00
O. H. Browning	60 00

CLASSIFICATION OF SENATE EMPLOYEES.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to inquire if the classification called for by the provisions of the Civil Service Act respecting the Senate, has been laid before the House? By the Civil Service Act the Speaker of the Senate is the head of a department, and he is required to submit to this House a classification of all its employees. Has that been done? If not, when may we expect it to be done?

The SPEAKER—The classification is in course of preparation, and I expect it will be submitted to-morrow.

SECOND READING.

Bill (No. 9) An Act respecting the Brandon Transfer Railway Company.

BRAZILIAN ELECTRO STEEL AND SMELTING COMPANY BILL.

SECOND READING POSTPONED.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (No. 10) An Act re-

specting the Brazilian Electro Steel and Smelting Company.

Hon. Mr. LOUGHEED—Before the motion is put, I am unaware whether my hon. friend could give any explanation of this Bill, and also of Bill (No. 15), but they seem to be very objectionable in their features, and it is a question as to whether the House should commit itself to the principle of the Bill upon the second reading. Hon. gentlemen will observe that there is no information given in the Bill itself as to what the objects of the promoters may be. We purport to give to a company that seemingly has been incorporated under the Companies' Act rather extraordinary powers in a foreign country. The Bill before us purports or proposes to give power to a company that has received letters patent under the Companies Act to carry out certain large undertakings in the Republic of Brazil. There is a similar Bill, No. 7 on the orders, Bill (No. 15), which proposes to carry out similar objects in the Republic of Mexico. Upon the face of the Bill there are no names and nothing to indicate the character or scope of the company. It seems to me that there is a vital principle involved in granting legislation of this kind. First, from a constitutional standpoint, as to whether the parliament of Canada has power under its extra territorial powers to give extraordinary powers to a company of this kind to carry out certain physical works in a foreign country. The Bill now before us proposes to give rights to this company to build railways and other public works in the Republic of Brazil. We graciously and courteously provide that it may be done subject to the laws in force in the Republic of Brazil; but, notwithstanding this, we empower the company to do these works. There is involved in this the further principle as to whether it is sound policy for the parliament of Canada to permit the diversion of funds or of money from within the boundaries of Canada into a foreign country for the purpose of carrying out such works as we greatly need within the Dominion of Canada. We are practically asked to place the imprimatur of the parliament of Canada upon an undertaking to be carried out in a foreign country without our having any information whatever. It seems to me that if Canadian capitalists are desirous of entering upon investements of this kind in a foreign country they should seek their legislation in that country, should take all the risks incident thereto, and should not hold out to the investing public within the Dominion this class of legislation which impliedly says it has been approved of by the parliament of Canada. I think the principle involved in this Bill is objectionable for that reason. While I do not object to the Bill going before the committee, yet I desire to take exception to the principle of the measure on the second reading.

Hon. Mr. SCOTT—I suppose I am the guilty party in this matter. Some four or five years ago, acting in my official capacity as Secretary of State, the first application came from a company in Halifax, of which Mr. Ross was the chief. They had entered upon a certain undertaking in Mexico, the development of electricity by water-power, which was there in abundance. There were railways in Mexico hauled by mules, and the company represented that if a charter were granted by Canada the Mexican government would be very glad to give them authority to act under it. They held in high esteem any Act of the parliament of Canada and any power given to Canadian Companies. It was rather a shock at first, particularly considering the large amount involved. The first company formed had a capital of $17,000,000, Canadian money. The company were eminently successful and enlarged their capital. I think they came to the parliament of Canada for these powers. However, they were so successful that other companies were formed and carried on similar ventures there. I do not think it has in any way damaged the character of Canada. On the contrary, it has tended largely to increase its credit. The foundation of the money, of the capital, came from Canada. The company then issued bonds, which were cashed on the British market, and very large sums of money have been made, and Canada gets the benefit of the interest. They get a very much larger return in that way than they could get if the money were invested in Canada. All the returns come back to

Canada. You might as well prohibit the Canadian banks from establishing branches in Mexico and the West Indies. We know that a number of our banks are doing large business in the central and southern part of the two continents, and I really see no objection to it. Any profits that are made come back to this country. If they make 10 or 15 per cent or whatever it is, we get the benefit of it, and I cannot conceive that the parliament of Canada ought in any way to interfere with that. As a rule, I granted very much larger powers to companies doing business outside of Canada than to those operating in Canada. I usually took an assurance from them that the company's powers would not be exercised within the Dominion. The government of Mexico and the governments of other countries to the south of us were quite willing that those companies should exercise the powers given them. Of course, where they are carrying on their business in Mexico, Brazil or the Argentine Republic, they do it subject to the laws of the country in which they operate, but those countries considered that the law of Canada was amply sufficient and it did not need any addition there, and so there has been practically no interference with the companies chartered in Canada. I can see no possible objection to this parliament granting additional powers, and if the powers are larger than the policy of this country recognizes, insert a clause that they shall only be exercised outside of the Dominion of Canada.

Hon. Mr. LOUGHEED—That is what I object to.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell us of whom the company is composed?

Hon. Mr. SCOTT—I incorporated a dozen companies, perhaps more, with very large capital. They were all capitalists in Canada. Mr. Ross, so largely connected with the coal and steel company, was one of the first to organize a company down in Halifax. A number of others followed their example. They have all been men of high class and large means, who found they could employ their money more profitably outside of Canada.

Hon. Sir MACKENZIE BOWELL—That is not answering the question which I put. The hon. gentleman gave the general view which he took of it, and the fact that a large number of companies had been formed, I asked him if he could inform the House who composed the Brazilian Electro Steel and Smelting Company, to whom we are now giving these powers?

Hon. Mr. SCOTT—Oh, no. I think it quite proper that the committee should be advised regarding that. It is for parliament to ask who are the present incorporators, who are the shareholders of the company.

Hon. Sir MACKENZIE BOWELL—There is no information of that kind in the Bill.

Hon. Mr. SCOTT—No. I suppose not.

Hon Mr. CLORAN—Could not the promoter of the Bill give the information to the House. The Bill stands in the name of the hon. gentleman from Wolseley.

Hon. Mr. PERLEY—No, the hon. Mr. Kirchhoffer.

Hon. Mr. CLORAN—The promoter of the Bill should give the information required.

Hon. Mr. DANDURAND—If this company is organized, and its shares are spread over, there is a list of shareholders, and a board of directors, so that if there is any object in getting at those names they can always be obtained in the committee.

Hon. Mr. CLORAN—It is easy for the promoter of the Bill to give us the information when it is asked for, and the House is entitled to it.

Hon. Mr. LANDRY—If it is so easy to obtain the information, why do we not get it?

Hon. Mr. KIRCHHOFFER—I should be very happy to give the House every information in regard to this, but I am not in a position to do so, because I have not got it myself at the present time. I see no reason why the Bill should not be read the second time, and go to committee, where the parties could furnish the information, and I do not see that I should be prejudiced in the House because I have not the information.

Hon. Mr. LANDRY—That is clear enough.

Hon. Mr. LOUGHEED—The committee would only have authority to deal with the details; they could not deal with the principle. The observations made by the hon. gentleman from Ottawa (Hon. Mr. Scott) do not meet the position which I have taken upon it. The hon. gentleman, in exercising his powers as Secretary of State, granted letters patent to such companies, as he says, for the purpose of permitting Canadian funds to be used in foreign countries to construct public works, and stipulated particularly that those powers should not be exercised in Canada. My hon. friend has referred to the powers given to the banks, but there is nothing analogous between the two. The banks loan on liquid securities in foreign countries, and are able, on call, to realize on those securities in the event of the money being required, but by this Bill the capitalists of Canada are invited to put their good money into foreign countries that are revolutionary in their character, trusting sometimes to get large profits which may come to Canada under abnormal conditions, but which may never materialize. I object to the principle of the Bill; it is not sound policy to encourage this class of legislation. If our capitalists are desirous of investing in foreign countries, let them take the risk of doing so, but the parliament of Canada should not intervene to assist them in doing so.

Hon. Mr. SCOTT—The Bank of Montreal is doing a very large business in Mexico, just the same sort of business it is doing in Ottawa, discounting notes and lending money on securities. It could not recall its capital on twenty-four hours' notice, or possibly on three months' notice. The bank has an excess of funds and is doing a legitimate business.

Hon. Mr. LOUGHEED—The bank is not building railways.

Hon. Mr. SCOTT—They may lend money to the railways on proper security. This country is getting the benefit, because the profits are coming back to Canada.

Hon. Mr. LOUGHEED—What kind of profits?

Hon. Mr. KIRCHHOFFER.

Hon. Mr. SCOTT—Large profits derived from the industrial companies I have described, such as the street railway of the city of Mexico. That stock is a high class security. The company has no difficulty in getting money in England on its bonds.

Hon. Mr. KIRCHHOFFER—There is no reason why this Bill should be forced on the House until we have the fullest information with regard to it. I should prefer to have it stand until Friday next.

The order was discharged and the second reading was fixed for Friday next.

CANADIAN WESTERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 11) an Act to incorporate the Canadian Western Railway Company.

Hon. Mr. LANDRY—Why is there nothing on the orders of the day to indicate whether the Bills are printed in French and English?

Hon. Mr. WILSON—We are asked to sanction this Bill without any explanation whatever from the promoter. That is unfair and unreasonable. No doubt we will be told that the information will be furnished when the Bill is before the Railway Committee, but it must be remembered that we deal with the principle of the Bill at the second reading. We decide whether it should go through parliament or not, and the least the promoter should do is to explain why this legislation is sought. This has not been given. Let us decide once and for all that when anybody moves the second reading of a Bill he should be in a position to explain why it should pass. Let us try if possible to show that we are of some use, that we can criticise at least if we cannot initiate measures. Unless we do that we shall not be regarded as a very useful body. Let us make a commencement now and demand full explanation at the second reading of every Bill that comes before us.

Hon. Mr. POWER—The object of this Bill as set out in clause 7 is as follows:

7. The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches:—

(a) From a point on the International boundary in the province of Alberta, between the east side of range twenty-three and the west side of range twenty-eight west of the fourth principal meridian, to a point on the Crow's Nest Pass line of the Canadian Pacific Railway Company between Cowley and Pincher Creek, thence northwesterly following the valley of the north fork of the Old Man river to a point on the Livingstone range of mountains at or near section thirty-three, in township ten, range three, west of the fifth principal meridian, thence through the pass in the Livingstone mountains at the last named point, and northerly up the valley of the Livingstone river, to a point on High river, at or near township seventeen, in ranges four and five, west of the fifth principal meridian, thence northeasterly by the most practicable route to the city of Calgary.

(b) From a point on the middle branch at or near its junction with the Livingstone river, thence to a point in the Rocky mountains west of Gould's Dome, thence through a pass in the Rocky mountains to the valley of the Elk river, by the most practicable route, thence southerly down the valley of the Elk river to a junction with the Canadian Pacific Railway and the Great Northern Railway, in the Elk valley, at or near the village of Michel.

Hon. Mr. FERGUSON—My hon. friend, I think, is reading from the Bill as it was introduced. The clauses are very different as passed by the House of Commons.

Hon. Mr. POWER—I do not see anything objectionable in chartering the company. The other provisions of the Bill are such as are usually found in railway Bills.

Hon. Mr. WATSON—I do not think we ought to be governed by how it went through the Commons; we should consider it for ourselves.

Hon. Mr. POWER—On the face of the Bill there does not seem to be any reason why it should not pass.

Hon. Mr. FERGUSON—Clause 7 does not disclose the fact that this line intersects the boundary of any province. I am not well enough informed locally to say whether that is so or not. If the proposed railway is all within one province and the Bill contains no declaration that the work is for the general advantage of Canada, we have no right to proceed with it.

Hon. Mr. BOSTOCK—The clause states that the line is to begin at a point in the province of Alberta and pass through the Rocky mountains and terminate at or near the village of Michel, which is in the province of British Columbia.

Hon. Sir MACKENZIE BOWELL—The point which has been raised to-day has been brought up on other occasions. The rule is that we affirm the principle of a Bill on the second reading. If it is to be understood here, as it was in the Commons some years ago, that you are not bound to the principle of a Bill at the second reading, but that you will be at liberty to deal with it in committee or at the third reading, there would not be much force in the objection taken by the hon. senator from St. Thomas; but the rule may be invoked in the committee. If an attempt should be made in committee to make any change in the Bill which would affect the principle, it might be objected to on the ground that the principle was accepted on the second reading. For that reason, the point taken by the hon. senator is important and the Senate should decide whether we are to follow the practice that has been followed for so many sessions of simply reading these Bills and sending them to the committee to be considered in detail. We should affirm some principle by which we shall be guided in the future. This Bill may be all right enough. I have been through the larger portion of the section of country through which it is proposed to build the road, but I am not prepared to pass an opinion as to the actual necessity for the road, nor am I prepared to give an opinion on the principle of the Bill other than the general principle, that railways are advantageous to the countries through which they are constructed. I do not object to the principle of this Bill, so far as I understand it, but there are other Bills, such as the one which has been under discussion this afternoon, in which a very important principle is involved, and I throw out the suggestion as to how far that principle should be invoked in the future. The government should give some opinion on this question. They are the custodians of the proceedings of the House and the responsibility is a very great one. I would strongly impress on the leader of the House the necessity of taking some definite position on this question.

Hon. Sir RICHARD CARTWRIGHT—If there was anything out of the ordinary in connection with this proposed legislation, then, undoubtedly, it would be very well to have a discussion upon it, but it is a mere ordinary railway Bill, as I understand it to be, similar to hundreds we have passed. The better place to discuss the details of it, which are the important parts, is in the Railway Committee. That has been the invariable practice in both Houses and I see no special reason for departing from the practice unless there is some special peculiarity in connection with an individual Bill which calls for the attention of the House on the second reading.

Hon. Mr. WILSON—We do not all happen to be fortunate enough to be members of the Railway Committee; therefore we can take no part in threshing out the details of railway Bills. We can attend the meetings of the Railway Committee, of course, but we are looked upon as individuals who do not understand the nature of the measures under discussion.

Hon. Mr. WATSON—No.

Hon. Mr. WILSON—The promoter of the Bill should be in a position to tell us all about it. I understand that the road is to be built through a pass, and it is a very important question whether that pass will accommodate more than one line. If not, the government should look after that. They should not depend altogether on the Railway Committee examining into the details of this Bill. I do not wonder that we are charged occasionally with neglect of duty, and I, therefore, would suggest that the Bill be allowed to stand over for for a few days until we have an opportunity to look into it more carefully.

Hon. Mr. FERGUSON—I see no reason why this Bill should stand over. It is simple in its character. We have passed such Bills hundreds of times. If the proposed railway is to intersect the boundary of a province it comes within our jurisdiction. This is an entirely different measure from the other Bill which we have had before us to-day.

Hon. Mr. WATSON—The Bill explains itself; its object is to construct a railway. So far as the Railway Committee is concerned, any hon. gentleman has a perfect right to be present at its meetings and discuss the Bills coming before it, though senators who are not members of the committee are not allowed to vote. The promoter of this Bill will appear before the committee and give any explanations that may be called for. I know something of the country through which it is proposed to build the railway. There is no doubt as to the necessity for the road. There are great beds of coal in that section and there will be plenty of wheat from the land to furnish traffic.

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

Hon. Mr. WATSON moved that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. LANDRY—I have already asked a question that has not yet been answered. Why is there nothing on the Orders of the Day to indicate whether the Bills have been printed in French and English?

Hon. Mr. DANDURAND—The source of the error is being looked into.

Hon. Mr. FERGUSON—I think that the explanation is that when the Minutes were printed, the Bills perhaps were not ready.

The motion was agreed to.

COLLINGWOOD SOUTHERN RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. ROSS (Middlesex) (in the absence of Hon. Mr. McMullen) moved the second reading of Bill (No. 12) An Act respecting the Collingwood Southern Railway Company. He said: This is merely a Bill to extend the time for the commencement and completion of the railway mentioned therein. It involves no new principle.

Hon. Mr. WILSON—The hon. gentleman who moved the second reading of this Bill knows the location of the road mentioned. He knows also whether it is a provincial or a Dominion line. I think it has been before this parliament several times. If

we are going to incorporate all provincial roads and give them a federal charter, it is well to understand that at the outset; but if the provinces have the power to deal with local railways, why does this company not go to the legislature at Toronto for the rights, powers and privileges which it requires? At the second reading of the Bill, we should know all about it, and we should be told whether the government of the day regard it as a federal or a provincial work—whether they are encroaching on the rights of the provinces or not. They are responsible for this legislation. We should not be held responsible for the legislation. The government of the day, through their Minister of Justice, should tell us whether this is a federal or a provincial measure, and, when they do that, we may be in a better position to say what we should do in reference to it.

Hon. Mr. DANDURAND—The hon. gentleman has noticed, I suppose, that this Bill is not for the incorporation of a company; it is simply a demand by the company for an extension of time. All the questions that the hon. gentleman thinks should be dealt with now were decided when the Act was passed. It is simply a question of expediency, to ascertain if the company is in a position to claim an extension of time for the building of the railway, and that can only be decided in committee.

Hon. Mr. WILSON—If a wrong was perpetrated when the original Bill was passed at a previous session, is there any reason why we should continue that wrong? I do not think so.

Hon. Mr. GIBSON—I am sure the hon. gentleman from St. Thomas has no desire to obstruct legislation, and has no desire personally to oppose this Bill; but I should like to point out to my hon. friend this condition of things: it is well enough to talk about provincial rights in regard to a great many matters that come before us which can only be treated as provincial affairs, but when it comes to a question of railways I think—and a large number of the hon. members of this House agree with me—that the time has passed when railways should be incorporated by the provincial legislatures at all, for the very reason that we now have a Railway Commission. Their powers are limited to railways chartered by the Dominion parliament, with the result the railways which have only a provincial charter are not obliged to take the freight or to enforce their freight or cars upon railways chartered by this parliament. Any one who has been in the habit of shipping goods from one end of the country to the other knows the difficulties that arise when you have to borrow cars of another railway to go over a provincial road for the carrying of freight. I think Canada is growing big enough and strong enough to enact legislation which would give powers to the Board of Railway Commissioners to compel all the railways to receive and exchange cars and freight over each others roads. As the matter stands to-day, that is the root of the evil, and while that condition of affairs obtains the commissioners are simply helpless with regard to enforcing their orders upon provincial lines. Take the matter of crossings, or anything else that has been deputed by parliament to the Railway Commission, they are absolutely without power over provincial lines, and I contend that the time has arrived when all railways in Canada should be treated on the same principle. We used to admit that all railways that cross a trunk road or that cross a public canal and so on, should be given a Dominion charter. I go fruther and say that any railway which runs along side of a town where there is another railway in existence, should be compelled to interchange cars and freight over each other roads. That is a matter of far more importance than the question raised by the hon. gentleman from St. Thomas. He knows, and every hon. gentleman knows, that we are asked time and again to either take up a Bill for ourselves or for an absent member, where it is quite out of the question that we should have a proper knowledge of the measure. My hon. friend knows, and no one knows better than he, that every railway seeking for legislation is represented before the Railway Committee, and the information which it is not possible for the member to give can be furnished by those representing the company, who have a right to speak for the

company. I am bound to pay my hon. friend the compliment that he is a very regular attendant in the Railway Committee, for which I give him credit, and there is little legislation before this House in which he does not take an interest. Although he cannot vote in the Railway Committee, he has a right to raise his objections against any Bill that may be under consideration in that committee. I agree with him, that where there is anything extraordinary in a Bill, if it is in the power of the promoter to give the explanation to the House, he should do so, because there is a much larger number of members in the House than in the committee, and it may be better in that way. But our Railway Committee is composed of nearly two-thirds of the whole House, and there has never been any objection taken—in fact no objections can be taken— to a member going to the Railway Committee, as far as that is concerned. My hon. friend knows very well that it is not in the power of many members, offhand, to give an explanation of a Bill, they rely upon the explanation being given to the committee by the promoters when it comes before them.

Hon. Mr. WILSON—The hon. gentleman insisted strongly upon the fact that this legislation is absolutely necessary to be passed by this House. Will he tell me whether it is per se a provincial or a Dominion Bill? Does this come under the jurisdiction of the province according to the rights of the province, or does it revert to the Dominion?

Hon. Mr. GIBSON—I have no objection to answer my hon. friend. I think if he would listen to what I say he would be satisfied. I was in favour—and I am proud to think a large number of this House are in favous—of all railway charters emanating from the Dominion parliament, so that our legislation would be effective upon every railway, and all roads should be treated alike. I judge from the nature of the Bill that this railway is wholly within the province of Ontario; but, supposing it is, the other railways cannot be forced to accept the traffic that comes over this line, and the sooner these restrictions are removed from the railways the better. What we want in Canada, and what I am sure does most for the development of the country, is railway enterprise.

Hon. Sir MACKENZIE BOWELL—The opinion expressed by the hon. gentleman, and his whole speech, would necessitate a change of the constitution before we could act on it. We are not here to legislate in accordance with individual opinions as to what the constitution should or should not be. I am fully in accord with the sentiments uttered by my hon. friend, and have been for a great number of years, that all railway companies should be incorporated by the Dominion parliament so as to avoid many difficulties which have occurred in connection with crossings and connections; but we cannot deal with that question here until we change the constitution, and it is utterly useless to discuss it unless it is upon an address to change the constitution as we find it to-day. But the point raised by the hon. gentleman from St. Thomas is a different matter. It has been pointed out by my hon. friend opposite, the first lieutenant, that we are not incorporating a company, we are dealing with an Act already upon the statute-book, which has been passed by the parliament of Canada. The incorporators have failed to carry out the provisions of that Act, and the question before us is to say whether we shall extend the time for the commencement and completion of the road. If we think they have had sufficient time, and that there has been nothing done towards the surveying or the commencement of the work, and that we conclude it is one of those bogus, speculative charters, then it is our duty to reject this Bill. Otherwise, if they give a bona fide proof of their intention and their ability to construct the road, even in the near future, then there can be no objection to giving an extension of the time in order to enable them to do so.

Hon. Mr. WILSON—While I hope I may improve very much by the lecture I have received from my hon. friend from Beamsville in reference to what is right and proper and my duty, I must confess that his line of argument would not be the same if I were considering a matter of any importance, because, forsooth, he says there are a large number of members of this

House who feel that all railways should be incorporated by the Dominion parliament, and, therefore, this Bill ought to become law. I do not look at it in that light. If I, for instance, feel that such is not the case, or if I feel the same as he does, I would have the strength of my convictions and I would come before parliament and contend that so-and-so should be done. I should initiate an agitation in the country to prevent the local legislatures claiming such rights. I would not come here and say that because I and a few others were in favour of a certain company being incorporated by a certain legislative body, that, therefore, those who do not agree with me should be compelled to submit to the opinion I formed. His opinion may be very good, and it may not be very good. His opinion may be very popular. He speaks about the Railway Commission. I want to know what right the Railway Commission would have to interfere with a provincial Bill? Have we not a Provincial Railway Commission in Toronto? They look after their own interests, and we, therefore, have a right to expect that they will do so. Does he want to take from them the authority they have obtained from the local legislature? It appears that he does. He is desirous of sweeping away all the rights and privileges of the provinces and concentrating those rights in the Dominion parliament. No doubt he has a right to make that contention. But so long as provincial rights are in existence, so long as we are subject to the Confederation Act, I am disposed to conserve and respect those rights and to submit to what the legislature have a right to expect us to do here in the Dominion. If we are not prepared to create a stronger feeling adverse to the Senate in the House of Commons we should not try to wrest from the local legislature that which they have a constitutional right to enact.

Hon. Mr. POWER—The hon. gentleman from St. Thomas has told us that he proposes to raise his voice whenever he thinks proper in connection with a railway Bill or any other Bill. I have a great deal of sympathy with the hon. gentleman. I feel however, that in raising his voice on an occasion like the present, it is something like the voice of one crying in the wilderness. I have no objection at all to the hon. gentleman raising his voice in connection with every measure that comes before the House, but as a humble member of this body, I object to the hon. gentleman raising his voice in three separate speeches at one stage of the Bill.

Hon. Mr. ROSS (Middlesex)—This railway was incorporated in 1907. It was declared in the Act of 1907 to be a railway for the general advantage of Canada. Whether that declaration was wise or otherwise is not for me to say, but it has placed it entirely within the jurisdiction of the House, the House having already so declared, so that the question of provincial rights could not be raised very properly at this stage, unless we set aside the action of the House as already confirmed in the year I have mentioned. I agree with my hon. friend that we should hesitate to interfere with provincial rights. His championship of that great principle of our constitution is creditable, but that principle is not raised at all in this case. It is already settled by Act of Parliament that this a work for the general advantage of Canada. The provincial legislature could not incorporate such a Bill; I doubt if it could amend it, and we are merely asked to extend the time; so that the question of provincial rights is not raised.

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

GRAND TRUNK RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. GIBSON moved the second reading of Bill (No. 13) An Act respecting the Grand Trunk Railway Company of Canada.

Hon. Mr. FERGUSON—We should have some explanation of this Bill.

Hon. Mr. GIBSON—The only explanation I can give to the House or to my hon. friend from Prince Edward Island is that I find the Bill was brought over from the House of Commons and placed in my name. Evidently the desire of the company is to issue consolidated debenture stock. The Bill refers to the banking conditions and

the power to issue stock, and the whole matter has to be approved of by the shareholders and the owners of the road. I have no doubt that when the Bill comes before the Railway Committee we shall have the solicitor or Mr. Wainwright or some one representing the Grand Trunk Railway who will be able to give us the information, which I must admit I have not got.

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

HURON AND ONTARIO RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. RATZ moved the second reading of Bill (No. 14) An Act respecting the Huron and Ontario Railway Company.

Hon. Mr. FERGUSON—With regard to this Bill, I think the question comes up as to whether it is within the jurisdiction of this parliament, and it arises in this way: I know we have passed several Bills dealing with this company, and with this particular railway, but last year a return was laid on the table of this House from the Board of Railway Commissioners in which it was declared that this was not a railway which came under the control of the board.

Hon. Mr. LOUGHEED—Did they give the reason?

Hon. Mr. FERGUSON—That it was not declared to be a road for the general advantage of Canada.

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

ANIMAL CONTAGIOUS DISEASES ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 18) An Act to amend the Animal Contagious Diseases Act.

He said: The object of this Bill, which I have received from my hon. friend the Minister of Agriculture, is chiefly to fix a limit for the amount of compensation which is to be paid in the case of the destruction of certain animals. In the case of grade animals, $150 for each horse and $60 for each head of cattle, and $15 for each pig or sheep; and in the case of pure breed animals, $350 for each horse, $150 for each head of cattle and $50 for each pig or sheep.

Hon. Mr. LOUGHEED—Can the hon. gentleman say what the present limitation is?

Hon. Sir RICHARD CARTWRIGHT—I think the present limitation is $60 for each head of cattle. I was under the impression that the present valuation was considerably less, and that for the purpose of encouraging the breeding of thoroughbred cattle they had raised it.

Hon. Mr. POWER—No.

Hon. Sir RICHARD CARTWRIGHT—The object is plain enough. The Bill states that the value shall not exceed these amounts. As the honourable House is aware, it has been, unfortunately, necessary to slaughter a very considerable number of animals to prevent the spread of diseases, and I understand from the Minister of Agriculture that he wants the alteration made for the purpose of giving him some slightly greater powers in the case of a possible outbreak of an epidemic such as took place lately in the United States in regard to the foot and mouth disease.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman think the price quoted here is very high? Would it not be an incentive to dishonest people to turn their grade cattle upon the railway and have them killed.

Hon. Sir RICHARD CARTWRIGHT—This refers to cattle which are destroyed in accordance with the provisions of the Contagious Disease Act under the order of the government. My hon. friend knows that we have had on several occasions to destroy very large quantities of cattle of various kinds in order to prevent the spread of disease. I think the value is a two-thirds limit, but there is also an absolute limit which must not be exceeded.

Hon. Mr. FERGUSON—I understood my hon. friend to say that the figures had been increased—that they were larger than they were in the original Act.

Hon. Sir RICHARD CARTWRIGHT—So I understood from Mr. Fisher, but I will look and see.

Hon. Mr. FERGUSON—I remember when the Bill was laid before the House that several hon. gentlemen took exception to the smallness of the amount—that the limit for compensation was fixed too low. I think that this is better, although I am not able to compare the figures. I should say they appear to be reasonably fair. Of course, it does not follow that every grade cow should be paid for at $150. That is the limit beyond which no award can be made. I presume they will be valued from that downward, according to what would appear to be their actual value. I think the limit of $150 is a proper one, because there are many grade cows worth that and more than that.

Hon. Mr. LOUGHEED—There must be some other explanation, because the present provision is the same as that embodied in this Bill. These are exactly the figures contained in section 7 of the Act.

Hon. Sir RICHARD CARTWRIGHT—I have not received—and perhaps I should not introduce the Bill until I had received—a formal brief from the department. The Minister of Agriculture very recently returned from Washington, and I had only an opportunity of having a conversation with him, and I may have misunderstood him, but I did understand him to say that this gave him slightly increased powers of compensation. If the hon. gentleman thinks it necessary, I will defer the second reading.

Hon. Mr. LOUGHEED—We can have an explanation in committee.

Hon. Sir RICHARD CARTWRIGHT—I have no intention of pressing it beyond the ordinary stage, and I intended to have a regular brief supplied to me when we went into committee.

Hon. Mr. POWER—There is not any change, so far as I can see, in the values attached to the various animals, but the valuation in the chapter of the Revised Statutes appears in section 7, and what this first clause in the Bill does is to transfer that valuation to section 6 as being more convenient, and hon. gentlemen will observe that clause 2 of the Bill reads as follows:

Section 7 of the said Act is amended by adding after the word 'animal' in the second line thereof the words, 'determined as aforesaid' and by striking out after the word 'affected,' in the fourth line, all the words up to and including the word 'sheep,' in the tenth line.

It is simply to make section 6 more comprehensive, and I suppose it has been found desirable in the operation of the Act.

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

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 19) An Act to amend the Post Office Act. He said: I may say to my hon. friends that the intent of this Bill is to enable the Post Office authorities, in the case of registered articles, to make compensation not exceeding $25 for loss, as they put it, in the transmission of registered domestic articles, whatever 'registered domestic articles' may be.

Hon. Mr. LOUGHEED—Does this extend to money?

Hon. Sir RICHARD CARTWRIGHT—The words used are 'registered domestic articles.' I believe the Postmaster General has the other question under consideration. I doubt myself whether we can very well extend the compensation in the case of money, looking at the great facilities for the transmission of money from place to place at very small cost to the sender; but questions have arisen on several occasions as to whether the Post Office authorities should be permitted to compensate for injuries done to articles transmitted in the ordinary course through the post. The hon. gentle man knows that a good deal of business is now done in the way of transmitting parcels by post, very much more than formerly.

Hon. Sir MACKENZIE BOWELL—What are we to understand by the words 'domestic articles?' I suppose that is the intro-

duction of the principle of compensation for registered parcels?

Hon. Sir RICHARD CARTWRIGHT—I understand that is the meaning of it, but I candidly confess to my hon. friend that I am somewhat at a loss to understand exactly what 'registered domestic articles' may be. It is a phrase which the Post master General has introduced.

Hon. Mr. LOUGHEED—Some definition should be put upon it. In England the other day a couple of suffragettes were posted by mail to the Prime Minister of England. I wonder if they would come under the head of 'domestic articles' for which compensation could be claimed?

Hon. Sir RICHARD CARTWRIGHT—I should say they would be very questionable domestic articles.

Hon. Mr. LOUGHEED—The phrase does not appear in the interpretation clause of the Act, nor in the clause of the Act which it is proposed to amend, so, possibly, my right hon. friend at the committee stage will have some explanation to give as to why this particular phrase has been used. There certainly should be some interpretation given.

Hon. Mr. ELLIS—It may refer to articles registered in Canada and not going outside the country.

Hon. Sir RICHARD CARTWRIGHT—I admit the phrase is susceptible of several possible explanations.

Hon. Mr. LOUGHEED—It is desirable to avoid ambiguity, particularly in domestic matters.

Hon. Sir RICHARD CARTWRIGHT—Particularly in the case of such possibilities as the hon. gentleman has suggested, when damsels of more or less uncertain age may be transmitted by post to ministers. I shall endeavour before the committee stage to obtain from the Postmaster General a full description of what 'registered domestic article' in his conception of it may be. With that understanding we may as well let it pass and take it up on Thursday in committee.

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

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

SECOND READING POSTPONED

The order of the day being called, second reading Bill (No. 20) An Act to amend the Government Railways Act.

Hon. Sir RICHARD CARTWRIGHT moved that the order be discharged, and that the second reading be fixed for Thursday next. He said: I may inform the House that I propose to make a change in this Bill to indicate more clearly that it is confined to the Exchequer Court.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman consider the question of placing the Intercolonial Railway under the Railway Commission?

Hon. Sir RICHARD CARTWRIGHT—That point has been raised several times, but no decision has been arrived at about it.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 21) An Act to amend the Railway Act. He said: This proposes to allow the Board of Railway Commissioners to settle disputes which arise with respect to electricity derived from water-power and also to require much fuller returns in various cases from the railway company. It is somewhat long, and there are a good many clauses in it, though none of material importance except with respect to that one provision.

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

Hon. Sir RICHARD CARTWRIGHT moved that the Bill be referred to the Committee on Railways, Telegraph and Harbours.

Hon. Mr. POWER—I observe that the returns are to be made for periods ending with the last day of June, and in one case the last days of January and July. I simply call attention to the fact. If the department have deliberately selected these days, I have nothing to say; but I should have supposed that as the financial year has

been altered, the dates in this Bill with respect to the returns might be altered to correspond.

Hon. Sir RICHARD CARTWRIGHT—I think the railway companies would prefer these dates, but I will make inquiries on the subject.

The motion was agreed to.

SECOND READING.

Bill (No. 26) An Act respecting the Kootenay Central Railway Company.—(Hon. Mr. Perley).

GOVERNMENT ANNUITIES AMENDING ACT BILL.

POSTPONED.

The order of the day being called, Committee of the Whole House on Bill (B) An Act to amend the Government Annuities Act, 1908.

Hon. Mr. FERGUSON—Before going into committee on this Bill, my right hon. friend, the leader of the House, gave us an assurance that the rules and regulations would be laid on the table.

Hon. Sir RICHARD CARTWRIGHT—I ordered copies of the rules and regulations as approved by the Privy Council to be sent to every senator. If they have not been sent, I am very sorry. My instructions were given two days ago.

Hon. Mr. FERGUSON—Perhaps my hon. friend would not object to the committee rising?

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend wishes I will let the Bill stand.

Hon. Mr. GIBSON, from the committee, reported that they had made some progress with the Bill and asked leave to sit again to-morrow.

BILLS INTRODUCED.

Bill (No. 31) An Act to prevent the payment or acceptance of illicit or secret commissions and other like practices.—(Hon. Sir Richard Cartwright).

Bill (No. 35) An Act to incorporate the Salisbury and Harvey Railroad Company.—(Hon. Mr. Domville).

Bill (No. 38) An Act respecting the Canadian Northern Quebec Railway Company.

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

THE SENATE.

OTTAWA, Wednesday, March 3, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (F) An Act to incorporate the Governing Council of the Salvation Army of Canada.—(Hon. Mr. Ross, Middlesex).

IMPORTS OF ALUMINUM.

MOTION.

Hon. Mr. DOMVILLE 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 imports of oxide of aluminum for the years 1903, 1904, 1905, 1906, 1907, 1908, with values.

And also, a return of exports of aluminum for the same years, with values.

He said: I desire to call the attention of the country to the rapid increase in the production of aluminum in this country. There is no record of the production previous to 1905. In that year the production was 2,469,382 pounds. In the following year the production was 3,008,122 pounds. In 1907 the production was 5,351,585 pounds. the value of the production that year being $1,051,212. The increase is nearly doubled every year. As this metal is produced from clay known as oxide of aluminum it is most important that the attention of the country should be called to some of its aspects. We have in this country something that will produce money without asking bonuses or outside assistance, and my object in bringing the matter before this honourable Chamber is to show the public abroad that we are turning our attention

to the valuable elements that we can produce in this country. We have natural wealth lying all around. I move for an order of the House for this information—not an address.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. ELLIS moved the second reading of Bill (No. 6) an Act to amend the Railway Act. He said: In moving the second reading of this Bill, I do not propose to make extended observations on a subject that has been already thoroughly discussed in the parliament of Canada. It was before the Senate last year, and every hon. gentleman must be pretty well informed as to its provisions. The Bill proposes to strike out section 275 of the Railway Act, and to substitute the following therefor:

275. 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 in properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board 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 ten, to comply with the provisions of this section.

The Bill simply provides that unless a highway crossing is properly protected trains shall not run over it at a faster rate than ten miles an hour. The whole question of the level crossing of railways, both in Canada and the United States from the very large numbers of persons who have been killed by passing trains is calculated to excite very great feeling—a feeling that sufficient protection has not been given to the public, and has, therefore, created in the minds of the people a feeling that the railway companies are reckless and indifferent to the public welfare so long as they can run their trains at a high rate of speed. I do not share that view of it, but there is, no doubt, a general recklessness with regard to the speed not only of trains but of automobiles and of other modes of progression on which the sober, calm judgment of the people should be invoked. An effort should be made to compel safety for the public who use the highway. The highway is the property of every man who uses it, and the public are entitled to consideration and care. I think that point will not be disputed, and, therefore, the regulations made by the legislatures of the country should be of such a character as to give the public a reasonable degree of security. This particular measure has been before parliament four or five times. Its provisions were framed after a considerable degree of discussion and conference among the members of the House of Commons. A committee was appointed, to which it was referred, and although the Bill as originally introduced was partially re-arranged, it came finally from the committee that considered the matter in the form in which we have it here now. It met with the approval of the late Minister of Railways (Mr. Emmerson), it met with the approval of the government of which he was a member, and with the approval of the House of Commons, which the government led. It came to the Senate, and the Senate did not pass it. In another session a like Bill was passed. It also came to the Senate and again the Senate did not pass it. This House devoted a great deal of time to the consideration of the Bill in the committee, and so altered it—I will not say emasculated it—that the vital principle of the measure was reduced to such an extent that the Bill was considered useless and it went no further. Since that time we have had a general election, and there is another House of Commons chosen directly from the people, and they have again passed the Bill. Any body who followed the discussion of the matter in the other branch of parliament knows that there was practically no opposition offered to the measure, it was so well understood and its provisions were thoroughly agreed to. At the request of the Minister of Railways, when the measure reached its third reading, it was allowed to stand for some days till he could communicate with the head of the Railway Commission with regard to it, and see if that commission had any

changes to suggest with respect to it. After some time the Bill came up again for the third reading and the Minister of Railways did not choose to interfere and the Bill went through. Now it has come to us. I do not say that the Senate should pay particular attention to the popular voice, but it would seem to me, if I did say so, that it would be a reasonable remark to make, and that it would be justified under our constitutional practice that the voice of the people must eventually be heard, and I should think the Senate, having this remembrance of the past and of the fact that a new House of Commons has adopted precisely the same measure, should give this measure a better consideration than it gave before, and deal fairly with it. Within the last month or two there have been a number of accidents at crossings, particularly in Ontario, and the people have been very much excited on account of the fatalities which have occurred. That state of affairs cannot continue without interferring with the feeling of security and respect for the management of railways which they would like to have. I do not intend to go into any statistical statement at all, because we had it before us last year. The Government Railway Report for the year ending 30th June, shows that there were killed at highway crossings 51 persons, 30 persons at urban crossings, and 21 at rural crossings. There were 68 persons injured, making a total of 119 killed or injured. I do not know how far these figures may be correct. Probably the number would be larger if one kept a file of the newspaper clippings, but the fact that the government railway management have gone into the collection of these figures and are endeavouring to get some basic facts with regard to the whole matter, shows that it is pressing itself upon them. The figures submitted to the Railway Commission somewhat differ. They are for a different period. I think it would be a good idea if the two authorities brought their estimates down for the some period so that we would know how far they would agree. The Railway Commission make their return to the 31st March, which is the end of the financial year. They show 44 killed and 47 injured. There are in the country about 15,000 highway crossings. Of these 3,150 are guarded, and 11,884 are not guarded. It is perhaps not necessary that all should be guarded, but there ought to be some arrangement that the trains shall go at less speed than they do, and the speed beyond which it is not proper for trains to run should be settled by parliament. The Bill provides only for trains passing over highway crossings at rail level in any thickly populated portion of any city, town or village. It is prepared in such a way that it shall not put upon the railways the necessity of reducing speed at places where protected crossings are not necessary, but only in such places as they are necessary, and if they do not protect such crossings then the maximum speed is ten miles an hour. Hon. gentlemen understand the measure as well as I do, and it is not necessary to take up time in explaining it. It is a matter of great importance, and requires fair and calm consideration, and I hope in moving the second reading that I have not said anything to injure any one's feelings. Last year I adopted a middle course, but as I have thought it over during the year and have observed the large number of railway accidents which have occurred at crossings, the number of people killed and the misery inflicted by these accidents, I have come to the conclusion that some effort ought to be made to put an end to or, at any rate, minimize the danger.

Hon. Mr. McMULLEN—This unquestionably is a very important measure. It is one that was before the Senate last year and received very extended consideration. We know that level crossings have existed in Canada over every system of railway that we have had. A great many changes have taken place both on the Canadian Pacific Railway and Grand Trunk Railway. Where ever there is a very heavy increase of traffic it is necessary that some protection should be afforded either by gates or watchmen. I believe the railways have made very commendable efforts to accommodate and protect the public at important points where the traffic has very considerably increased from what it was some years ago. I am sure it is not the desire of this Chamber to hamper in any way our great railway system in this country; at the same time I admit we want to do everything we can to protect the lives of our people, and it is

well that any Bill in the direction of bettering the conditions as they now exist should receive careful consideration. When this Bill was before the other Chamber recently, the hon. Minister of Railways intimated that he had under consideration a measure that would cover the whole point. He was getting it in shape, and he intended to introduce it at the earliest hour he could. It would cover largely the provisions of this Bill, and do it in a manner that would be, to some extent at least, acceptable to the railway companies as well as to those who have to cross the railway tracks. I have taken the privilege of introducing a Bill myself, the second reading of which will come up on Friday next. It deals with parties driving up to railway tracks in vehicles and recklessly crossing without waiting to ascertain whether a train is approaching or not. We deplore very sincerely the accidents which have taken place. We deplore the number of lives which have been lost, but it is not all the fault of railways. The fault largely rests with the people themselves. They have become so accustomed to railway tracks that when they come to a railway crossing, in many cases they cross it as indifferently as if it were an ordinary wagon track. The fact is, in many cases they take no notice at all. I think there should be an amendment to our law to provide that when a man drives up to a railway track he should come to a standstill before he attempts to cross it. If that method were adopted by people crossing railway tracks, I believe one-half the accidents would not occur. How can any man be expected to hear the approach of a train with the wheels of his vehicle rattling over the stones and gravel? He cannot possibly do it. He is looking at his horse. He is watching the vehicle and looking at the track he has to cross, but his eyes cannot look up and down the track while he is looking after the animal he is driving. He should be obliged by law to come to a standstill before attempting to cross. If a law of that kind were passed, in my opinion, it would educate the people that they have a duty to perform; the whole responsibility must not be thrown upon the railways. The railways are doing their duty and if the general public were as careful as they ought to be, one-half of the accidents would not occur. In view of what the Minister of Railways has said; in view of the fact that he has promised to bring down a Bill dealing with the whole question in a manner that will give a very considerably increased protection, and which I have no doubt will meet the approval of the railway companies, I think it would be well that we should postpone the further consideration of this Bill until we see what measure the Minister of Railways will submit to parliament. I therefore move that the debate be adjourned for one week.

Hon. Mr. ELLIS—I should like to ask the hon. gentleman why the Minister of Railways did not stop this Bill in the House of Commons, if he was going to bring in another that would cover the same ground? I do not think there is any such direct statement from the Minister of Railways as the hon. gentleman says.

Hon. Mr. McMULLEN—The Bill was stopped three times by the Minister of Railways, and he urged delay until he matured his measure; but, under the circumstances he thought they would pass this Bill, as it had been passed by the Commons before, three times. It did not pass this House. We threw out the Bill last year. It has reached us again and we do not want to treat it discourteously because this is a very important question. All I ask is to allow the Bill to stand until we can see what the minister's Bill is like.

Hon. Mr. McMILLAN—Although I intend, out of courtesy, to second the motion of my hon. friend, I may say that it is my determination to vote against it.

Hon. Mr. WILSON—Whether the debate should or should not be adjourned, it is hardly fair to shut off the discussion suddenly. The House should have an opportunity of expressing its views on the subject. Later on we may have another Bill, and I am inclined to think so from the appearance of the Order Paper. Let each Bill come up on its own merits. There is no necessity to shut off discussion on this measure. I have no feeling one way or the other, but it is hardly fair to the hon. gentleman or to his Bill, to shut off discussion now.

The SPEAKER—I do not think the motion at all shuts off discussion.

Hon. Mr. FERGUSON—A motion to adjourn the debate should not be made at this stage of the discussion. My hon. friend has put his own views before the House, and if we are to have an adjournment to allow further consideration, other senators should have the same privilege as my hon. friend has assumed for himself. I am quite willing to be guided by what may be the view of this House as to whether we should proceed with the second reading of this Bill and vote upon it now or take time to consider, but I must take exception to one statement made by my hon. friend, and that is with regard to the attitude of the Minister of Railways towards this Bill in the other House. When it came up for the second reading, the Minister of Railways made a very sympathetic speech with regard to the Bill, but he pointed out that he was taking into consideration the whole question of railway crossings, and over-head constructions and suggested that the Bill might be held over a very short time until he could reach a conclusion with regard to these matters and how far his action would interfere with this Bill. Members of the House were very unwilling to consent even to that; but on the intercession of the Premier they agreed. When the Bill came up a few days afterwards, there was no discussion; but the Minister of Railways said 'carried,' from his seat, and the Bill was read the second time. The call of carried by the Minister of Railways—I have it on excellent authority—was the only discussion that took place upon the Bill, and it passed the House. Now, this measure has passed the House of Commons exactly as it stands on four occasions. When it took its present form, it was the work of a very able committee on both sides of the House, some of the ministers and very conspicuous gentlemen in the opposition. They heard all the parties who appeared before them, and drafted this Bill as it is now before us and the House has adhered strenuously to it for four sessions. In view of the very strong public opinion that is forming on this question, it is for the House to consider whether we should stand in the way of what appears to be public opinion as repeatedly expressed by a former parliament, and accentuated by a parliament newly elected by the people, affirming the principle of the Bill and affirming it unanimously. The railway statistics in our hands are very important. I notice some information has been given to the press from the Railway Board, through the minister, in which the fact is stated that although we have 267 miles of railway in Prince Edward Island there has not been a person killed at a level crossing in five years. That is not because the people of Prince Edward Island keep their eyes more widely open than people elsewhere; it is not because their hearing is more accute or that they are more careful. I may remark that there are more level crossings on the Prince Edward Island Railway than on the Intercolonial Railway. It is a thickly-peopled country and the crossings are not far apart. The freedom from accidents arises simply from the fact that trains are run at a low rate of speed. They seldom cross a highway in Prince Edward Island at a higher speed than ten miles an hour. With regard to the importance of guarding railway crossings, let me point out some facts that are to be found in this blue-book which has just been placed in our hands. Last year in this House I produced some figures which were understood as reflecting on the Grand Trunk Railway with regard to casualties and fatalities on its line as compared with the Canadian Pacific Railway. I received a letter from Mr. Hays shortly after the session in which he presented the view that I had not altogether dealt fairly with the Grand Trunk Railway, and he referred me to the remarks which I had made. I have looked them over very carefully, and I am free to admit that they admit of a construction different from what I intended they should bear. I recognize the fact that the Grand Trunk Railway renders good service to the parts of the country through which it passes; that it carries a very important traffic. My remarks were intended entirely to deal with the question of fatalities and causalties in the case of the Grand Trunk Railway which I thought were abnormally high. I find that I was rather under than over the mark, and the fatali-

ties and casualties on the Grand Trunk Railway are very high indeed, very much higher in proportion to the number of employees than on the competing railway. We have now the returns for the last year. We find the Canadian Pacific Railway has 6,426 level highway crossings, of which 2,888 are guarded. The Grand Trunk Railway has 3,100 crossings, of which 99 are guarded—only three per cent of the Grand Trunk Railway highway level crossings are guarded, while forty-five per cent of the Canadian Pacific Railway highway crossings are guarded. I am not bringing this up with a view to making a comparison unfavourable to the Grand Trunk Railway. They are probably doing all they can in view of the difficulties with which they are surrounded, but I want the figures in these returns to be put side by side with another table which is in the same blue-book showing the number of accidents at railway crossings on these two lines. I find, notwithstanding the very large number of highway level crossings on the Canadian Pacific Railway, that there have been no casualties of any kind during the last twelve months at a level crossing on this railway during the period covered by this blue-book—not a person killed or injured. I find that on the Grand Trunk Railway, which has less than half as many crossings, nineteen persons have been killed and thirty-eight injured upon its highway crossings. I produce this for the purpose of showing how important it is that something should be done in regard to this question of protecting such crossings. The Canadian Pacific Railway has 55 per cent still of its crossings unprotected. Many of them should be protected, notwithstanding the fact that no accidents have occurred on any of those crossings last year. It may not be the same next year. It must be remembered that the Canadian Pacific Railway has a very large part of its system in parts of the country where there are few highways, in such places as the Rocky Mountains and the country north of Lake Superior. Even in the prairie section there is less danger at level crossings than in the wooded or uneven portions of the east. The hon. member for Wellington has directed attention to a Bill which he has himself placed on the Order Paper, and the provisions of which he has explained to the House. When he looks carefully into his Bill he will find there will not be much gained by it, for this reason: the accidents happen nearly always where trains run at a high rate of speed. Supposing a train is running at the rate of sixty miles an hour, it is not much advantage for a person, if there is a high adverse wind, to stop and listen, because a train running at that speed and having the width of a farm to cross would be on the level crossing in five seconds. There may be curves to obstruct the view, and the train crosses the highway at the speed almost of a bullet from a rifle, so that holding up may be all well enough with a slow train, but it will be of little benefit in the case of a fast train, and there is where the great danger arises. Last year we had a great deal of discussion on this Bill. We searched up all kinds of authorities and statistics on it, and the House came to the conclusion in its wisdom to amend the Bill in a certain direction. It is needless for me to say I did not concur in that amendment, but it was sent to the House of Commons, and that House refused to consider the amended Bill. Mr. Lancaster, the father of the Bill, made a motion that the amended Bill should be taken up for consideration, but his motion was voted down; so the House did not consider it at all. We have this fact before us—we have the Bill here for the fourth time, and it comes to us from a House of Commons fresh from the people. They have adhered to this Bill word for word. I do not think we are called upon to stay our hand because the minister has a general Bill of some character in his mind, because he did not stay his own hand. He asked that the Bill should pass. He said 'carried' when the Bill came up for the second reading, and when he did not stay his own hand, I do not think the hand of the Senate should be stayed now. I have read the discussion that took place in the other House on the minister's proposition, and I understand that his plan is to deal with the separation of crossings which is altogether a different matter from this Bill. This only deals with highway crossings at rail level. He proposes a general and comprehensive scheme which has been adopted in some states of the

neighbouring country; the object is to separate highway from railway traffic, the cost of separating crossings more than this matbetween the railway and the municipality, and I understood him to say the federal government and also the provinces should contribute. I do not think the provinces can be called upon at all, except with regard to railways which they have chartered themselves. However, that is the plan of the minister, and it is for the general question of separating crossings more than this matter of level crossings and the speed of trains passing over them.

Hon. Mr. BEIQUE—I shall vote against the amendment of the hon. gentleman from Wellington, and in favour of the second reading of this Bill. I desire, however, to take this occasion to put the Senate right before the country. The position taken by the Senate last session was that the House was unanimously in favour of the principle of the Bill but thought the measure should be improved, and devoted a great deal of attention to improving it in the judgment of the House. In the country, I must confess, the action of the Senate was taken as being adverse to the principle of the Bill, and as the hon. senator from St. John has incorrectly stated, as having attempted to emasculate the measure. I took a pretty active part in the work of this honourable House last session on this Bill, both in this Chamber and in the committee, and I assert to-day, as I asserted last year, that my object was not to emasculate the Bill but to make it effective. I approved then and I approve to-day the principle of the Bill. It is our duty to adopt means whereby the number of accidents on level crossings may be reduced, and we should lose no time in accomplishing that object. However, my opinion last year and my opinion now is that the Bill as drafted would not be effective, and if I were legal advisor of a railway company it would give me no concern. I shall not enter into the reasons which I gave last session, but, rightly or wrongly, my conviction is that if we pass the Bill in its present shape instead of having the effect of attaining the object in view it will have an entirely different effect. It would remove the safeguard already existing in section 275 of the Railway Act and substitutes nothing for it. At a future stage I propose to suggest to this House that this Bill, together with Bill (No. 3), as amended last session by this honourable House, be referred either to the Minister of Justice or to the Supreme Court of Canada for a report as to what will be the effect of each Bill if it becomes law. The Senate has been placed before the public in the position I have mentioned, and the House of Commons has not treated the Senate with the deference to which it is entitled. This House having given a great deal of attention to amending this Bill last session, and having sent it back to the House of Commons, it was entitled to have the amendment considered. It was stated that the amendments came too late in the session before that Chamber, and such was my conviction; but I notice that the hon. gentleman from Marshfield stated that a motion made by Mr. Lancaster to have the Bill as amended taken up for consideration, was voted down. This is the first I have heard of it, and I should be very glad to see the statement in the Hansard of the House of Commons. But whether the House of Commons refused to consider the question last session or not, the amendment should have been taken up in that House this session in some form or other. That was not done. Therefore, it is incumbent upon this House to take issue with the House of Commons on the question, and I shall move at a future stage as I have indicated.

Hon. Mr. GIBSON—I am glad to hear that my hon. friend from De Salaberry is again to give this measure the consideration it deserves, and which he is quite able to render. There is a mistaken idea as to the attitude of the Senate towards this Bill throughout the country, and the mistake comes not from within the House, but largely from the promoter of the Bill himself. To a layman like myself the Bill seems to be contradictory. It first reduces the speed of railway trains and the last clause gives the Railway Commission control over the subject. Every one must deplore the number of lives lost year by year on railway crossings, but, as the hon. senator from Wellington has very wisely pointed out, a great many of these accidents

are due to the extreme carelessness of the people themselves in crossing the track. I am glad to find the hon. senator from Marshfield giving such an excellent account of the care exercised by the people of Prince Edward Island; but I do not know whether it matters much to a person who is injured or killed in a railway accident whether the train is running at the rate of ten miles an hour or at forty miles an hour. I can point to a case in my own county as an illustration of what I am saying. It is a case in connection with which the promoter of this Bill most unjustly criticised the action of the Senate. I have lived in that neighbourhood from a boy, and am familiar with the conditions prevailing there. In the village of Grimsby, immediately east of the station, there is a public highway which by day is under the control of a watchman. During the day, and up to a reasonable hour of the night, the watchman is on duty. The serious accident which recently took place at the particular crossing occurred at about three o'clock in the morning when hardly any engineer would expect people to be crossing the highway. Of course, that is no reason why the engineer should not be on his guard. These people had been at a dance in a neighbouring village and were returning home in the morning. They had had quite a load, and at or near Grimsby, some of them got off and the remainder proceeded deliberately to drive over this level crossing without looking to the right or the left to see if a train was approaching. The young lady who escaped from death said that they were so muffled up that they could not hear the sound of the train or the whistle of the engine. In view of the fact that there were three men in that sleigh, and some who had relatives previously killed on that very spot, don't you think that some caution should have been exercised by these people, where there were women and children in the sleigh at that hour of the morning? It would not have taken one minute for one of the men to have gone forward and looked up and down to see if the tracks were clear. But more than that: the railway company have within one hundred and fifty yards east of this point an overhead bridge. East of this particular crossing, and about one hundred yards or perhaps one hundred and fifty yards west of this same crossing there is another overhead bridge, but intervening between that overhead bridge and that level crossing on the west end of that station, there is an arched subway, and if these people who were driving home, instead of going further eastward through the village and taking the level crossing, had taken the subway or the overhead bridge by the Roman Catholic church in the village of Grimsby, we would not have heard of anything of these accidents. Of course the people in Grimsby as well as elsewhere in the province of Ontario, and I daresay all over Canada were horrified at this condition of things, and this House is blamed because such an accident occurred, and it is said by the promoter of the Bill that the Senate were wholly responsible for it. If this House shall put upon the railway companies a condition that trains shall not run over these crossings at a greater rate of speed than ten miles an hour, is it not also encumbent upon this House and this parliament to put conditions also upon people who are using the highway at dangerous places? An investigation took place by the Railway Commission who ordered a crossing to be put in at the cost of the railway and the municipalities. At St. Catharines, this is what the hon. gentleman who is the promoter of this Bill had to say with regard to it in an interview published in the Hamilton 'Spectator':

Five People Killed at Grimsby Crossing—Blames the Senate.

St. Catharines, Jan. 16.—'I can only say this, it should have been four senators who were killed instead of those poor people at Grimsby this morning,' was the remark of E. A. Lancaster, M.P. for Lincoln, when asked what he had to say about the accident, in view of his being the father of the Lancaster level crossing Bill. 'Yes,' added Mr. Lancaster, indignantly, 'I could name you forty senators who might better have been killed than those innocent people.'

'The Senate has year after year killed my Bill, which was intended to protect just such level crossings as this in towns and villages all over the country. It took four years' fighting on my part to get it through the House of Commons, and then when the Senate got hold of the Bill they threw it out. The first time they got rid of it on a technicality. They referred it to the Railway Committee, who defeated it on a vote of 17 to 16, and then the Senate, with colossal wisdom, held that they could not overrule the action of their own committee. The two years since

they have simply defeated the Bill on the ground that it was not necessary.'

Mr. Lancaster added that it was not surprising that the Senate threw out his Bill when one considered that two-thirds of the senators who voted against it were either counsel, solicitors, surgeons, directors or shareholders of railways. 'The Senate ought to be abolished, and I am going to move in that direction myself.

Hon. Mr. FERGUSON—This was an interview given to a newspaper, or something of that kind.

Hon. Mr. GIBSON—Yes.

Hon. Mr. FERGUSON—It was not stated in the House of Commons.

Hon. Mr. GIBSON—Oh, no, he knows better than that.

Hon. Mr. FERGUSON—I think I have seen it stated that some two or three years ago some people were killed at this very same crossing.

Hon. Mr. GIBSON—Yes.

Hon. Mr. FERGUSON—And I think I have also seen the statement that the Board of Railway Commissioners have ordered this crossing to be protected since this last accident.

Hon. Mr. GIBSON—Yes. I do not think my hon. friend noticed what I stated—that relatives of these people were killed on the very same spot while returning from church one Sunday night some years ago.

Hon. Mr. FERGUSON—That established the danger.

Hon. Mr. GIBSON—These people should have taken greater precautions when they were in a sleigh, with children beside them and especially at two or three o'clock in the morning. There are physical difficulties in getting subways at many of the level crossings, but if municipalities, where crossings are made, were compelled to pay a certain proportion of the cost, it would not come so hard on the railways. You can hardly get farmers to move from one concession line to another or down into a valley in order to cross the track where they would be protected. They will not do it. There are places where it is impossible to put an overhead bridge, and there are places where it is impossible to put an under crossing and this crossing at Grimsby is exactly as I described it, you cannot cross under it, or over it, by a highway bridge. A statement was made in Stratford the other day by the general manager of the Grand Trunk Railway at the opening of the shops there, that the company were making as rapid progress as it was possible for a company to do with regard to protecting the dangerous crossing upon the line of railway, and if my memory serves me right, he mentioned the fact that on the Grand Trunk Railway system there were over 50,000 level crossings. Even if there were only half of that number, it must surely be allowed, in the judgment of the House, that time should be given. I agree with what has been said by my hon. friend from St. John that steps should be taken that the most dangerous crossings should be protected first. I do not know how far apart the railway stations are in the province of New Brunswick, from where he comes, but I do say that in the province from which I come the railway stations are not very much more than five or six miles apart, and I leave it to any man who has any practical knowledge of railway work and life to say if it would not be a physical impossibility for a fast train to slow to ten miles an hour and gain speed again and reduce that speed to ten miles an hour in a five or six mile limit. The whole trouble, to my mind, is this: We are forcing the railway companies beyond reason to expect them to overcome this all at once. I think myself that the city of Toronto and other large centres of population should be the first places where level crossings should be protected, and the Railway Commission are taking steps to that end. In the city of Montreal steps also are being taken by the railway companies; they are being forced to it by public opinion. I am sure that the Senate will not be slow, as far as we can do so, in backing up public opinion to that extent, but we are here to do right by the railway companies as well as by the people, and we should do as our hon. friend from Wellington suggests, wait to see what scheme or measure the Minister of Railways has to lay before parliament. He has statistics. He has the profiles of every railway in the country under his hands. He

has qualified engineers at his command to give him places where diversions can be made, and necessary diversions should be made wherever it is practicable and possible so that people may pass under the railway or over the railway without any fear of loss of life. There is no disposition on the part of any member of this Senate to shield the railways in any particular, as far as I know. What they do desire, just as much as Mr. Lancaster or anybody else, is that life and property should be safeguarded, and that time should be given to the railway companies to overcome the difficulties. It is well enough for gentlemen here to say: 'Why don't the railways do this and why don't they do that,' but there is one thing that we ought to ask for, and that is a return from the railways every month or every six months of how many level crossings are being abolished, or how many under crossings are being made in order to obviate loss of life. This is information that the people of Canada ought to have, and certainly the Senate of Canada and parliament of Canada ought to have, so that we would know whether the railway companies were keeping faith with the requirements of the government and with public opinion, as there is no doubt whatever that something has to be done because the loss of life under present conditions is serious. At the same time, while we are willing to put conditions on the railway companies, some conditions should also be put on the people who cross over the railway. Care is the first consideration that a railway man is taught, and care is the first thing that every man who crosses a railway should be taught, and I think some measure such as suggested by my hon. friend—I have not seen his Bill. At any rate, if we are going to compel the railways to observe a certain rate of speed, I cannot see why the same obligation should not be imposed upon the people who cross the track. Automobiles are very dangerous when run at high speed, and I venture to say that in the streets of Toronto, and in the streets of the city of Ottawa, where there are no under crossings, that it is as dangerous to cross the streets, or more so, than to cross the railway tracks on the highway, because, as a rule, you can hear the whistle of the locomotive, and, as one hon. gentleman suggests, care should be exercised by the individual crossing the track, as well as by the engineer. We pass over street railway tracks every day of our lives, and yet in the city of Ottawa, to the best of my knowledge, I never knew of a member of this House or a member of the other House having been hurt in crossing the street railways, although the street cars in the cities of Ottawa and Toronto travel at a greater speed than ten miles an hour. For these reasons, I think we should not compel the railway companies to reduce their rate of speed to the impractible degree that this Bill calls for. We should deal fairly by the railway and with the public, and I think the time has come to do so, and there cannot be any difference of opinion so far as this House is concerned. I have had some railway experience, and know the difficulties railways have to encounter; for that reason I think it would be far better to wait for the measure the Minister of Railways has proposed to bring down, or at all events we should hear what my hon. friend from Mille Iles has to propose in the way of amendments to the Bill. I think also that we should not be too hasty in adopting a drastic Bill like this.

Hon. Sir RICHARD CARTWRIGHT—My own opinion on this matter is very strongly in favour of the Bill. There is no doubt whatever in my mind, not only that the public at large feels strongly on the subject of the numerous accidents that have occurred, by which several valuable lives have been lost in various provinces; but I am personally aware that the railroads have only themselves to thank for it, or at least some of the railroads have only themselves to thank for it, if the public mind is excited on the subject, because I know of my own experience, and I think many hon. gentlemen in this House can if they please, confirm the statement, that over and over again disastrous accidents have occurred at railway crossings, and that the railway companies have taken no steps whatever to protect the public although their attention has been repeatedly called to the danger caused by the location of these crossings. Therefore, I say that I am strongly in favour of

the principle of the Bill, and that I think it would be well that we should give it a second reading; at the same time I am not prepared to say that even if the House of Commons have over and over again passed this Bill in these identical phrases that therefore the Senate should be debarred from the opportunity of considering the mode in which this difficulty is proposed to be dealt with. This matter has been discussed so fully in the Senate on former occasions that I do not want to occupy the time of the House. I would suggest to the hon. gentleman from Wellington not to press his motion for adjournment, for this reason, that it will be taken rather as a slight perhaps by the House of Commons, and perhaps by a large number of people who are interested in this measure, that the adjournment of the Bill is not expedient. I also think that my hon. friend the introducer of this measure should allow the Bill to go to the Railway Committee of this House again. My hon. friend opposite (Hon. Mr. Ferguson) dissents. That committee is a good committee, a large committee, I think it musters 50 members of this House, including a large number of those practically acquainted with the whole subject, and I would suggest that we should let the Bill be read the second time, that it go to the Railway Committee, who shall have time to deal with it, and if need be to take further evidence on the subject. As far as I can see, the phraseology is open to some considerable criticism, and I do not at this moment recollect what the exact phrases were that were used in the amendments, nor do I desire to see this House engaged in a conflict on a subject of this kind with the other House. But I must say this is precisely one of those things in which the calm, mature judgment of this House may be usefully exercised. My own impression is that this Bill was rather rushed through the House of Commons owing to the unfortunate series of accidents which had occurred within a very short space of time. The House of Commons was not altogether in the mood and temper to consider any amendments or any suggestions that might be made, and now is the time in which I should be very loath indeed to see the principle of this Bill refused. I should be very loath indeed, as my hon. friend suggested, to see it emasculated so as to become of no use; but I do think we may very fairly consider this Bill carefully and see whether we cannot make it a workable and effective measure. There is need for it; there is no doubt about it. I cannot acquit the railways, at least I cannot acquit some of them of carelessness in respect of the protection and proper guarding of the crossings; at the same time I am bound to say that I can see that this clause as worded may be the means of subjecting not merely the railways, but the whole public, to very great inconvenience, and very great difficulty in carrying on the business of the country. The words are that the trains shall not travel at a greater speed than ten miles an hour in passing at rail level in any thickly-peopled portion of any city, town or village. There are an enormous number of crossings which might or might not be held to come within the scope of that provision. I would not like to speak authoritatively on the subject, but it would not in the least surprise me if there were found to be along the line of the Grand Trunk Railway eight or nine hundred crossings between Sarnia and Montreal which might be more or less held to be within the scope of this Act. It would be absolutely and utterly impossible for the trains now in use to preserve anything like the time schedules that the public demands if they were obliged by law to reduce their speed to ten miles an hour over every one of these crossings. If the Board of Railway Commissioners have not sufficient authority to deal with it, I would desire to see them empowered with all the authority that either House could grant them for the purpose of guarding and protecting life under such conditions. But I am not at all certain that the phrase or words used in this Bill would carry out the intent of the promoter of the Bill, or the intention of both Houses; therefore, while I would suggest to my hon. friend that he should not push his motion for adjournment on the present occasion, I would also ask my hon. friend the mover of the resolution, that when the second reading is passed that he should consent to let the Bill go to the Railway Committee.

Hon. Mr. PERLEY—It would have to go there any way.

Hon. Mr. McMULLEN—In view of the statement made by the leader of the House, I have no objection to withdraw my motion for the adjournment, with the consent of the Senate.

The motion was withdrawn.

Hon. Mr. ELLIS—In regard to the request that I consent to allow the Bill to go to the Railway Committee, I do not feel that I am willing to do that. Of course, I am under the control of the majority of the House and must accept whatever the House does. I do not wish to bring up the matter of last year. It was most unsatisfactory in every way. A large number of gentlemen in the House were opposed to sending this Bill to the committee. The work of the committee was no advantage to the measure at all. It had the effect of destroying the measure, and I do not wish the same thing repeated. I might say further, notwithstanding the observations which have been made and the apparent reasonableness of that course, this is a Bill which has been passed by the House of Commons three times without the change of a word.

Hon. Mr. FERGUSON—Four times.

Hon. Mr. ELLIS—We shall say three times anyway, and by a new House, and the Minister of Justice, the Premier, the Minister of Railways and all the members of the government and leading members of both Houses have consented to this measure. The Minister of Railways has made no promise to bring in a Bill such as the hon. gentleman from Wellington suggests. He delayed this Bill, or it was delayed, at his request for six days in the House and then be allowed to go, not with the idea that he might proceed later with such a measure. He may bring in such a measure, but I think I will have to divide the House on the proposition to allow this Bill to go to the Railway Committee.

Hon. Mr. DANDURAND—Before we vote on the second reading of this Bill there is one thing I would like to draw the attention of this honourable House to, and that is the fact that the Senate having concurrent jurisdiction with the House of Commons has given considerable time to the study of this measure, I will ask the hon. gentlemen if the House of Commons paid any attention to the work of the Senate—if they examined the value of the work which this Chamber did? It is my impression that no measure was given more attention to, no measure was beter studied, no measure was more critically studied than this measure coming from the other House, and I feel that the House of Commons has absolutely ignored our work. At all events, I felt last session that this House having given considerable time to the studying of this Bill, that when it went to the House of Commons, among the 216 members not one of these gentlemen seemed to have read our amendments. This measure has come back. The House of Commons has passed it. No one has gone into it seriously. There is a demand for better protection. We all want better protection but I feel that of the two Houses this House has accomplished more, and has done its duty in a more complete way in the matter of doing justice to the public and to all parties interested. I will vote for the second reading of this Bill, but I am disposed to say that if there is any amendment that this House feels it its duty to make, we should not hesitate to do our full duty. If the House of Commons agrees with our amendment, well and good. If it does not, then there are other ways by which we can come together and examine the situation by a conference. Before resuming my seat, I should like to make a remark concerning the city of Montreal. I think this city has paid to heavy a toll by the number of accidents recorded at the level crossings. If the number of people who have been killed at crossings is considered, the proportion that the island of Montreal has contributed is very considerable indeed. The railways entered the city of Montreal when it was a small place with, perhaps, twenty-five or thirty thousand of a population. We are now nearing the 500,000 mark with the suburbs, which are the outgrowth of the city. Montreal obtained power to devote a sum of $2,000,000 to elevate the tracks of the Grand Trunk Railway, and it seems to me it is time that the authorities of Montreal and the Grand

Trunk Railway should get together and seek to elevate those tracks in order that they may show a blank sheet, as the Canadian Pacific Railway does with its tracks, having no level crossings where they enter the city.

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

Hon. Mr. ELLIS moved that the Bill be referred to a Committee of the Whole on Tuesday next.

Hon. Sir RICHARD CARTWRIGHT—moved in amendment, that the Bill be referred to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. FERGUSON—If my right hon. friend the leader of the House, had been present at the meetings of the Railway Committee, as I have been on two occasions when this Bill came before it, I doubt very much whether he would think there was much advantage in the interest of the measure itself or of the business of this House, in referring the Bill again to the committee. It gives the railway companies a most powerful advantage. They come before the committee with what they call their experts, and with the ablest lawyers in Canada and there is no one to meet them. What happened last year was this: these gentlemen made statements before the committee that no member of the committee was able to combat on the spot. It required some investigation. After the committee had made its report, I made inquiry and found, without the slightest doubt, that a large proportion of the statements and arguments submitted to the committee were erroneous. I submit to hon. gentlemen that it will be next to impossible for a proper discussion to take place before that committee with the lawyers of the railway companies there to lead the argument. It will be almost impossible for the public side of the case to be presented as it should be in order that a proper conclusion may be arrived at on the question. This is not a private Bill, not such a Bill as is usually sent to a Standing Committee. It is one with which the House should deal in Committee of the Whole. I am sorry I cannot coucur in the suggestion of the leader of the House. That brings to my mind some observations made by my hon. friend the former Speaker of the House. There is no member of the Senate who has been at all times more ready to vindicate the credit and honour of the Senate than I have been, but, I do not think the comparison made by hon. friend as between the House of Commons and this Chamber with regard to the Bill before us has been altogether fair to the Commons. My hon. friend has forgotten part of the occurrences in the House of Commons. An important series of amendments to the Railway Act was introduced three years ago in the House of Commons, and Mr. Lancaster had a Bill on the subject with which we are now dealing—not this Bill by any means. The House led by the Minister of Railways on this subject (then Mr. Emmerson) gave Mr. Lancaster's Bill very sympathetic consideration, and it was referred to a committee consisting of seven members, comprising such gentlemen as the present Minister of Justice, the present Postmaster General, the then Minister of Railways, Mr. Emmerson, Mr. Lennox, Mr. Lancaster and the late lamented member for St. John—Dr. Stockton—I think I am right in saying that all the seven were eminent lawyers. They had several meetings, and heard the railway companies at meeting after meeting. They heard evidence from the railway companies, which extended over a considerable portion of that session, and the result was they unanimously submitted this Bill to the House of Commons, and Mr. Emmerson accepted it and put it into the Bill amending the Railway Act, which was then going through the House, and as a part of that Bill it came to the Senate. It came to us a day or two before the closing of the session and the clause was stricken out on the ground that there was not time to consider it properly. I am sure my hon. friend would not intentionally do this House any injustice, and I want him to bear in mind that this Bill was not the product of merely Mr. Lancaster, though he originated it, but the Bill itself, as it stands, was more the work of Mr. Emmerson than of Mr. Lancaster. I am told that Mr. Butler, then as now Deputy Minister of Railways, attended the meetings of the committee regularly and

was closely consulted on every detail of the Bill. I cannot think there is any necessity for a reference of this Bill to the Railway Committee.

Hon. Mr. DANDURAND—What I stated was that the amendments made to this Bill last year were not taken into consideration by the House of Commons when the amended Bill was sent to the other chamber.

Hon. Mr. FERGUSON—They were not. I have looked up the record with reference to the subject. I find that when the Bill came back to the Commons there were a number of public Bills in the same position. When Mr. Lancaster asked that this Bill be taken into consideration, a number of gentlemen started up and demanded that their Bills should be also taken up, and the government decided that they could not take up any of them. I do not think the action of the House of Commons was contemptuous to this House. It was late in the session, and Mr. Lancaster forced a decision, and an adverse decision was, of course, against the Senate amendment. The House has four times approved of this Bill without changing a word. The new House has commenced its work by affirming the same principle.

Hon. Mr. DANDURAND—But the work of the Senate was not reviewed by the House of Commons.

Hon. Mr. FERGUSON—It certainly was not reviewed, but I was one of those who thought that the amendment we put in the Bill last year would have destroyed the effectiveness of the measure, and I am very strongly of that opinion still. I do not know what might be said in favour of referring this Bill to a small select committee, but certainly, with the experience of two sessions, sending this Bill to the railway committee, with the strong force of railway men who are there as members of the committee—without impunging any of them—and with the grand opportunity it gives the railway companies to present their side of the question without any corresponding opportunity on the part of the public, I do not think it will be conducive to the interest of this legislation or of the country to send the Bill to that committee.

The House divided on the amendment which was adopted by the following vote:

CONTENTS:

The Honourable Messieurs

Béique,	King,
Bostock,	Legris,
Bowell	Lougheed,
(Sir Mackenzie),	McGregor,
Cartwright	McMullen,
(Sir Richard),	Perley,
Chevrier,	Poirier,
Costigan,	Power,
Cox,	Riley,
Dandurand,	Robertson,
David,	Ross (Halifax),
Derbyshire,	Ross (Middlesex),
Dessaulles,	Scott,
DeVeber,	Shehyn,
Douglas,	Tessier,
Frost,	Thomson,
Gibson,	Watson,
Godbout,	Wilson,
Jaffray,	Yoe,
Jones,	Young—40.

NON-CONTENTS:

The Honourable Messieurs

Bolduc,	Macdonald (P.E.I.),
Coffey,	McDonald
Comeau,	(Cap-Breton),
David,	McKay (Truro),
Domville,	McLean,
Ellis,	McMillan,
Ferguson,	McSweeney,
Gilmour,	Montplaisir—15.
Landry,	

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 8). An Act to amend the Dominion Lands Act He said: The Minister of the Interior, when he introduced this Bill, stated that it was for the purpose of correcting a misplacement of three or four paragraphs that had inadvertently occurred in the passing of the Bill through the House, or the printing of it. There is no effective change made in the meaning of the Act.

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

THE WATER CARRIAGE OF GOODS BILL.

IN COMMITTEE.

Hon. Mr. GIBSON (in the absence of Hon. Mr. Campbell) moved that the House resolve itself into a Committee of the Whole on Bill (A), An Act relating to the water carriage of goods.

Hon. Sir MACKENZIE BOWELL—Is this the Bill that was in charge of Mr. Campbell last year, without any amendment—the Bill as it was passed by the Senate last year?

Hon. Mr. GIBSON—There is no change in the Bill. It was very late getting down to the House of Commons and they did not consider it?

The motion was agreed to.

(In The Committee.)

On clause 4,

4. Where any bill of lading or document contains any clause, covenant or agreement whereby—

(a) The owner, charterer, master, or agent of any ship, or the ship itself, is relieved from liability for loss or damage to goods arising from negligence, fault, or failure in the proper loading, stowage, custody, care or delivery of goods received by them or any of them to be carried in or by the ship; or

(b) Any obligations of the owner or charterer of any ship to exercise due diligence to properly man, equip, and supply the ship, and make and keep the ship seaworthy, and make and keep the ship's hold, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation, are in any wise lessened, weakened or avoided; or

(c) The obligations of the master, officers, agents, or servants of any ship to carefully handle and stow goods, and to care for, preserve, and properly deliver them, are in any wise lessened, weakened or avoided; that clause, covenant or agreement shall be illegal, null and void, and of no effect.

Hon. Mr. GIBSON—Mr. Campbell wishes me to make an amendment to this clause, in the first line. It is to insert after 'Bill of Lading' the words 'or similar document or title to goods.'

Hon. Mr. LOUGHEED—It is absurd to say similar document; it must be a Bill of Lading, if it is a similar document.

Hon. Mr. GIBSON—Supposing there was no printed form to be had, a written form would then be accepted.

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

On clause 12,

12. Every one who knowingly ships goods of an inflammable or explosive nature, or of a dangerous nature, without before shipping the goods making full disclosure of their nature to, and obtaining the permission of, the agent, master or person in charge of the ship, is liable to a fine of one thousand dollars.

Hon. Mr. GIBSON—In line 31 it is proposed to add the words 'in writing.' That is in regard to shipping goods of an inflammable character. They must notify the ship owners in writing so that they will have an opportunity to refuse the goods.

Hon. Mr. DERBYSHIRE—They would not put dynamite or inflammable material on a steamship carrying passengers.

Hon. Mr. GIBSON—No, they would not ship the goods without the consent of the owner. This only amends the former Bill in that respect; it provides that the notice must be in writing.

Hon. Mr. BOSTOCK, from the committee, reported the Bill with amendments, which were concurred in.

SECOND READINGS.

Bill (E) An Act to incorporate the Dominion of Canada Burglary and Plate Glass Insurance Company.—(Hon. Mr. Ross, Middlesex).

Bill (No. 24) An Act respecting the Edmonton and Slave Lake Railway Company.—(Hon. Mr. Young).

BILLS INTRODUCED.

Bill (No. 28) An Act respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway Company of Manitoba at Portage la Prairie.—(Hon. Mr. Watson).

Bill (No. 41) An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.—(Hon. Mr. Wilson).

Bill (No. 46) An Act respecting the Crawford Bay and St. Marys Railway Company and to change its name to the British Columbia, Alberta, Saskatchewan and Manitoba Railway Company.—(Hon. Mr. De Veber).

FRENCH EDITION OF RULES OF THE SENATE.

Hon. Mr. LANDRY—Before the House adjourns, could we be informed if the French edition of the rules of the House is to be distributed very soon? I refer to the manual.

Hon. Sir RICHARD CARTWRIGHT—I am told they are not yet received from the Printing Bureau, but they are being printed.

Hon. Mr. SCOTT—Last time I inquired, I found that the Printing Bureau could not proceed with the printing because the rules had not been revised. They were ready to print them, but they had not the authority to do so until they were finally revised.

Hon. Mr. LANDRY—Who held them back?

Hon. Mr. SCOTT—The translator had held them back.

Hon. Mr. LANDRY—I am informed that the translator is dead.

Hon. Mr. GIBSON—Then the rules are dead.

Hon. Mr. POWER—In order that this question of the Printing Bureau, which is coming up continually, may be properly considered, some member should give notice and bring it up in a regular manner. If no other member feels like doing it, I shall be tempted to do it myself.

Hon. Mr. LANDRY—I should like to hear the hon. gentleman on the subject.

Hon. Mr. FERGUSON—It would be much better if the matter could be investigated by the Printing Committee, because both parties could there be heard, and the King's Printer might be able to show that it was not his fault. I remember on one occasion when the King's Printer was blamed for something, it was found on investigation that he was not at fault.

Hon. Mr. LANDRY—I suppose, since the hon. member from Ottawa has ceased to be Secretary of State, there is no longer any one to represent us.

Hon. Mr. SCOTT—On every occasion, where inquiry was made, it was found that the fault was not the printer's. It has always been found that somebody whose signature was necessary had neglected his duty. They cannot print without getting signed proofs.

Hon. Mr. POWER—If you can find anybody in the world better at making excuses than the Printing Bureau, I should like to know it.

Hon. Mr. GIBSON—When I was a member of the House of Commons and of the Printing Committee we used to bring the King's Printer before the committee, and it seems to me that the committee should send for the King's Printer and get an explanation from him.

Hon. Mr. LANDRY—You may be sure that I shall call attention to the matter occasionally.

Hon. Mr. DANDURAND—Surely, if these rules are in type, there should be somebody whose duty it is to see that the right party puts his signature to the proof sheets.

Hon. Mr. LANDRY—I should think, as the hon. gentleman represents the French element in the Senate, he would undertake that duty.

Hon. Mr. DANDURAND—I will.

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

THE SENATE.

OTTAWA, THURSDAY, March 4, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SENATE REFORM.

MOTION.

Hon. Mr. SCOTT moved:

That when the resolution for Senate reform comes up for consideration, he will move that the following be the first, second and third resolutions, the other resolutions on the Order Paper being considered later:

1. That in the opinion of the Senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element, applying it approximately to two-thirds of the number of senators would bring the Senate more into harmony with the principles of popular government than the present system of appointing the entire body of senators by the Crown for life.

3. That paragraph 6 of the resolutions be taken up and considered as the third resolution, but the term be limited to seven years instead of eight years, as therein stated.

He said: When I gave the notice of the resolutions in the first instance, I assumed that they would be a subject of interest to my colleagues in the Senate. I relied upon their having taken a note of public opinion as it has come to the surface in the last twenty or twenty-five years, and that they would have recognized that a change in the Senate was imperative. I must say that my efforts in regard to this matter have been very much chilled. I have asked a number of my colleagues in the Senate whether they have read the resolutions or given them any consideration. I have invariably been met with the answer that they have not. I then said 'of course you have no objection to second the resolutions, or some of them?' The answer I got was a shrug of the shoulder, or a cold rebuff, or a positive refusal. I certainly felt rather hurt at such a reception of the resolutions. I thought I was doing a service to the Senate and to the country. I have scarcely lost a day in the sittings of this Chamber for 35 years, and I believed that the conclusions I had reached were quite justified by my long experience on different sides of the House, and occupying all that time rather a prominent position.

I think it will be conceded that, if it is desirable to amend the constitution of the Senate, the present time is opportune. We are at the opening of a new parliamentary term; the political atmosphere is calm, and though the Conservative party have not in the past, joined in the demand for Senate reform, as that party always had a friendly majority in the Senate when they were in power, yet as the political complexion of the upper chamber has, for the first time since confederation, undergone so marked a change, that the present opposition are equally interested with the Liberals in making the Senate a more representative body than it is at present.

At different periods during the last 35 years, the Liberal party have been pressing for a change in the constitution of the Senate, and as that party now have a majority of supporters in both chambers, there is no serious obstacle to impede Senate reform, if the two Houses will only now agree to the proposed changes.

Moreover, a Liberal government is in office in Great Britain and is now engaged in so serious a conflict with the House of Lords that the latter body is preparing to yield its vested rights to public opinion; we may, therefore, count on the hearty support of the Imperial parliament in facilitating the necessary amendments of the British North America Act.

Some hon. gentlemen, while admitting the absolute necessity for a change in our constitution, hesitate in taking action, waiting for a move by the government. Can we have a better precedent for taking the initiative ourselves, than the example of the House of Lords, which is now engaged in inaugurating changes that are revolutionary compared with the moderate proposals in the amendments now submitted.

Representatives on both sides of the House of Lords are uniting, with the desire of meeting public opinion. Lord Lansdowne, the leader of the opposition, and now slated by the Conservatives as the future premier, is taking an active part in support of the proposed changes. Then why should the Senate hesitate in following so pertinent and praiseworthy an example. If we take a pride in following the precedents prevailing in the House of Lords, now is the occasion to follow their lead, and gain some credit for our action; moreover such a policy would be gratifying to the people of Canada, and more particularly to the Liberal party, which is pledged to reform of the Senate. While not speak-

ing for the government, it could not be otherwise than a great relief to the cabinet if the Senate itself evolves such a reform as would be approved by the country.

Hon. Mr. POWER—I should like to ask the hon. gentleman if this report of which he speaks has been adopted?

Hon. Mr. SCOTT—No, not by the House of Lords, but by the committee. The 25 members who embraced that committee are the strongest politically and personally in the House of Lords. On that particular point I shall read now from the draft report, as amended, of the select committee of the House of Lords which was adopted and ordered to be printed on the 2nd of December last, a very recent document.

It was moved by Lord Rosebery to insert the following new paragraph, viz.:

It will be seen by reference to the following figures that the House of Lords, under the arrangements suggested, would number 350 members, viz.: 3 Peers of the Blood Royal, 200 representatives elected by the hereditary Peers, 130 qualified Peers, 10 Spiritual Lords of parliament, and 5 Lords of Appeal in Ordinary. To these must be added a possible annual increment of 4 Peers for life, up to the number of 40, thus bringing the total number of the House to something under 400.

The said paragraph was agreed to.

The committee was composed of Lord Lansdowne, the Archbishop of Canterbury, Duke of Norfolk, Duke of Northumberland, Marquis of Lansdowne, Earl of Jersey, Duke of Bedford, Earl of Lauderdale, Earl of Onslow, Earl Cawdor, Earl of Camperdown, Earl of Lytton, Viscount Selby, Viscount St. Aldwyn, Lord Clinton, Lord Brodrick, Lord Balfour, Lord Kenny, Lord Newton and Lord Courtney of Penwith. They are not the whole of the committee.

Hon. Mr. LOUGHEED—Will my hon. friend say how this committee was appointed? Was it at the instance of the government?

Hon. Mr. SCOTT—I do not think so.

Hon. Mr. LOUGHEED—Or simply on the motion of the House of Lords?

Hon. Mr. SCOTT—The only interference with the government was this: After the committee was appointed, they asked the government to obtain from the British representatives abroad, the ambassadors and British embassies, the composition of the upper chambers of France, Spain, Portugal, Netherlands, Denmark, Sweden, &c.

I have under my hand here those reports. They have been somewhat of a guide to me in forming a conclusion, because they represent the changes that have taken place in the governments of Europe during the last half century. Some by revolution, others by evolution of the sensible and rational men in the community. It is a most valuable document, because it comes from the highest source, the British embassies. They give the fullest reports as to the mode of electing the upper chambers, its success, whether the people approve of it or not, and even go so far as to state what the standing of the members of the upper Chamber is. That is a pretty good authority from which to glean the advance made by other countries in reforming their upper Chambers under a constitutional form of government. I do not think I misled the House in any way. I did not say that the report was adopted by the House of Lords, but the committee from which it comes is a powerful body. No doubt there will be changes, probably of a much more revolutionary form than the report suggests. I shall only be wasting time, I presume, in talking upon this subject, and I confess that my enthusiasm for Senate reform has very materially abated. While not speaking for the government, I am sure it would not be otherwise than a great relief to the Cabinet if the Senate agreed upon some sensible reform of which the public would approve. That is as far as I can go. It would be only a natural thing, if the Senate came to a conclusion that met with the approval of the press and people of Canada, that the government as a responsible body would adopt it, or at all events a policy kindred to that. They might not adopt our view entirely, because there is the House of Commons and the country outside to be consulted. We ought to be in a better position than any other body to know the weaknesses of our constitution, and we are absolutely disinterested. My proposition does not affect the seat of any gentleman in this Chamber. We are a free jury, asked to give our opinion on a most important subject, and a more capable body than any other in Canada to

give a frank, candid and fair opinion on the points to which I have referred.

Now, I want to show how the Liberal party are bound hand and foot to this reform. Before doing so, I should like to say how the appointed system was adopted. In my opening address, when giving notice of these resolutions, I explained very fully the constitution of the Legislative Council in the old parliament of Canada. I had some experience of it, having taken part in some of the elections, and, therefore, have a right to know. I venture to say that, as a rule, the men selected were the cream of the community. They might not have been in all cases, but I mentioned the names of men who would be an ornament in any assembly. Some of you hon. gentlemen have sat in the Chamber with them. I need only mention Sir Alex. Campbell, who was leader of this House; Geo. W. Allan, who occupied the chair for five years; Letellier de St. Just, who was my colleague on this side of the House some thirty years ago; Sir Narcisse Belleau. I could go on and mention a number of distinguished men who graced this Chamber who were elected by the people, and I say the elected members were freer to act according to their judgment and discretion than the appointed men. It will be admitted that a man appointed by a particular government is under some personal obligation to be in accord with the government by which he is appointed. I was going on to explain how it was that the change was made.

At the conferences preceding confederation, a majority of the Liberal representatives favoured the elective principle, but as the legislative councillors in Nova Scotia and New Brunswick held patents for life, they naturally pressed their right to sit in the upper chamber for life, and as there were still some life members in the Canadian Legislative Council, it is easy to undertstand how life appointments came to be adopted. So far as the Liberal party is concerned, they were divided. The majority of the rank and file favoured the elective principle. I quoted before. in addressing this House, the views of Sir Oliver Mowat and Hon. Wm. McDougall in favour of the elective principle, and of Geo. Brown and Alexander Mackenzie, who, at that time, were favourable to the nominative system. I think I shall be able to show before I sit down that George Brown and Alex. Mackenzie, as years went on, discovered that they had made a very great mistake and would have been glad to see the constitution of this Chamber changed.

The agitation for an elective Senate began soon after confederation, and in 1874, Hon. David Mills brought up the subject in the Commons.

The discussion will be found in the press copy of that year, April 13. On that occasion Mr. Mills expressed the opinion that:

> The Senate would be more active, and influential if elected by the people.

Hon. Senator Ross, then Mr. Ross (Middlesex) said:

> We wanted a Senate, though not one in exact accord with this House, yet in perfect sympathy with it.
>
> He was decidedly in favour of the elective principle; he had the utmost confidence in the people of the country, and did not desire to see the Senate appointed in such a way as if the people were unfit to elect them.

Hon. Malcolm Cameron entirely agreed with Mr. Ross. He quoted from the despatches of Lord Elgin, one of the most conservative of men, who recommended the elective principle as the best check upon the legislation of the House of Assembly. He condemned the taking away from the people at the time of confederation their right to elect senators. Mr. Chisholm spoke in the same spirit. Mr. Paterson held that the power of electing senators should be with the people.

Mr. Dymond (editor 'Globe') denounced the present system of appointments to the Senate.

In the session of 1875, Mr. Mills again brought up the subject. He moved:

> That the House go into Committee of the Whole to consider the following resolution:—
>
> That the present mode of constituting the Senate is inconsistent with the federal principle in our system of government; makes the Senate alike independent of the people and the Crown, and is in other material respects defective, and that our constitution ought to be so amended as to confer upon each province the power of selecting its own senators and to define the mode of their selection.

The motion carried, but many dissented from the mode of selection, preferring to leave the choice to the electors. Among the yeas are to be found a list of dis-

tinguished Liberals whose names and memories are cherished throughout the Dominion: Barthe, Bechard, Bernier, Edward Blake, Bourassa, Cartwright, de St. George, Dymond, Fournier, Holton, Huntington, Jette, Killam, Laflamme, Mackenzie (premier), McIsaac, McKay (Colchester), Mills, Moss, Paterson, Pelletier, Pouliot, Power, Ross (Middlesex), Ryan, Rymal, Schultz, Schriver, Taschereau, Yeo, Young.

After the vote had been taken, Mr. Mackenzie said he had not discussed the matter before the vote was taken, for the reason that he thought it most desirable that an independent opinion of the House should be expressed in such a way that there could be no party pressure of any kind placed upon any member. He then referred to a time when he approved of a nominative instead of an elective Upper House, but he went on to say:

> On one or two occasions since he had expressed the opinion that the view he then took had not turned out as he expected. He did not mean at all to reflect upon any member of the Upper House or to express any opinion upon the wisdom of the course they had taken, but he wished merely to express the opinion that in the light of our experience he did not believe that the power of nominating senators should remain in the hands of the government of the day. He was committed to no particular scheme; he was merely committed to the principle that it was desirable that there should be a change in the mode of constituting the Senate, and it would be the duty of the government to consider, in the first place, whether public opinion throughout the country was in such an advanced state as to justify the government in proposing a change to the legislature and when they were satisfied of that it would be their duty to use that public opinion in order to procure such a change as would fairly meet the views of the country.

We all know that Mr. Mackenzie was frank and candid. That was the 1st of March, 1875. I have heard it said, and I know as a matter of fact, the Hon. George Brown himself shared with Mackenzie the opinion in the first place that a nominative chamber would be the best. As I said before, the great body of the Liberals did not concur in that opinion. It was not supported to any appreciable extent in the country. I was told by a gentleman the other day that Mr. Brown had expressed himself very strongly against Mr. Mills' proposition. The 'Globe' did come out with an article about the 1st or 2nd March, 1875, which took the line that it was altogether too soon to propose any change; that confederation had not been in existence eight years at that time, and I thought that the line taken by Mr. Brown was a very sensible one. Experience had not warranted us in making a change after so very short a term, and the pith of the article in the 'Globe' is chiefly on that point. He opposed Mr. Mills' motion that nominations should go to the provincial legislatures. I have just taken one paragraph; hon. gentlemen who desire to pursue the subject further can find it in the 'Globe' of March 1st, 1875, in the editorial comment on the speech of Hon. David Mills, on Senate reform:

> Not a word has been uttered on the Senate's sins of omission or commission; not one instance given of its being untrue to its trust, or its having failed to correct the imperfect legislation sanctioned by the Lower House.
>
> We hold it is altogether premature and that it gives the appearance of instability and crudeness to our federal arrangement.
>
> Our constitution of yesterday and attempts at change before time has been allowed to discover its practical deficiencies, savour of weakness and not of power.

When these opinions were expressed, confederation had been less than eight years in existence, and in Mr. Brown's opinion, it was premature to agitate for a change. But his strongest objection to Mr. Mills' proposition was vesting in the provincial legislatures, the right of appointing the senators. I share his views on that point.

It must be remembered that 34 years have elapsed since that article was written, and that Mr. Brown had, as years passed, an abundant evidence of the failures of life appointees to respond to the wishes of the people, when it gratified their political allies in the Commons, to witness the policy of the government of the day, torn to shreds by an irresponsible Senate.

Let me give you one illustration and Mr. Brown's comments on it.

British Columbia entered the Union in May, 1871. In the 11th paragraph of the agreement, Canada undertook to secure commencement of the Pacific Railway within two years from date of union, commencing construction simultaneously from the Pacific to the Rockies and from a point in the east towards the Rocky mountains.

When the Mackenzie administration took office in 1873, the terms had already been violated. British Columbia was indignant and complained to the imperial government. We sent a delegate over there; first, Mr. Edgar, to try and negotiate with them for some amicable terms that would allay the public feeling there, because as no progress whatever had been made and the railway surveys were not completed, it was absolutely impossible to begin the construction of the line. Mr. Edgar did not succeed in paliating them. The matter was referred to the British government. Mr. Walkem, of British Columbia, went over to London. Lord Carnarvon was then Secretary for the Colonies, and he heard both sides of the question and made an award. The first part of that award was that the railway should be commenced immediately between Esquimalt and Nanaimo. In explanation of that I may say that in June of 1873 it was agreed that Esquimalt should be the terminus of the Pacific Railway, the assumption being that the line should cross the narrows from the mainland somewhere to the north, and that there would be a line down through Vancouver island to Esquimalt, and therefore Lord Carnarvon stated in his award that a beginning should be made there, because it was directly within the limits of British Columbia, and there seemed to be no practical difficulty in building that much of the line. It could not be very long, perhaps 50 or 60 or 80 miles. The government of the day, feeling that the matter having been referred to the imperial authority, and having decided that was to be the place of beginning, a Bill was introduced in the House of Commons and passed by a very large vote, I think 101 to 60 something. It came up in this Chamber and received the six months' hoist. I appealed to the House as it was a matter involving the question of the honour of this country; that the government of the day were quite justified in dealing with a matter of that kind. It was not a subject of our own choosing. We had inherited the agreement from our predecessors, and our position was an extremely delicate one. Lord Carnarvon having made the award, I thought it was the duty of Canada to accept it and ask no questions. However, this House, threw out the Bill and that was the end of it. Mr. Geo. Brown, after referring to the order in council of June, 1873, making Esquimalt the terminus, goes on to say—and anybody familiar with Mr. Brown's style of writing can at once discover that he wrote this article himself. He was a quick, impulsive man and used very strong language, a vigorous writer and his sentences carried weight with them. After referring to the order in council of June, 1873, making Esquimalt the terminus, the article in the 'Globe' goes on to say:

> The Tory following of Sir John A. Macdonald in the Commons, and his Tory allies in the Senate have voted in favour of a double breach of faith: First they have discarded the pledge their leader had given that the terminus of the Pacific Railway should be at Esquimalt, and secondly, they have deliberately accomplished the violation of the new treaty, made under imperial auspices, by which the railway from Nanaimo to Esquimalt was to be constructed.
>
> The government had only to treat it as part of the main line. . .
>
> The new terms were in the nature of a compromise; a compromise in favour of peace and harmony between Canada and British Columbia; a compromise in the interests of national honour and good faith; a compromise that involved to the Dominion a saving instead of a further expenditure of public money.
>
> It is these results that have been thwarted by the adverse action of the Tory opponents of the administration.
>
> They have exasperated British Columbia; embarrassed the government of Canada, and set at naught the friendly mediation of the Sovereign in the person of the colonial secretary.
>
> We sympathize with the disappointment the momentary suspension of the progress may occasion in British Columbia, but it is to a party, and to party spirit, not to any reluctance on the part of the people of Canada, that the delay must be ascribed.

Do you suppose that the man who wrote that article, near the close of his career, would favour the idea of a nominative Senate? Not a bit of it. There were just two causes that defeated the Mackenzie administration. There was at that time the greatest financial depression that had prevailed in a hundred years, I suppose, felt over the entire continent. No government could live under it. But we honestly commenced, the moment Mackenzie came into office, and laid down our programme to build the Canadian Pacific Railway. The people demanded it, and we were willing to acquiesce in it. We went to the country with that policy, and Mackenzie was re-

turned with a majority of 70, as large a majority as any government has had since confederation—I speak subject to correction—and under those circumstances, when the people responded to the support of the government in the generous way they did, it was unfair and unreasonable on the part of the Senate to set itself up against the policy of the administration. That policy had been submitted to the people and the people had approved of it, and it was the duty of the Senate then and there to acquiesce. Instead of that, up to the end of 1878, every act of the government, in connection with the Pacific Railway, I may say, was thwarted in this Chamber. I know because I had charge of most of the legislation here. It was not alone the story of the Esquimalt and Nanaimo Railway, but we thought, and posterity has at all events confirmed the opinion, that the most sensible way to begin was to build the Georgian bay branch, to have a port on the Georgian bay, so that there could be connection by water at all events between Port Arthur on Lake Superior and whatever point we selected. That policy has met with confirmation in modern times. The Grand Trunk Railway, the Canadian Pacific Railway, Canadian Northern Railway all recognize that the Georgian bay ports are the most important for the conveyance of the grain from the Northwest, and that trade has built up Parry Sound and Depot Harbour and Victoria Harbour. The Canadian Pacific Railway are going to spend $900,000 in an elevator there. That is an objective point, and only last year, when it was discussed in the other Chamber, it was decided that the proper policy was for the government to extend the Intercolonial Railway to the Georgian bay, seeing it was in the minds of everybody that this water connection was a most important one; but it was so ridiculed by the action of the Senate at the time the Georgian bay branch was proposed that it lost caste. The proposition to build the Georgian bay branch was thrown out, although friends of the government here came to the support of the Mackenzie administration, but they failed to accomplish anything. Then we were blamed—and it is utterly absurd when we look back at it, because we proposed to build a line from the head of the lakes to Selkirk. Mackenzie was anxious to build the shortest line, and Selkirk was the objective point. Just listen to what one hon. gentleman said with reference to it. Sir David Macpherson referred to it in this way:

> I consider the all-rail line from Lake Superior, in the present circumstances of the country, as an exceedingly unwise and unfortunate undertaking. I look upon it as a very grave blunder, a blunder that has committed the country to an expenditure that cannot be estimated, in connection with the Pacific Railway. There is this great difference between the policy of the late government and the policy of the present government, in respect to the construction of the Pacific Railway; the policy of the late administration only committed the country to a limited and defined extent.

We were going too fully into it at that time. Then we were blamed because we brought the Pacific terminus down to a certain point on the Kaministiquia river. A committee was formed in this House to inquire into the matter. I asked that the government should have an equal number on the committee. I made an appeal to the Senate, but they declined and insisted on having a majority against the government of the day on a committee appointed to consider a question on which this Senate proposed to censure the government, because the opinion was already formed. They had condemned the construction of the branch from the Northwest to Lake Superior, but after we had decided on going down to Kaministiquia they took up that question and had a committee on which they had a majority and condemned the government. I will read one of the paragraphs in the report:

> The length of the season during which the Canadian Pacific Railway can be used to bring the products of the Northwest to the marts and shipping ports of the Dominion, will depend upon the navigation of the waters with which the railway will connect. If it is made to terminate upon the bank of the Kaministiquia, its business season will be governed by the navigation—not of the great lakes, but of a sluggish stream of about 350 feet in width. As a rule, the Kaministiquia river closes, according to the evidence given before your committee, about eight days earlier than Thunder bay at Prince Arthur's Landing, and the placing of the terminus of the railway on the bank of the river will shorten, by the same number of days, the season during which the harvest of Manitoba can be transported through Canada to the sea-board.

We know that when the Canadian Pacific Railway Company took the road over, they declined to make any change in the terminus on the Kaministiquia.

We know that when the Grand Trunk Pacific made the survey the other day they sought the Kaministiquia for their station. The Canadian Northern had gone to Port Arthur. I think there is not room left on the Kaministiquia to accommodate all the railways. I am not very aggressive, but I did feel very much aggrieved on that occasion, and I spoke pretty strongly, and I was called to account for it. I said:

> I admit my language was not parliamentary, and therefore I withdraw it, but I ask honourable gentlemen to consider the difficulties I had to encounter from the very beginning with a committee that was selected for the purpose of condemning the government in advance. At the time it was appointed, I appealed to the House for fair-play, but I was refused it. I said it was monstrous that the government should be subjected to a trial by the jury of their opponents. I asked nothing more than the lowest criminal in the land was entitled to, but I was refused it.

I asked that we might have an even number, and I moved on one occasion that another member be added, and when I did so the opposition moved for another, keeping one ahead. Then charges were made against Mr. Mackenzie that he had entered into corrupt agreements with Cooper, Fairman and Company for the purchase of steel rails for the railway, Chas. Mackenzie had been a partner at one time in the Cooper-Fairman concern. They were brokers, buying rails, but he had left the firm, and at the time the agreement was made by the government with them, Chas. Mackenzie had no interest in the firm whatsoever. That was not sufficient for the opponents of the Mackenzie government: on the shallow pretense that the Premier's brother had at one time an interest in the Cooper, Fairman Company, it was charged that he had received a commission on the sale of those rails. We all know that posterity has done justice to Mackenzie's memory. We all know that there was not the slightest justification for the charge that he was robbing the country by giving an extra price for steel rails to the Cooper, Fairman Company. However, night after night, and day after day, the contract was brought up in the chamber and the charge was made. Then the Mackenzie administration laid out their telegraph lines. They were commenced in our day and the Senate condemned the location. We were building a telegraph line along the proposed route of the railway and that was opposed in this chamber. We were told muskeg covered so large an area of that country that telegraph poles could not stand alone and the crows were afraid to light on them. I do not know whether hon. gentlemen remember the story of the Neebing hotel. It only cost $5,000, and yet the charges were rung about the extravagance of building the Neebing hotel, and building it so inferiorly. One of the sayings made use of was that the studings were only 3 x 4 instead of 4 x 5, and there was not hair enough in the plaster. Such were the arguments used by the opposition against the Mackenzie government in this Chamber.

Hon. Mr. BEIQUE—My hon. friend will admit that the Senate has very much improved.

Hon. Mr. SCOTT—Oh, I admit that, of course.

Hon. Sir MACKENZIE BOWELL—Perhaps it would be just as well to say that the principal parties who took action in the manner my hon. friend refers to were leading Liberals.

Hon. Mr. SCOTT—In my judgment they were not leading Liberals.

Hon. Sir MACKENZIE BOWELL—It is very easy to see that I am correct, by reading the names.

Hon. Mr. SCOTT—I am speaking now of the Senate Chamber.

Hon. Sir MACKENZIE BOWELL—So am I.

Hon. Mr. SCOTT—There were not many. There may have been two or three who had always opposed the Pacific railway, but we were outnumbered here. From time to time as the years went on, there were, of

course, press criticisms on this Chamber. I do not intend to read them, because I think I have given sufficient evidence that a government not in harmony with the Senate had a very slight chance of carrying its measures through this Chamber when there was a majority of gentlemen bitterly opposed to them. I come down now to other evidence of how effectively bound the Liberal party are to Senate reform. In doing so I shall simply read the resolution adopted at the convention held in Ottawa in June, 1893. The largest and most representative gathering of Liberals ever held in this country. Many members of the present administration took part in it The resolution relating to the Senate was:

9th resolution. The present constitution of the Senate is inconsistent with the federal principle in our system of government, and is in other respects defective, as it makes the Senate independent of the people, and uncontrolled by the public opinion of the country, and should be so amended as to bring it into harmony with the principles of popular government.

That resolution was carried unanimously. I have copied the words of it as nearly as I could do so in the resolutions I am proposing, in order that there may be no mistake about it. I may say, as confirming the wisdom and soundness of that resolution, that at the time the fathers of confederation were drafting their various proposals, that one relating to the Senate being nominated came up. Now I shall read the opinion of the British government on that subject. We were then departing, without a reference to the people, from a principle of a popularly formed constitution to one nominated by the government of the day. Practically the Chamber was to be without any responsibility. The members of it were to be nominated for life. I shall read now from a despatch dated 3rd December, 1864, from Downing Street, addressed to the Governor General:

Her Majesty's government are anxious to lose no time in conveying to you their general approval of the proceedings of the conference. There are, however, two provisions of great importance which seem to require revision.

The second point which Her Majesty's government desire should be reconsidered is the constitution of the legislative council. They appreciate the considerations which have influenced the conference in determining the mode in which this body, so important to the constitution of the legislature, should be composed. But it appears to them to require further consideration whether, if the members be appointed for life, and their number be fixed, there will be any sufficient means of restoring harmony between the legislative council and the popular assembly, if it shall ever unfortunately happen that a decided difference of opinion shall arise between them.

These two points relating to the prerogative of the Crown and to the constitution of the Upper Chamber, have appeared to require distinct and separate notice.

They seemed to have anticipated just the conditions which arose between 1874 and 1878 when the government of the day found their policy thwarted by a hostile majority in this Chamber. It had not the elasticity of the House of Peers, because, as you all know, if the House of Peers sets itself up in opposition to the House of Commons, the minister of the day can fill it up by new appointments. The clause introduced in the British North America Act granted in a minor degree the same privilege to the Canadian government, that is, of choosing six members in anticipation of vacancies. It would have been useless in our case, because at that time the six would not have been sufficient; still we made application for it. A Conservative government was in power in England, and I do not hesitate to say that backstair influence intervened with Lord Beaconsfield to prevent the Mackenzie government getting even that six. The constitution is clear. The government of the day have a right to name six persons to the upper Chamber. It seemed only a formality to make application, and yet it was refused, although we were in extremis at the time. It mattered not, however, because six more Liberals in this House would not at that time have given us the numerical strength we needed to carry on our policy, and, therefore, no more was said about it, but you can quite appreciate that Conservative influence—I do not say who or what did it—was exercised. We were cut short, and no explanation of the incident was ever given that I have heard of. I have read the note of warning calling attention to defects in our constitution as far back as 1864, that we were adopting a constitution that was not sufficiently elastic, and did not give the majority in the popular branch of parliament the power to carry their measures through the Senate. They recognized that it could not occur under the

constitutional government of England, but we deliberately framed a constitution here that was not sufficiently elastic to meet the exigencies that were sure to arise as time went on. That is a strong point to take, and should influence the members of the government to deal with the subject since it was pointed out in advance that the constitution in that respect would prove a failure.

In the remarks I have been making on the subject of the resolution, the appeal has been made to the Liberals in this Chamber to initiate Senate reform and secure the credit of bringing about the long promised change in the constitution of this Chamber; in doing so, they will be only emulating the spirit of the legislative councillors of the two Canadas, who in 1855 voted to abolish life membership in their own Chamber. I now desire to make a few comments on the defects of the present constitution.

It will be admitted that the Senate should be fairly representative of all classes and parties, but if no change is made in the mode of selecting senators before the present government goes out of office, the Senate will practically represent only one party in the state. To-day the Liberal party have no cause for complaint, as will be seen by noting the political complexion of this Chamber:

Representation.	Liberals.	Conservatives.
Ontario	19	5
Quebec	16	8
Nova Scotia (when filled).	6	4
New Brunswick	7	3
Prince Edward Island	2	2
Manitoba	3	1
British Columbia	2	1
Alberta	3	1
Saskatchewan	3	1
	61	26

There are reasons why the Conservative party should support the resolutions. Unless a change is made in the constitution of this Chamber, it is not improbable that when the present administration goes out of office, the Conservative party will not have a single representative in the Senate from several provinces.

At present the Conservatives in the five western provinces are represented by 9 senators, and the Liberals by 30; yet in the recent elections the opposition polled in these five provinces, according to the unofficial returns, 346,200 votes, nearly one-third of the total vote polled throughout the Dominion, and claim a majority in these provinces of 19,860 votes; yet to-day, the representation of that party, in those provinces, is less than one-ninth in the Senate, and as will be observed, they have only one senator in each of the four western provinces. The opposition, in taking office, will have to reckon that for one parliament certainly, and probably for two parliaments, the Senate can defeat the policy of a new government.

I have foreshadowed a condition which may embarrass the policy of a new administration, and which may arise if the Liberal majority in the Senate retain a recollection of the treatment meted out to the Mackenzie administration that held office from 1873 to 1878.

I think I have said enough to convince both sides of the House that if the Senate is to maintain the respect and approval of the country, it must become more representative in its composition.

I have already mentioned that in 1854 a wave swept over upper and lower Canada condemning the nominated legislative council. Public opinion was so strong that it became evident, even to the council themselves, that they had to make some change. It was undertaken in the House of Assembly, at which the upper House took umbrage, the second reading of the Bill abolishing the nominative chamber was carried almost unanimously in the assembly. I think there were only 12 dissentients, all from upper Canada. Every member from lower Canada voted for the abolition of the nominative council, and for an elective council. The first session, the Legislative Council were indignant because it had not originated with themselves. They declined to pass the measure, but at the second session they passed it.

For the ten years preceding confederation, the upper Chamber in Canada, con-

sisted of two elements: those appointed for life, and the members who had been elected at varying periods between 1856 and 1866. The fresh blood infused from time to time gave life and vigour to the body, and the independent spirit it displayed on several occasions won for it the respect of the whole community; and though the majority of its members were Conservative, yet when its political friends in the Assembly ventured on a policy that seemed unwise, their friends in the upper Chamber did not hesitate to chide them. Two illustrations of this attitude recently appeared in the 'Globe' which is day by day, reproducing articles published fifty years ago. Just fifty years ago last month we had a very bitter dispute in this country over the question of the seat of government. For twenty years the seat of government migrated between Toronto and Quebec. We failed to agree on a capital, and referred the question to the Queen. When she gave her decision in favour of Ottawa, there was almost universal dissent. In the following session, 1858, the House, by a considerable majority, declared that Ottawa was not a proper place for the seat of government. It was a government question, and the government resigned.

Hon. Sir MACKENZIE BOWELL—The vote was on the estimates providing fifty thousand pounds to commence work here.

Hon. Mr. SCOTT—It was Piché's motion rejecting the decision in favour of Ottawa. The government resigned and the Brown-Dorion government was formed. Subsequently a vote of want of confidence was passed on that government, and the former administration came back. The government having fallen on the question of the seat of government, practically declined to risk their seats again. Perhaps they could not be blamed, having stood firmly by the question once before and having resigned. Some days before parliament met in 1859, I, having been delegated by the city here with the member for Carleton, went to Toronto and discussed the question with the government. We first made preparations to secure a change of some votes, and assured the government that if they would agree to stand or fall on it and to put a paragraph in the speech, we would guarantee that it would go through. We had counted heads and thought we could rely on a sufficient number to secure the majority. The government consented, and put a paragraph in the speech from the Throne affirming the principle that parliament should stand by the decision of Her Majesty. We only succeeded in carrying it by a majority of five, a pretty close shave. Three votes the other way would have defeated the government, and you gentlemen would not be sitting here to-day. I quote that incident to show the independence of the Legislative Council of that day. When the government decided to stand by Ottawa, but in the meantime going to Quebec, they made no preparation to come to Ottawa, although the people here offered to provide buildings for them. No preparations were made that year or for a year or two afterwards to come to Ottawa. In answering the speech from the Throne the elected element of the Legislative Council took umbrage with the government because they were not more decided, that they had not made up their minds to hasten the erection of buildings at Ottawa and come directly here from Toronto. The Toronto 'Globe' referred to the refusal of the upper Chamber to pass the clause in the shape in which it had been submitted to them in its issue of February 3rd, 1859, as follows.

> The government have received their first defeat—the beginning of the end. The upper House resumed the consideration of the address yesterday afternoon, when an amendment was moved by Mr. Campbell, Cataraqui, to the effect that there was no arrangement recognized by the legislature that the government should go to Quebec, and that the expense of removing at this time would be unwarrantable. . . . Mr. Campbell's amendment met with almost universal favour. Messrs. Vankoughnet and Ross and Sir E. P. Taché exerted their powers of persuasion publicly and privately. All was of no avail. . . . The amendment was carried by a majority of ten. This was a very decided vote of want of confidence, and had it happened in the lower House there would have been an immediate call upon the government for a statement of their intentions in consequence.

The amendment which was carried was as follows:

> This House cannot perceive that the transfer of the seat of the government to Quebec for a fixed period until the completion of the necessary buildings at Ottawa is involved in the duty which devolves upon the executive of carrying out the Queen's decision, or that

any such arrangement has ever been recognized by any resolution of the legislature; and this House deprecates the expenditure attending a double removal of the seat of government after the Queen's selection of a fixed site has been promulgated.

My point is this, that the elective element made the Legislative Council more independent of the government. There is another evidence given of it which is rather a pertinent one too; a day or two after, on the 18th February. At that time the Legislative Council, being partly elective, a certain number of petitions against the return of members were presented. I read from the 'Globe' of February 18, 1859, as follows:

By a vote of 19 to 12 the upper Chamber yesterday declared their disapproval of the partisanship of the Speaker in naming four ministerialists on the General Committee of Elections and only two members of the opposition. Mr. Dessaulles introduced the resolution and conducted the case against the Speaker and the government with tact, cleverness and courage worthy of the highest praise. . . It is quite evident that the upper House is not in a humour this session to participate in the tricks and jobs of the government.

To take a practical view of these two illustrations, it is highly improbable that an exclusively appointed Senate would give so direct a rebuke to its friends in the other Chamber. The amendment to the speech from the Throne was moved by Hon. Alexander Campbell, an elected Conservative (for Frontenac), and at one time, Conservative leader in this Chamber. It was supported by Senators Allan, Alexander, Patton, all leading Conservatives and friends of the government.

My experience leads me to the conclusion that members in this Chamber continue to be sympathetic with the party in the other branch of parliament, by whom they were appointed. I quite recognize that there are exceptions to this rule, and that very many independent votes are recorded independently of party feeling; but in questions that arouse political feeling, we all give evidence of where our sympathies lie. I quote those two illustrations as showing that elected members feel much freer to express independent views than those who owe their appointments to the government of the day.

I shall now call the attention of members to the changes that some European and other governments have undergone in the last fifty years, and more particularly to the constitution of their upper Chamber, from which it will be noted that Canada has not kept pace with the progressive spirit of the age in withholding from the people a voice in the selection of their representatives in the Senate.

I may say that much of my information is drawn from the reports of the British embassies prepared for Lord Rosebery's committee now considering the contemplated changes in the constitution of the House of Lords.

An examination into the composition of upper Chambers in other countries is a matter of importance in discussing this question: Spain. The Senate Chamber consists of three classes of senators,—the total number being 360.

Class 1. Those in their own right.
Class 2. Life senators.
Class 3. Senators elected.
The elected number one-half, 180.

Classes 1 and 2 must never exceed in number the elected members. The latter are chosen, some by the provinces, others by cities, county councils, and by highest taxpayers. In cases of the dissolution of parliament, the elected element may be dissolved.

Denmark. The Landsting is composed of sixty-six members—a little less than one-quarter are appointees, being twelve nominated for life by the King. Fifty-four elected by special classes of electors, for eight years; one-half retiring every four years. Every fourth year twenty-seven new senators are elected.

Sweden. Upper Chamber consists of 150 members, elected by the county councils, and by the municipal councils of Stockholm, the capital, and four other cities. The term was originally nine years. Under a recent change in the constitution, the term was reduced to six years. The reform, however, cannot become law until again approved by a new Diet.

In the Netherlands the Upper Chamber consists of fifty members elected by provincial states for nine years. In France there are 300 members elected by an electoral college meeting in chief towns in

each department. The college is composed of municipal and other bodies.

I wish hon. gentlemen would give particular attention to the constitution of Belgium's upper Chamber, as many of the conditions existing in that country are similar to those in Canada.

There are two nationalities: The Flemish who were originally Germans, and the Walloons who are of French extraction. There are three recognized national languages, French, Flemish and German.

The population is seven millions, being slightly in excess of ours.

In 1906-7, the number of electors for the Senate was 1,358,840.

The number of votes on the voters' list in Canada at last election was	1,461,793
Total who voted	1,176,104
	285,689
Deduct three constituencies carried by acclamation	22,000
Number who omitted to vote	263,689

About one-fifth of the voters of Canada did not go to the polls in last election, while practically, under compulsory voting, the full vote was recorded in Belgium.

I advocated that principle in the legislature of Ontario in the late 60's or the beginning of the 70's. The question was brought up and there was considerable discussion about it, and it struck me as a correct proposition that a man who enjoys the privileges of the laws of his country, who is protected by the police, should discharge the duty devolving upon him to elect the best men to make its laws. In Belgium they take no objection to it. A man pays a money penalty if he does not vote.

The seven million Belgians occupy an area a little larger than half the area of Nova Scotia. Their imports and exports are more than three times those of ours. The agricultural population are regarded as the model farmers of Europe, the available land being cultivated more like gardens.

In December, 1905, the railway mileage was 2,826 miles, of which all but 330 miles was worked by the state.

That is something for Mr. Graham to consider.

The number of passengers conveyed by the State Railway in 1905, was 145,471,624—and by the Company road 17,950,393—and according to Mr. White, of Chicago, in his lecture on Public Utilities before the Otta-Canadian Club last week, in Belgium, a man may travel 42 miles back and forth six times a week for 57 cents. Those cheap fares eclipse the two cent rate of the member for South York.

I will quote now from the Statesman's Year-book, 1908, under the head of religion, the following:

> The Roman Catholic religion is professed by nearly the entire population of Belgium. The Protestants number only 10,000, while the Jews number about 4,000. The state does not interfere in any way with the internal affairs of either Catholic or Protestant churches. Full religious liberty is granted by the constitution, and part of the income of the ministers of all denominations is paid from the national treasury. The sums granted in budgets for 1907 (Ministry of Justice) are 7,191,100 francs to Roman Catholics, 102,900 francs to Protestants, and 25,500 francs to Jews. Subsidies to provinces, communes, and consistories for the erection of buildings devoted to Protestant and Jewish religious services, 25,000 francs.

They do not bother about the minor matter of separate schools. According to all the authorities, Belgium is enterprising and progressive, and their system should be worth considering. The Senate of Belgium consists of 110 members elected for eight years—half elected every four years. Eighty three senators are elected by the people, but electors must be 30 years of age—27 are elected by county councils. The present chamber consists of 43 lawyers and persons belonging to the other professions; about the same number are drawn from bankers, merchants and owners of large industrial works. Compulsory voting is the rule, under option of a fine—it works well. Plural voting gives to the large taxpayers and to the highly educated, extra votes—some electors have two votes, others three votes.

In the event of a parliamentary dissolution, the Senate must seek re-election. I do not find any record of a dissolution.

When you come to consider it, they seem to be a little ahead of us in many ways. Under our system a man employes 500 men

in his factory. Each has one vote. In Belgium a man votes according to his standing in education; if he holds a degree or is a professor at college, he has an extra vote, and if he is a large employer of labour he may have two extra votes. There has been no complaint on that policy, and it seems to work very well. I will read now from the official report of His Majesty's representative at Brussels on the composition and functions of the second or upper Chamber in Belgium, signed by Sir Percy Wyndham. He says:

The property qualification insures that the members of the Senate should be drawn from classes of a certain financial position, or at all events, in easy circumstances, while the age qualifications of the electors and of the candidates, together with the system of the plural vote and proportional representation, insure the existence of a stable and conservative element, counterbalancing the elective character of the Senate and the low franchise under which it is chosen. These qualifications have so far kept from the second chamber any Socialist or Labour element sufficient to effect its general character; its debates are usually conducted with greater calm than those of the lower House, and if anything attain a higher order of merit. No popular feeling exists in the country against the Senate, and no party, not excluding the Socialists, are in favour of entirely doing away with a second chamber, though the most extreme members of the left advocate the abolition of the property qualification and the plural vote.

Is that not praise, coming from an ambassador living in the country? Surely we are entitled to draw some conclusions from their constitution, whether they may be wise or otherwise. Then in Japan the upper Chamber embraces royal princes, barons who are elected by members of their order, and also several classes of members who are elected for a term of seven years.

In the United States, the Senate consists of two senators for each state, elected by the joint votes of the legislature for a term of six years. The system of election is not regarded favourably, and in many states the constitution is substantially violated by public opinion and the voice of the people prevails over the law. I have authority for what I say, that the constitution requires that the senators shall be elected by a joint vote of the legislature. That element of the constitution is violated year by year, the increasing number of states that are violating becoming larger. The system of appointment by the local legislature has been a failure. In confirmation of what I say I will quote from Mr. Bryce, minister at Washington. He says:

There are, or have been, two different systems by which it has been attempted to render the power of the States legislatures to elect senators merely nominal. In earlier years the will of the people was often expressed by party state conventions. A notable instance was in 1858, when the Illinois State Democratic convention endorsed Mr. Douglas, and the Republican convention endorsed Abraham Lincoln, for the position of United States' senator. The more modern system is that of primary elections, in which the opinion of the voters of each political party is directly expressed in favour of aspirants previously nominated by party meetings, the state legislatures simply registering the results of the elections. This system is now in vogue in at least eighteen states, Nevada having been the pioneer, by the enactment, in 1899, of an Act entitled 'An Act to secure the election of United States' senators in accordance with the will of the people. . .' In some states, particularly in the southern states, where one political party is in almost complete control, the system has been put into force through the state committees of the party; in others, recourse has been made to legislation, as in Oregon, the two Dakotas, Missouri, Illinois, and others where primary elections are provided for by statute. Mississippi, by an Act of 1903 abolished all nominating conventions, and provided for the nomination of all elective officials, including United States senators, by direct primaries. In some states, South Carolina and North Dakota for instance, legislators are subjected by statute to a pledge to abide by the primary elections. By the Oregon law of 1904 candidates for the legislature are required to sign a pledge that they will, or will not, vote for the senatorial candidate who receives the highest popular vote in the primary. That this system is the most favoured at present is shown by the fact that the last house of representatives of Pennsylvania passed a Bill to that effect by unanimous vote (though this Bill has not been adopted by the Senate of that state), and by the inclusion of a provision for primary elections in the as yet unratified constitution of the proposed new state of Oklahoma.

In all these cases, of course, candidates are the official selections of the political parties.

It appears the people succeeded in forcing the legislature. There are instances where a Democratic state had to elect a Republican and a Republican state had to elect a Democrat, showing when they were first elected to the legislature they were bound as to how they were to vote on the question of the Senate.

Hon. Mr. POIRIER—It is a sort of referendum.

Hon. Mr. SCOTT—It is done in different ways in the different states. In Mexico, Bra-

zil and the Argentine Republic, the upper Chambers are elective. The same condition exists in the other countries of South and Central America, Canada being the only country in North or South America having life appointees in the upper Chamber.

In the Commonwealth of Australia, six senators are elected for each state, for a term of six years; half the number retiring every three years. The entire vote of each state is at present polled for each candidate. In case of differences with the House of Representatives, the Senate may be dissolved, and a new election held, when half will sit for the first three years only. It will be observed that the two houses are chosen by the same electorate. Mr. Bryce, in his comments on the constitution of Australia, regards it as a new problem, being an attempt to combine the cabinet system of England with the co-ordinate Senate of the United States, without the safeguards of either. He assumes that, as both Chambers are elected by the people, a vote of want of confidence in the upper House could not be ignored, and, if followed by a vote of confidence in the other, he asks, is the ministry to resign? Because one House will not support it while it retains the confidence of the other. He adds that the problem cannot arise under either the English or American systems, not under the English because the two Houses are not co-ordinate, the House of Commons being much the stronger, nor under the American, for while the two Houses are co-ordinate, neither House has the power to displace the president or his ministers. Mr. Bryce's criticism would apply to a Canadian Senate, if entirely elective.

In New Zealand the upper Chamber was formerly appointed for life—the term is now limited to seven years.

In the South African Union, the most recent constitution evolved under the British system has just been drafted by the delegates representing the Cape of Good Hope, Natal, the Transvaal and Orange. The first House of Assembly will consist of 121 representatives, and the Senate of 64—16 for each of the four provinces. Eight will be elected in each province, and eight will be nominated by the Governor General in Council for each original province. The first term will be ten years, after which parliament may provide for the manner in which the Senate shall be constituted. It is not improbable that a good many public men had to be appeased, and so the long term was adopted for the present, being four years longer than Australia, and three years longer than New Zealand.

As one of the evidences that when recently engaged in drafting the constitution for the South African Confederacy, the political leaders of the four states had made an exhaustive study of the most acceptable and workable methods of administering a federal system of government satisfactorily, I observe in the Montreal 'Herald' of the 1st March, that Mr. E. W. Thompson had been engaged to make a report on the Canadian system. The paper adds:

> Along with his reply on Canadian workings, Mr. Thompson sent a letter entrusted to him by Sir Wilfrid Laurier, in reponse to a request to give his aid for the benefit of South Africa, and thereby, of the British empire.

The 'Herald' adds that the letter and report had already appeared in several Canadian papers—I had not heard of it, and cannot vouch for its accuracy.

I can, however, quite understand that the public men in the new Confederacy exhausted all sources of information before finally deciding on the new constitution.

In my judgment, the elective element in the Senate should have been larger than the nominated, and the term of service should not have exceeded seven years.

The explanation is that, no doubt, many applicants had to be consulted who wanted the term made as long as possible. When the present government accepted office, the standing of the parties in the Senate was 69 to 11. When the present cabinet goes out of office the numbers will in all probability be reversed; in five or six of the provinces the Conservative party may not have a single representative in the Senate. Can anything be said in favour of a Chamber where that condition can arise? It would not for a day be tolerated in any other country claiming to have a responsible form of government.

It is easy to prove that those extreme disparities could not exist if the resolution on the paper were adopted. Let me give you the proofs:

Assume that the proposals had been brought into operation in 1896. Since that date 58 appointments have been made.

	L.	C.
15 of these were in Quebec, ⅓ would be appointees	5	
The remaining 10 would probably be elected Liberals	10	
Leaving 45 vacancies to be filled, ⅓, say 14, would be Liberal appointees	14	
Leaving 29 to be elected—assume Liberals carry	14	
And Conservatives carry		15
Liberals who were in Senate in 1896	3	
Conservatives still in Senate who were there in 1896		26
	46	41

The standing of the political parties in Senate in 1909, Liberals, 46; Conservatives, 41. Liberals 5 majority.

Now, assuming that the present government go out of office in five years, the vacancies occurring in the meantime would be in the vicinity of 21—that figure being slightly less than the average in the past 12½ years. The government would appoint 7; that would leave 14; divide the 14 elections equally between the two parties—7 Liberals and 7 Conservatives; total 14 Liberals and 7 Conservatives.

In the five years to 1914, Liberals would have gained 7, which, added to their majority of 5, would give them 12 majority when going out of office.

The incoming government could at once claim 9 under the present resolutions, which would reduce the Liberal majority to 3, and that would very soon disappear as vacancies arose.

It must be conceded that under the proposed change the great inequality in the relative numbers of the two political parties in the Senate cannot arise in future.

I do not think that those illustrations are open to any serious criticism. They are based on what has occurred in the last 35 or 40 years, and I think they can be relied on. My object is to secure for each political party as near equality as possible, giving the government a small majority in order that their measures might receive fair consideration in the upper Chamber. Ordinarily I think they would; but occasions may come when strong political feeling arises and a hostile majority in Senate may defeat the policy of a government as happened between 1873 and 1878.

Let me give you a practical illustration, showing how the new system would work. The first elections in the electoral districts would be held only when vacancies arose, and the elected senators would hold their seats for seven years.

Thereafter, say for example in Ontario, the sixteen to be elected would be chosen on an average of two, possibly three in each year. No particular excitement would arise outside the localities, and very little within the district.

The number of voters would be too large to personally canvass, and unless a reasonable excuse were given in each case, every vote would be polled. It is a trifling condition to add to the duty of the elector who enjoys the protection of the laws, that once in seven years he shall cast a ballot for the best man to revise the laws of his country. If the electors in Belgium find no cause for complaint with a law imposing an obligation to cast a ballot, surely Canadians are not less willing to perform so slight a duty for the benefit of the community. Under this rule of obliging every voter to cast his vote, there would be far less incentive to bribe the voter.

On the basis of the Voters' List for 1908, the average number of electors in the Senate Electoral Districts

in Ontario would be	41,290
" Quebec " "	25,901
" Nova Scotia "	19,628
" New Brunswick would be	14,077
" British Columbia " "	35,130
" Manitoba " "	28,237

In Australia, and in some other countries, senators are elected by the entire vote of the state, and the number of electors would no doubt be larger than the proposed districts in Canada.

The larger vote over a wide area secures the election of a prominent man. Compulsory voting would bring to the polls, the moderate men, who are not partisans on either side. A full expression of public opinion would be thus secured, and candidates relieved from making a personal canvass. Under these conditions, bribery and corrupt practices could not be as successfully concealed in the larger district as in smaller constituencies.

In brief, my conclusions are the following: That the constitution of the Senate must be amended. That the most important points to be kept in view are: To make it representative of the two political parties; this will be best secured by making it two-thirds elective. Under our system, the government of the day should have a reasonable following in the upper Chamber. The right to appoint one-third, as vacancies in that class arise, would in many cases give the cabinet the necessary support. If not, the executive should have the right to anticipate the vacancies by adding a fixed number, as was provided for, in the British North America Act.

A Chamber entirely elected by the same voters, would be sure to clash with the House of Commons; but if there is an appointed element in the Senate, that body could not presume to claim powers equal to the lower Chamber.

A larger proportion of the nominated would disturb the desired equilibrum. That would result if half were nominated. As an illustration: Governments in Canada last more than one term of five years. In ten years the vacancies would be at least 40. Government would appoint 20. In 20 elections the government would certainly carry 10. The result would be that the government would gain 30 supporters, the opposition only 10.

If the press and the electors of Canada, approve of these suggestions, arrived at after thirty-five years experience in the Senate under many varied conditions, Senate reform can be readily brought about. and the upper Chamber will in time become a fairly representative body. I have done my part—the electors must do the rest.

Hon. Mr. ROSS (Middlesex)—I think it would be conducive to the advancement of business if, instead of occupying the attention of the House at this hour I should move the adjournment of the debate and allow the orders of the day to be taken up.

Hon. Mr. SPEAKER—The motion is not seconded; there is nothing before the House.

Hon. Mr. POWER—I second the motion for the purpose of getting it before the House.

Hon. Mr. SCOTT—I do not ask the hon. gentleman to second the motion unless he is prepared to vote for it.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman seconds the motion he will have to vote for it.

Hon. Mr. POWER—I do not care to commit myself to that.

Hon. Mr. PERLEY—I second the motion on the principle of changing the present mode of constituting the Senate.

The debate was adjourned until Tuesday next.

THE STATUS OF JUDGES.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to inquire of the right hon. leader of the House if any changes have been made in the status of the Judges of the Supreme Court, or of the Chief Justices of the other courts, or retired Chief Justices, since last session? Has any order in council been passed relating to the judges?

Hon. Sir RICHARD CARTWRIGHT—My impression is there is none, but if my hon. friend will put his question in the ordinary shape I will try and obtain an answer.

ANIMAL CONTAGIOUS DISEASES ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 18) An Act to amend the Animal Contagious Diseases Act. He said: As I intimated across the floor, one of the chief objects of this Bill is to increase the sum which might be paid in the case of slaughtered animals. At present the statute fixes a certain sum, but there is a further provision, as I am advised, that the compensation for slaughtered animals should be two-thirds of their value. The Bill before us will alter that and allow an amount equal to that set forth to be paid. It will not confine it, as at present, to two-thirds of the amount. That is the chief provision in the Bill. Another is to correct an error made by the revisers.

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

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 19) An Act to amend the Post Office Act. He said: My hon. friend opposite was desirous of learning whether suffragettes could be sent by mail under this clause. I have consulted the Postmaster General, and he is rather of opinion they could, if that sort of animal should ever exist here.

Hon. Mr. LOUGHEED—What I wanted to know is if $25 would cover the value of the registered article if lost?

Hon. Sir RICHARD CARTWRIGHT—I am not conversant with the value of the article in other countries. There are places where their value would be rather below zero. Generally speaking, I should think $25 would cover the average value of an article which chains itself to a grille, and persecutes ministers of the Crown.

Hon. Mr. FERGUSON—That particular suffragette would be making herself a living epistle.

Hon. Sir RICHARD CARTWRIGHT—The British Act has been amended to meet the case. With respect to the amount fixed, the sum appears to be $25, which is allowed in a case of loss or damage of parcels of this description in the United States and apparently also in England.

Hon. Mr. LOUGHEED—What the Chamber desired the other day was to have some information given as to what the term 'domestic article' embraced.

Hon. Sir RICHARD CARTWRIGHT—That question I also put, and was told it had references chiefly to articles such as are now being sent freely from one country to another under the parcel post system, which it is desired by the Post Office Department to extend considerably.

Hon. Mr. LOUGHEED—Would it not be wise to add an interpretation clause?

Hon. Sir RICHARD CARTWRIGHT—It would. I will mention it to the Postmaster General for consideration when we put this through a Committee of the Whole. I endeavoured to extract a correct definition of it, but there appeared to be difficulties in what I might call the post masterly mind in defining what a registered domestic article was. Their main object was to facilitate the transmission of parcels, and more particularly owing to the fact that under the terms of the postal convention held at Rome two or three years ago, at which Canada was represented, and to which we became parties, the Post Office Department of Canada, has signified its willingness to pay an indemnity for lost registered parcels up to a certain value. Those are the objects of making this amendment. I will take the suggestion of my hon. friend, and if he chooses himself to draft an interpretation clause I shall be glad to consider it.

Hon. Sir RICHARD CARTWRIGHT—Then I shall suggest to the Postmaster General that he exercise his talent as a draftsman. It is a matter that any body not expert in those details might find some difficulty in doing

Hon. Mr. LOUGHEED—I do not care to undertake it.

Hon. Sir MACKENZIE BOWELL—Is there any additional postage to be paid on one of those domestic articles, or an ordinary registered letter to insure compensation if it should be lost? In other words, will there be additional postage in the way of insurance to secure payment for the article if it should be lost?

Hon. Sir RICHARD CARTWRIGHT—Apparently not, as far as the notes given to me show, but that is a matter that is capable of being regulated, under the Post Office Act, by the post office authorities. If they find that the losses under this system prove to be considerable, then no doubt they would find it necessary to increase the cost of a registered letter, but I am informed that up to the present time the losses have been extremely small, amounting to as little as one-thousandth of one per cent, in which case the probability is the present rate will be sufficient to meet any loss the department might possibly incur. The question of transmitting moneys through the mails by registered letter is not one that the post office desires to encourage. It is putting a great deal too much temptation before the employees of the post office for one thing,

and another is that every day throughout Canada the facilities for transmitting money, either through the post office itself in the shape of money orders, or by express, or through the banks, are being multiplied so rapidly that there is not much occasion for sending money except in very small amounts by registered letter.

The motion was agreed to.

SECRET COMMISSIONS BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 31) An Act to prevent the payment or acceptance of illicit or secret commissions and other like practices.

He said: Do my hon. friends wish to discuss the principle of this Bill now? If so I shall postpone the second reading.

Hon. Mr. LOUGHEED—If it is understood that the principle may be discussed in committee, there is no objection to letting the Bill take a stage.

Hon. Sir RICHARD CARTWRIGHT—Then I shall move the second reading with the understanding that the Bill may be discussed as freely in committee as at the second reading.

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

SECOND READING.

Bill (D) An Act to incorporate the British Colonial Fire Insurance Company.—(Hon. Mr. Choquette).

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 20) An Act to amend the Government Railways Act. He said: The object of this measure is to place the government railways more fully in the position of ordinary railways with respect to suits that may be brought against it for damages sustained from any cause. The intention was declared in one of the previous Acts passed by the House of Commons last year, but on looking into the matter the law clerk advised that certain amendments required to be made for the purpose of bringing the government railway more under the control of the ordinary law than heretofore. The details can be discussed in committee.

Hon. Mr. FERGUSON—Perhaps my right hon. friend would not object to allow this order to stand over?

Hon. Sir RICHARD CARTWRIGHT—I have no objection.

Hon. Mr. POWER—I do not wish to interfere, but the understanding is that the discussion may take place in committee, where we can consider the exact phraseology of the Bill.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend would prefer to discuss the Bill at the second reading I have no objections.

Hon. Mr. FERGUSON—That would be more satisfactory to me.

The second reading was postponed until Tuesday next.

DELAYED REPORTS.

Hon. Mr. LANDRY—Before the House adjourns, I should like to inquire if any progress has been made with the translation of two reports placed on the table last year—the report on the Civil Service and the report on the Quebec bridge? We have not yet received the French version of either of them.

Hon. Sir RICHARD CARTWRIGHT—I am not able to answer at the moment, but I shall make a note of it and inquire and let my hon. friend know.

Hon. Mr. FERGUSON—I should like to ask the leader of the House if he is able to give us any idea when we are to receive the report of the Board of Railway Commissioners? It will soon be twelve months since the close of their year.

Hon. Sir RICHARD CARTWRIGHT—I laid that on the table a couple of days ago.

Hon. Mr. FERGUSON—In print?

Hon. Sir RICHARD CARTWRIGHT—It has not been printed, but it was laid on the table. I had a copy specially made for my hon. friend.

Hon. Mr. FERGUSON—Why is this report not in printed form?

Hon. Sir RICHARD CARTWRIGHT—I have not received it in any shape except the one mentioned, and that is precisely the way it was placed before the House of Commons. I presume the Joint Committee on Printing will give instructions as to the printing of it.

Hon. Mr. FERGUSON—Why is a different course pursued with reference to the printing of this report from that of the reports of other departments?

Hon. Sir RICHARD CARTWRIGHT—That is for the Printing Committee to say. This is not a departmental report in the ordinary sense.

Hon. Mr. FERGUSON—It is a report called for by an Act of Parliament to be laid on the table of this House, and it is a very important one. We want to know what the commission is doing.

Hon. Sir RICHARD CARTWRIGHT—The Printing Committee has charge of it.

Hon. Mr. FERGUSON—It seems extraordinary that there should be a keeping back of the work of this Railway Commission in the way in which it has been done. The year ended on the 31st of March. The Act calls for it being laid on the table of the House, and any one would assume that it would be laid on the table like any other document in printed form, and here we are nearly twelve months past the end of the financial year and we have not yet received this information.

Hon. Sir RICHARD CARTWRIGHT—The report has been laid on the table of this House.

Hon. Mr. FERGUSON—Yes, but it was not for a long time after it was due, and it is in manuscript, which we know is not useful for general reference.

Hon. Sir RICHARD CARTWRIGHT—I think my hon. friend will find that I am correct in stating that the custom is that the Committee on Printing should decide whether a document should be printed or not.

Hon. Mr. FERGUSON—Why should that rule be applied to this document and not to other documents which are printed before parliament meets?

Hon. Sir RICHARD CARTWRIGHT—Reports of departments are printed. I do not think the rule has been applied to a case of this kind.

Hon. Mr. COFFEY—The question of the printing of this report has not yet been submitted to the members of the joint committee of both Houses. A few days ago the committee organized and are getting into shape for a meeting. This matter may come up for consideration at our first meeting, and if so we will decide whether the report should or should not be printed.

Hon. Mr. FERGUSON—My reason for calling attention to the matter is that we had a great deal of trouble with the statistics of the Railway Commission Board last year, and I have been looking for their report this year. We are now nearly half through the session. First it was laid in manuscript before the House of Commons, and we were overlooked. Now, it has been laid on the table of the Senate in manuscript, and it has not yet been ordered to be printed. It will finally be ordered to be printed and the result will be that it will be another month before we receive the printed copy, and we are dealing with matters affecting this board nearly all the time.

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

THE SENATE.

OTTAWA, Friday, March 5, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, with the permission of the Senate, I should like to call the attention of the House to a matter which affects the veracity of myself and the history of the country. It will be remembered that when the hon. ex-Secretary of State was discussing the question of Senate reform yesterday he took the opportunity to arraign the Conservative party, particularly in the Senate, for their action at the time the mo-

tion was made for the adoption of the Bill for the construction of the Esquimalt and Nanaimo Railway as a part of the transcontinental scheme connecting British Columbia by rail with the eastern portion of Canada. In speaking of the Senate, the hon. member from de Salaberry (Hon. Mr. Beique) said in a jocular way: 'My hon. friend will admit it is very much improved.' The following is the report of what occurred as it appears in the debates:

Hon. Mr. BEIQUE—My hon. friend will admit that the Senate has very much improved.

Hon. Mr. SCOTT—Oh, I admit that, of course.

Hon. Sir MACKENZIE BOWELL—Perhaps it would be just as well to say that the principal parties who took action in the manner my hon. friend refers to were leading Liberals.

Hon. Mr. SCOTT—In my judgment they were not leading Liberals.

Hon. Sir MACKENZIE BOWELL—It is very easy to see that I am correct, by reading the names.

Hon. Mr. SCOTT—I am speaking now of the Senate Chamber.

Hon. Sir MACKENZIE BOWELL—So am I.

Hon. Mr. SCOTT—There were not many. There may have been one or two who strayed away from the true fold, but we were largely outnumbered here, and it did not make any difference.

My hon. friend, the ex-Secretary of State, then added in a most emphatic manner: 'I deny positively that statement,' referring to the statement made by myself. If any hon. gentleman who is interested in this matter will take the trouble to read the debates in the Senate of 1875, he will find that debate on pages 338 and 339. I shall not take the trouble to read it, but hon. gentlemen will find here the opinion expressed at that time. If hon. gentlemen will turn to the Senate 'Journals' of 1875, at page 423, they will find the following record:

The order of the day being read for the second reading of the Bill intituled: An Act to provide for the construction of a railway from Esquimalt to Nanaimo, in British Columbia,

The Honourable Mr. Scott moved, seconded by the Honourable Mr. Penny,

That the said Bill be now read a second time.

The Honourable Mr. Aikens moved in amendment, seconded by the Honourable Mr. Alexander, to leave out 'now,' and after 'time' insert 'this day six months.'

After debate.

The question of concurrence being put thereon, the House divided, and the names being called for, they were taken down as follows:—

CONTENTS:

Messieurs.

Aikens,	Dumouchel,
Alexander,	Flint,
Allan,	Hamilton (Inkerman),
Armand,	Hamilton (Kingston),
Bellerose,	McClelan,
Benson,	MacPherson,
Campbell,	Penny,
Chapais,	Ryan,
Chinic,	Seymour,
Dever,	Trudel,
Dickey.	Vidal.—23.

NON-CONTENTS:

Messieurs.

Baillargeon,	Letellier de St. Just,
Brown,	MacDonald,
Bureau,	Miller,
Carrall,	Montgomery,
Chaffers,	Muirhead,
Christie (Speaker),	Paquet,
Cormier,	Scott,
Cornwall,	Simpson,
Haythorne,	Skead,
Howlan,	Ward.—21.
Leonard,	

So it was resolved in the affirmative.

The question being then put on the main motion, as amended, the same was also resolved in the affirmative.

The House continued to sit until twelve of the clock, midnight.

In that division four Liberals voted against the Bill, and any one who knows the history of the political parties in this country knows very well that Mr. Penny was one of the leading Liberals of the city of Montreal, owner and editor of the Montreal 'Herald,' which was the organ of the party at that time. Mr. Flint was always a Liberal, and the late Mr. Dever was a strong supporter of the government at that time. Mr. McClelan was one of the leading Liberals of the province of New Brunswick and was afterwards made governor. Of those who supported the government on that occasion, no less than nine were conservatives. The vote stood twenty-three yeas to twenty-one nays. Had the Liberals voted with their party the motion would have been lost by 25 to 19. This record shows that nearly one-half of those who voted against the six months' hoist were Conservatives. If you turn to 'Canada under British Rule,' by Bourinot, you will find the following at page 242:

The people of British Columbia were aggrieved at the delay in building the rail-

way, and several efforts were made to arrange the difficulty through the intervention of the Earl of Carnarvon, Colonial Secretary of State, of the Governor General when he visited the province in 1876, and of Mr., afterwards Sir James Edgar, who was authorized to treat with the provincial government on the subject. At the instance of the Secretary of State, the government agreed to build immediately a road from Esquimalt to Nanaimo on Vancouver Island, to prosecute the surveys with vigour and make arrangements for the completion of the railway in 1890. Mr. Blake opposed these terms, and in doing so no doubt represented the views of a large body of the Liberal party, who believed that the government of Canada had in 1871 entered into the compact with British Columbia without sufficient consideration of the gravity of the obligation they were incurring. The Commons, however, passed the Esquimalt and Nanaimo Bill only to hear of its rejection in the Senate, where some Liberals united with the Conservative majority to defeat it.

My only object in referring to this matter is to show that my statement was correct; that the Bill was defeated in the Senate through the action of some leading Liberals, and that many leading Liberals, including Mr. Blake, at the time opposed the passage of that Bill and the construction of the road. It is simply a question of veracity as between the ex-Secretary of State and myself. I may be told that an old politician like myself should not be thin-skinned. I am not thin-skinned in discussing political matters, but when the statement I made affecting the history of what took place in parliament in times passed was contradicted so positively and vehemently, as it was yesterday by the hon. gentleman, I consider it a matter of duty to myself; and to vindicate my own veracity to set myself right, and to show that my statement was strictly correct.

Hon. Mr. SCOTT—I am quite aware that Mr. Blake opposed the Bill in the other Chamber. I said that the majority was large. I stated also that two or three gentlemen in the Senate strayed away from the fold. I think Mr. Penny's name is improperly recorded, because he was the seconder of my motion. What I stated was that the defeat of the Bill was due to the Conservative party in the Senate. There were only two Conservatives who voted with me. No one doubts that Mr. Skead was a Conservative, but he was a special friend of mine and occasionally in this Chamber, when he saw me in a tight place, was kind enough to stray from his own party to assist me. Mr. Dever always voted with the Conservative party at that time.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. SCOTT—It was long after that he seceded. Mr. McClelan was a Liberal and so was Mr. McMaster. Mr. McMaster was a special friend of Mr. Blake's. There are only two names there that are open to question, and Mr. Penny's, I say most distinctly, is there by error.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is not dealing with the motion to which I called his attention.

Hon. Mr. SCOTT—I understood my hon. friend to say that it was due to the secession of some Liberals that the Bill was lost in the Senate. I deny that. I admitted that two or three Liberals had strayed away from the fold. At that time Mr. Miller was voting with me. You will find, if you look over the early 'Parliamentary Companion' that Mr. Miller was put down as a Liberal and he supported me in many motions at that time. There is no question about that. Mr. Skead was the only Conservative in that list.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman tell me what division he is reading?

Hon. Mr. SCOTT—I am reading the division on the six months' hoist. And I say that Mr. Penny's name is there by an error, because he seconded and supported me in the motion, and that the only members who wandered away from the fold were two. Mr. McMaster was a special friend of Edward Blake and I presume that was the reason of it.

Hon. Sir MACKENZIE BOWELL—It is all very well for the hon. gentleman to say Mr. Penny's name was there by mistake.

Hon. Mr. SCOTT—The hon. gentlemen is splitting hairs. There were only one or two gentlemen who voted out of personal considerations.

Hon. Sir MACKENZIE BOWELL—I must express my very great astonishment at the position taken by the hon. gentleman. I read the names of nine Conserva-

tives who voted with the Liberal party at that time on the question of the six months' hoist.

Hon. Mr. SCOTT—The hon. gentleman cannot find nine Conservatives.

Hon. Sir MACKENZIE BOWELL—Who was Mr. Carrall, of British Columbia? He was a Conservative.

Hon. Mr. SCOTT—He was a local man.

Hon. Sir MACKENZIE BOWELL—Local what? He was a senator appointed to represent British Columbia and had just as much right to vote here as the hon. gentleman himself, and Mr. Chaffers was another Conservative and Mr. Cornwall—no one will deny he was a Conservative. Mr. Howlan was a Conservative.

Hon. Mr. SCOTT—No, he voted with the government.

Hon. Mr. FERGUSON—Was he not a Conservative?

Hon. Mr. SCOTT—Was he not appointed Lieutenant Governor?

Hon. Mr. FERGUSON. He was never anything else but a Conservative.

Hon. Mr. SCOTT—And did not the government reappoint him to the Senate?

Hon. Sir MACKENZIE BOWELL—That does not change his politics. Mr. MacDonald, the present member, was a Conserative.

Hon. Mr. SCOTT—He was returned as a Liberal. Look up the 'Parliamentary Companion' of 1875 and you will find Mr. MacDonald in the Liberal column.

Hon. Sir MACKENZIE BOWELL—And I suppose Mr. Miller was a Liberal and Mr. Montgomery?

Hon. Mr. SCOTT—He was a most positive Conservative.

Hon. Sir MACKENZIE BOWELL—I would suggest to the hon. gentleman, in all sincerity, that it would be better to own up the corn at once and not try to wriggle out of it. I could show, if I took the time, that the hon. gentleman's whole statement in reference to the purchase of the Neebing hotel and the steel rails purchase are just as far from being correct as his statement with regard to the vote on the Esquimalt and Nanaimo Bill to which I have called your attention. I have a pretty good recollection of what took place, because I made the motion myself in the lower House in reference to some of these questions, and the hon. gentleman had better endeavour to adhere strictly to the history of the country when he attempts to lecture this House upon their duty in future.

THIRD READING.

Bill (A) An Act relating to the Water Carriage of Goods.—(Hon. Mr. Campbell).

SECOND READINGS.

Bill (No. 28) An Act respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba at Portage la Prairie.—(Hon. Mr. Watson).

Bill (No. 41) An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.—(Hon. Mr. Wilson).

Bill (F) An Act to incorporate the Governing Council of the Salvation Army in Canada.—(Hon. Mr. Ross, Middlesex).

GOVERNMENT RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 20) An Act to amend the Government Railway Act.

He said: There will be no objection to the principle of the Bill, which is simply to bring the government railways more completely under the ordinary law and put them on a level with other railways in the matter of damages sustained by animals straying on the track. I will give full details—although there are not many to be given—when we go into committee.

Hon. Mr. FERGUSON—I have looked into this Bill since I asked my hon. friend to hold it over yesterday, and I see nothing objectionable in it at all. I think it is a very good measure and we can have no objection to the second reading being taken.

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

BILLS INTRODUCED.

Bill (No. 23) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Talbot).

Bill (25) An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Fort William, Ont.—(Hon. Mr. Watson).

The Senate adjourned till Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, March 9, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PRECEDENCE OF JUDGES OF THE SUPREME COURT.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Since the last session of parliament has any order in council been passed by the Dominion government affecting the social position, either as to precedence or otherwise, which the chief justices or retired chief justices of the Supreme Court, or of any other federal or provincial court, then occupied?

If the answer is in the affirmative, on what date, and what was the tenor of such order in council?

Hon. Sir RICHARD CARTWRIGHT—I am advised by the council that no such order has been passed.

CORRECTION OF MINUTES OF THE SENATE.

MOTION.

Hon. Mr. LANDRY moved:

That the Minutes of Proceedings of the Senate of Canada of the second distinct sitting of the Senate on July 17, 1908, be now read at the Table as far as they concern the proceedings of this House concerning Bill (181) intituled: 'An Act to consolidate and amend the Acts respecting the Public Lands of the Dominion,' as amended.

The CLERK OF THE SENATE—The error in the minutes referred to in the hon. gentleman's motion was corrected the next morning.

Hon. Mr. LANDRY—I made the motion because I saw by the proceedings of the House of Commons that Mr. Sproule had given notice that he intended to introduce a Bill to amend the Dominion Lands Act, and, in giving his reasons why that Bill was brought forward in the House of Commons, he produced a copy of the minutes and proceedings of the Senate relating to the said Bill, and in those minutes and proceedings it was stated that the amendment of the Hon. Mr. Lougheed had been accepted, and he complained that after it had been accepted in the Senate that Bill had been returned to the House of Commons, and he did not understand why, when they received it in the House of Commons, the amendment did not appear. How did it happen? Somebody must have interfered and made a change, because when the message first came from the Senate nothing in it related to the amendment. That was very natural, because it had been negatived in this House, but our journals or minutes of the proceedings reported that it had been accepted and that a message containing that acceptance had been sent down to the House of Commons. However, I hear from the clerk of the Senate that the 'Journals' have since been corrected, but as we had not the 'Journals' at the time I could not see that the correction had been made. It was for that reason that I made that motion so as to have the correction properly made. If it has been corrected I need not press my second motion because it is just to attain the object which has been attained since the Bill left this House.

The SPEAKER—I may state for the information of the hon. gentleman that this error was made through the unrevised edition of the 'Debates,' making it appear the other way, but that was corrected the following day. The 'Journals,' the originals of which I hold in my hand, from which they were made, were correct and are correct up to this time. I may also state that I am informed by the Clerk of the House that Mr. Sproule was seen on the

subject and the matter was explained to him. He came over here, saw the originals and was quite satisfied with what appears here as being the correct state of affairs.

Hon. Mr. LANDRY—That was since he gave notice of his motion in the House, I suppose?

The SPEAKER—I think so.

Hon. Mr. LANDRY—With those explanations, with the permission of the House. I wish to withdraw the second motion of which I have given notice and which is as follows:

That the entry in the Minutes of Proceedings of the Senate of Canada of the proceedings which took place during the second distinct sitting of the Senate on July 17, 1908, in relation with the passing of Bill 181, intituled: ' An Act to consolidate and amend the Acts respecting the Public Lands of the Dominion,' be corected by substituting the word ' negative ' to the word ' affirmative ' in line 21 and by striking out the 22nd and 23rd lines, and the word ' further ' in lines 24 and 25, page 1166 of the printed copy of the minutes.

The motion was withdrawn.

BILL INTRODUCED.

Bill (G) An Act to amend the Act relating to Bills of Exchange, Cheques and Promisory Notes.—(Hon. Mr. Choquette).

WATERWAYS TREATY.

Hon. Mr. LOUGHEED—Before the orders of the day are called, may I ask the right hon. leader of the House what grounds there are for the reports which have recently appeared in the press that the United States Senate in considering the Waterway's treaty has annexed to the treaty a resolution to overcome the objections which have been raised by the senator from Michigan? While I presume my right hon. friend may not be prepared to give the contents of that resolution to the House or to the country, may I ask him if the contents of the resolution were made known to the commissioners representing Canada before the introduction of the resolution on the floor of the United States Senate?

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman has, I believe, been correctly informed, in substance at any rate, that a rider has been added by the United States Senate to the treaty as agreed upon with our commissioners. The resolution in question was, I understand, communicated to the commissioners. I believe that within a few days, perhaps within the next two days, we shall be in a position to lay the papers on the table of this House and on the table of the House of Commons.

Hon. Mr. LOUGHEED—Do I understand that the resolution is to be hereafter considered by the Canadian commissioners?

Hon. Sir RICHARD CARTWRIGHT—It is to be considered hereafter by ourselves.

Hon. Mr. LOUGHEED—After its adoption by the United States Senate ?

Hon. Sir RICHARD CARTWRIGHT—That does not bind us. It remains for us to consider it.

THE SENATE REFORM RESOLUTIONS.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to bring before the Senate a question concerning our ' Minutes of Proceedings.' The hon. senator from Ottawa (Hon. Mr. Scott) had two notices of motion on the paper relating to Senate reform. One containing three paragraphs was an alteration of the second motion. The minutes show that this was moved and seconded, but the second series of resolutions was moved immediately as if it had been amended. When was the amendment adopted?

Hon. Mr. SCOTT—I am not aware, if notice is given of a proposed amendment before it is considered by the House, that there is any objection to its adoption. The motion that I made, seconded by Mr. Perley, applied to the first three paragraphs of which I had given notice. I spoke of it as an amended motion.

Hon. Mr. LANDRY—If I understand it, the motion made on the 4th of March was a new motion altogether.

Hon. Mr. SCOTT—Of which notice had been given.

Hon. Mr. LANDRY—Instead of giving a new motion, the hon. gentleman wanted to alter the second motion?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—In that case no notice of the second motion was given.

Hon. Mr. DANDURAND—The hon. gentleman could have withdrawn his motion and submitted a new one, or with leave of the House could have amended the other.

Hon. Mr. LANDRY—But he did not do that.

Hon. Mr. SCOTT—I gave notice of the substitution and spoke of it as a substitution, and as being adopted, and the Clerk of the House made the change in the notice.

Hon. Mr. LANDRY—It should have disappeared from the Order Paper.

Hon. Mr. SCOTT—I am not quite so technical.

A LOAN TO THE GRAND TRUNK PACIFIC.

Hon. Mr. FERGUSON—Before the orders of the day are called, may I ask the leader of the House whether there is any truth in the statement contained in the papers of yesterday that the Grand Trunk Pacific has applied to the government for a loan of ten million dollars in consequence of difficulties they are experiencing in the construction of their railway, and especially in the matter of financing? Is my hon. friend prepared to make any statement as to whether the report which has appeared in the press is correct?

Hon. Sir RICHARD CARTWRIGHT—So far I can make a statement to my hon. friend, that the Grand Trunk have applied for a considerable advance to enable them to carry on the work that they are engaged in. The matter, I think, has been mentioned already on the floor of the House of Commons, and the Finance Minister will be prepared, I believe, within a very short time to make a statement on the subject. The hon. gentleman will understand that under these circumstances I cannot go further than just mention to him that that will be done.

BILLS INTRODUCED.

Bill (No. 36) An Act respecting the Southern Central Pacific Railway Company—(Hon. Mr. Young).

Bill (No. 42) An Act respecting the Toronto, Niagara and Western Railway Company.—(Hon. Mr. Beique).

Bill (No. 43) An Act respecting the Hudson Bay and Pacific Railway Company.—(Hon. Mr. Watson).

Bill (No. 47) An Act respecting the Guelph and Goderich Railway Company.—(Hon. Mr. McMullen).

Bill (No. 53) An Act respecting the Walkerton and Lucknow Railway Company.—(Hon. Mr. McMullen).

THIRD READINGS.

Bill (No. 26) An Act respecting the Kootenay Central Railway Company.—(Hon. Mr. Perley).

Bill (No. 13) An Act respecting the Grand Trunk Railway Company of Canada.—Hon. Mr. Gibson).

Bill (No. 12) An Act respecting the Collingwood Southern Railway Company.—(Hon. Mr. McMullen).

Bill (No. 9) An Act respecting the Brandon Transfer Railway Company.—(Hon. Mr. Young).

ANIMAL CONTAGIOUS DISEASES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 18) An Act to amend the Animal Contagious Diseases Act.

(In the Committee).

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

POST OFFICE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 19) An Act to amend the Post Office Act.

(In the Committee).

On clause 1,

Paragraph (k) of subsection 1 of section 9 of the Post Office Act, chapter 66 of the revised statutes, 1906, is amended by adding thereto the words 'and to compensate for loss not exceeding twenty-five dollars for each registered domestic article.'

Hon. Mr. LOUGHEED—My hon. friend was to obtain information as to what a 'registered domestic article' might be.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend stated a supposition of what it might be, and the Post Office authorities rather think that might occur in England, but not in Canada. What the Post Office authorities intend to do is to distinguish between articles registered for transmission in Canada as against articles registered for transmission abroad, and they say that the word 'domestic' is the one which is used in the United States statute to which they conform. The other part of it is simply fixing the limit of compensation. The hon. gentleman knows that at present the government are not responsible for registered parcels and, in any case, I think it would be as an act of grace that they would be responsible for any loss in the transmission of registered articles. They are now willing to compensate, on proper cause being shown, wherever it amounts to a sum not exceeding $25, that being the amount which they are informed is at present paid both in the United States and in Great Britain. It is £5 in Great Britain and $25 in the United States. It seems a reasonable provision, and I presume the House will have no objection to it.

Hon. Mr. LOUGHEED—I understand that the phrase 'domestic article' is to be interpreted as meaning an article posted between two points in Canada?

Hon. Sir RICHARD CARTWRIGHT—As distinguished from the word 'foreign.'

Hon. Mr. LOUGHEED——It seems to me it would have been very much better to have made it clearer, registered say in Canada to a post office in Canada. The word domestic there might be interpreted to mean a particular class of article.

Hon. Sir RICHARD CARTWRIGHT—But the word has been used, and is pretty well established from the use of it in the United States.

Hon. Mr. LOUGHEED—My hon. friend will see that it qualifies the word article, whereas it is not intended to qualify the article, but simply the transmission between two points in Canada.

Hon. Sir RICHARD CARTWRIGHT—Quite so. That is what it means.

Hon. Mr. YOUNG—That is what it is intended to mean.

Hon. Mr. LOUGHEED—But it certainly does not so express it.

Hon. Sir RICHARD CARTWRIGHT—I think that, legally speaking, no difficulty would arise, and my hon. friend knowing that this compensation being an act of grace on the part of the government, it will not be subjected to the strict legal interpretation that it might otherwise be. I do not think a particle of mischief will arise. Of course, if the hon. gentleman thought the matter of sufficient importance, on the third reading he might suggest an amendment, and I shall have pleasure in submitting it to the Post Office authorities, and I dare say they will concur. But I do not think any serious mischief would arise under it as it is.

Hon. Mr. DANDURAND—The foreign article is already provided for.

Hon. Mr. POWER—I do not quite concur in the view that has been expressed. I think the meaning which the ordinary reader—and it is the ordinary reader who is supposed to interpret the Act—would be that it meant each registered domestic article. He would never consider that it was an article which went from one point in Canada to another. He would think that it was either a Canadian article or some article connected with domestic life.

Hon. Mr. LOUGHEED—He might think it related to pots and pans.

Hon. Mr. POWER—the point raised by the hon. leader of the opposition is well taken. I have never been able to sympathize with the feeling that it is the duty of the Senate to risk misapprehension rather than amend a Bill coming from the other House. I think we are here to amend these Bills and to have the laws we pass so worded that there is no chance of their being misunderstood.

Hon. Mr. DANDURAND—The foreign article is already compensated for through an international arrangement, 50 francs being the figure. With the amendment it will be quite apparent that it is the domestic article that will get the advantage of the $25 compensation. I think if the amendment is read with the context it will be fairly clear.

Hon. Mr. POWER—I was going to make this suggestion: Why would it not be better to change the word domestic and say 'mailed from one post office in Canada to any other?' If words of that kind were inserted, it would avoid any misapprehension as to the meaning of the word 'domestic.' As interpreted by the Minister of Trade and Commerce, it is intelligible enough; but the ordinary reader never would think of putting that interpretation upon it, because ' domestic article ' might be interpreted as being a tin pan or a kettle.

Hon. Sir RICHARD CARTWRIGHT—I will mention my hon. friend's view to the Postmaster General. My only desire is to make this law as workable as possible. He can consider it before the third reading of the Bill.

Hon. Mr. POWER—It is not necessary to give notice of an amendment to a public Bill; but in order to avoid any misapprehension, I give notice that I will move that it be amended so as to read ' any article registered from a point in Canada to another point in Canada.'

The clause was adopted.

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

GOVERNMENT ANNUITIES BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (B), an Act to amend the Government Annuities Act.

(In the Committee).

On clause 2,

Subsection 1 of section 8 of the Government Annuities Act, 1908, is hereby amended by adding at the end thereof the words, 'except, in the case of husband and wife, as regards annuities purchased before their marriage.'

Hon. Sir RICHARD CARTWRIGHT—I might explain to my hon. friend that the reason for introducing this clause is that quite a demand seems likely to arise for the purchase of deferred annuities, both in the case of people over age, and in the case of children. It would obviously be a hardship if, after having completed the purchase of an annuity of three or four or five hundred dollars, and a number of years having elapsed, that the parties should be penalized if they come to marry another person who had likewise purchased an annuity. The cases will not be very frequent; but in such cases, where the transaction has been completed, or the annuity has been contracted, I think that it is only reasonable that no discouragement should be placed, in a country like Canada, in the way of people getting married, and therefore, I propose that in such cases they be allowed to continue their bargain with the government. It might increase the amount at the extreme point to perhaps $1,000 or $1,200 in extreme cases, but it is not likely that it would occur often.

The clause was adopted.

On clause 3,

3. The said section 8 is hereby further amended by adding thereto as subsection 5 thereof the following:—

5. When a married man who has purchased an annuity payable to himself applies to have a portion thereof converted into an annuity payable to his wife, the Minister may make such conversion, if—

(a) the application is made not less than three months before the time when the annuity becomes payable; and—

(b) the annuity so made payable to the wife does not exceed one-half of the husband's annuity; and—

(c) the provisions of this Act and any regulations made under this Act are complied with in all material respects.

Hon. Sir RICHARD CARTWRIGHT—The reason for this clause is this: It will happen occasionally—may happen perhaps frequently—that a man having become possessed of an annuity of a considerable amount, may at the time that the transaction is completed and he becomes seized of the annuity, wish to divide it with his wife. To that, I think, there can be no objection at all on the grounds of public policy. I think the House will be disposed rather to look with favour on that. We do not think it would be desirable that any

persons should be allowed to strip themselves of an annuity that they have purchased, and, therefore, the limitation is introduced that a man divide up to one-half with his wife; but let us go further. Cases may possibly have occurred, or might possibly occur, in which the lady might be so completely the paramount partner that she would require her spouse to strip himself of his annuity altogether. That, I think, would not be in the public interest, and I propose to limit it, therefore, to a division of one-half.

Hon. Mr. FERGUSON—In some cases the clause may operate rather favourably for the married couple. Supposing they are about the same age, and having reached within, say, three months of the age of 60, it may turn out that the husband is not likely to live very long, while the wife may be very healthy and have a chance of living a good many years. It will be a decided advantage to this couple to be able to transfer a part of the annuity to the one who is most likely to live. I do not object to it. Perhaps it is a premium that married couples at that age might be entitled to. But take a case where the wife may be ten years under the age of the husband. The part which is conveyed to her will not be payable before the age of 55. Will the amount go on accumulating until she reaches that age?

Hon. Sir RICHARD CARTWRIGHT—I should say it would. Suppose the husband who desires to make this settlement has to his credit as the accumulation of the sums he had paid, either in lump or in instalments, an amount of say $3,000, and that his wife is ten years younger than himself, he would be entitled at the age of 60, let us say, to $300 a year. He could apply half of this to pay for his own share of the annuity, and the balance he could apply in the purchase of an annuity, on the regular terms, to be paid to his wife on attaining the age of 55 or 60. There can be no possible risk of loss or confusion in carrying out the provisions of the statute as they appear. The principle thing is that by reason of these various payments, no matter how they are made, a certain sum is placed to the credit of the man. That he divides with his wife. If she is of the same age, she gets exactly the same annuity he gets. If she is younger, say five or six years below the earliest age at which she could acquire the annuity, it will go on accumulating. If she is of the age of 55 she will get whatever the amount will purchase in the case of a lady at that time of life.

Hon. Mr. FERGUSON—As far as I can gather from my right hon. friend's remarks, it will not be exactly a division but a new contract.

Hon. Sir RICHARD CARTWRIGHT—There will be a division of the amount, but how much it might purchase would depend on the age of the wife. Supposing he had $3,000 to his credit, he might choose to retain two-thirds and give to his wife whatever one-third of the money to his credit would purchase. He must not exceed half the amount. That is the only limitation upon it.

Hon. Mr. FERGUSON—Supposing a division is made on that basis, and the two should continue to live, there would be a larger annuity than the Act provides for the two of them taken together.

Hon. Sir RICHARD CARTWRIGHT—We would not allow the two to exceed the amount provided by the Act except as in the case hereinbefore provided, which would not apply. The point is this: The man has a certain amount at his credit. One-half of that he keeps for himself, the other half he gives to his wife. If she is of the same age she gets exactly the same as he does, making allowance for the difference in longevity. If she is younger than he is, she must take an annuity so much smaller, but the money would be dealt with just as if it were a new contract.

Hon. Mr. FERGUSON—Does my hon. friend suppose that in this case, where it is divided, that the annuity would become payable to the wife before she reached the prescribed age?

Hon. Sir RICHARD CARTWRIGHT—She would have to wait until she reached the age of 55.

Hon. Mr. FERGUSON—The money would be in the hands of the government and would be accumulating.

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. FERGUSON—Supposing that they bought an annuity of $600, and the entire amount had been paid on the husband's life. Say at the age of 55 he has paid for an annuity of $600. His wife is only 45; she cannot, of course, begin to receive payments until she reaches the age of 55, but the government has their money.

Hon. Sir RICHARD CARTWRIGHT—So far as the husband is concerned, for his half he would get full value. The lady in a case of that kind, would be entitled to to the accumulation. She would have $1,-500 put to her credit, and as soon as she got to the age the accumulated amount would go to purchase an annuity for her.

Hon. Mr. FERGUSON—Would not that entitle the two of them ultimately to more than the $600 a year?

Hon. Sir RICHARD CARTWRIGHT—It is possible, some such case might occur.

Hon. Mr. FERGUSON—It certainly would occur if this disparity in age should exist.

Hon. Sir RICHARD CARTWRIGHT—It would be a comparatively rare case, but we can make provision for that if need be.

Hon. Mr. FERGUSON—It would lead to a larger amount being paid to them than the Act permits, that is, if $600 is the maximum.

Hon. Sir RICHARD CARTWRIGHT—It is possible, but I would call attention to this fact; there is a considerable disparity between the amounts payable to the male and the female. After the age of 55, the lady's chance of life is considerably better than her husband's. In the case stated, it would require considerable accumulation to bring her annuity up to the full amount. That, I think, would probably right itself pretty well; but there is no intention to deprive her or him of any portion of the benefit. If the difference was very material, of course in making the division we have the power, under the regulations, to let him take a litle more and give the lady a little less, taking care that in the ultimate result it would not exceed the amount proposede. It can be dealt with by regulation if necessary. I apprehend, however, that the number of such cases will be very small.

Hon. Mr. FERGUSON—Supposing such a case is possible, there should be some little change made in the Act to admit of a larger payment than $600 in such cases. My right hon. friend speaks of the chance of life of a female being larger than that of the male at 55. In the case I speak of, the man's age would be 55 and the wife's age 45, and in such cases the difference is rather the other way.

Hon. Sir RICHARD CARTWRIGHT—But she would not be entitled to anything until she reached the age of 55.

Hon. Mr. POWER—I do not see that it would be a serious mishap if the lady did receive over $300. The law provides that no annuity shall exceed $600. The case put by the hon. member from Marshfield might in very rare cases, entitle the lady to a little more than would make up the $300.

Hon. Mr. LOUGHEED—The principle is recognized in the first clause that we passed. Such a contingency could be met under section 2, which provides that the husband and wife may draw as large an annuity up to $1,200; but that only applies to cases where the annuity has been negotiated before marriage. There is no reason why language sufficiently broad might not be imported into the clause to cover the cases referred to.

The clause was adopted.

On clause 4,

Section 10 of the said Act is hereby repealed and the following is substituted therefor:—

10. Except as otherwise provided in this Act, no property, right, title, benefit or interest in, under, or arising out of a contract for an annuity shall be transferable, either at law or in equity.

2. The Minister shall not receive nor be affected by notice, however given, of any trust affecting an annuity or affecting moneys paid or payable in respect of an annuity.

Hon. Sir RICHARD CARTWRIGHT—This clause was suggested by the Department of Justice, partly in consequence of the introduction of section 2, and partly because they thought it desirable to make the phraseology of the original Act a little plainer and clearer than it had been.

The clause was adopted.

On clause 5,

Section 12 of the said Act is hereby repealed and the following substituted therefor:

12. When the annuitant or last survivor of joint annuitants dies before the annuity becomes payable and any moneys have been paid or deposited as consideration for the annuity,

(a) If there is no express agreement between the minister and the purchaser of the annuity as to dealing with such moneys, all such moneys shall be paid to the purchaser or his legal representatives, with interest thereon at the rate of three per cent per annum, compounded yearly;

(b) If there is such an express agreement the moneys shall be dealt with as thereby provided.

2. This section shall apply to contracts for annuities entered into before the passing of this Act.

Hon. Mr. LOUGHEED—What is the reason for this?

Hon. Sir RICHARD CARTWRIGHT—The reason is this: The Department of Justice advise us that under the wording of the Act—which by the by was slightly altered from my own draft in the House of Commons—that without an expressed provision of this kind, we could not make any agreement for the granting of an annuity for the terms indicated in our tables B. Where the money had to be returned with compound interest in the event of the party dying before reaching the age of 55, or whatever other age is agreed upon, we are able to allow a certain annuity, but there are a considerable number of persons, notably single women and some single men, or men who have no families, who do not desire to have the money returned to their representatives, but who greatly prefer that they should have a considerably enlarged annuity themselves. It is to meet express agreements made with these people that this clause is inserted. If my hon. friend will look at the tables, under plan A for instance, he will see that there is a very material difference between the annuities which can be paid to a man at the age of 60 when it is necessary to return the purchase money to his representatives if he dies and those which can be paid under plan D when he chooses to take his chances.

Hon. Mr. LOUGHEED—I am more concerned in obtaining information as to the authority that may be given to the minister to accept from the annuitant an express agreement. I do not find that term used in the Act, nor do I find any provision made for an express agreement being entered into between the minister and the annuitant; the language in the Act only refers to a contract. That cannot be what is in view; this is something else that is in view.

Hon. Sir RICHARD CARTWRIGHT—What is in view is this: To enable me or any one in charge of this Act to contract with those parties which do not wish to have any money returned to their representatives in the case of their death prior to the age at which they receive an annuity, who prefer the larger annuity and take their chance of dying in the interval. The difference is very material; it would amount to as much as between two and three hundred dollars a year in a great many cases. You can give nearly a third more to parties who choose to take their chances and who do not want to have the purchase money returned to their representatives. My hon. friend will see that there are quite a considerable number of persons who are likely to avail themselves of the benefit of this Act who are not much concerned about providing for their legal heirs and representatives, but who do want as large an annuity as possible.

Hon. Mr. LOUGHEED—Do I understand that there may be a departure from the principle embodied in the Act of last year, and that the arrangement provided for may be superseded by an express agreement?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. LOUGHEED—Under section 12 those moneys would go by virtue of the statute to the heirs of the annuitant and to none other. Now that principle is to be departed from.

Hon. Sir RICHARD CARTWRIGHT—If a party chooses to depart from that for the sake of getting a large annuity he may do so.

Hon. Mr. LOUGHEED—He may make that money transmissible to some one else.

Hon. Sir RICHARD CARTWRIGHT—He would have no money to transmit; the annuity would lapse for the benefit of all the annuitants; it is a sort of tontine arrangement.

Hon. Mr. LOUGHEED—This language does not meet that condition.

Hon. Sir RICHARD CARTWRIGHT—The Department of Justice says it does.

Hon. Mr. LOUGHEED—It implies that the Act has already made provision for an express agreement. I cannot find any thing of the kind.

Hon. Sir RICHARD CARTWRIGHT—The former Act which we are now amending, renders it impossible for the minister—so the Department of Justice advises—to make any other agreement than the one. That is the point which it is desired to vary, and this clause is what the Department of Justice drafted for that object. The phraseology may be more or less subject to criticism, but they knew what was intended and they drafted it accordingly.

Hon. Mr. LOUGHEED—It seems to me that the language here would not meet the conditions mentioned, because, under the existing Act, there is no provision made for this express agreement, and this language evidently presupposes there is a provision for it in the existing Act.

Hon. Sir RICHARD CARTWRIGHT—The provision in the Act is that under no possible conditions could the minister make an agreement other than the one specified, and that was, that he should receive the money, and in the event of the death of the party before acquiring an annuity he must return it, willy nilly, to his legal representatives, including in that, I suppose, any one they choose to designate.

Hon. Mr. LOUGHEED—The Act simply provides that it shall go to his heirs, not his legal representatives.

Hon. Sir RICHARD CARTWRIGHT—In any case, the object was to give the minister the power, if the parties desire it—as some have desired it—to grant a larger annuity to those persons who choose to take the risk of dying before becoming entitled to the annuity. We have two great classes, one the class who desire to take the annuity but with this string attached to it, that if they die before the age of 55 or 60, or whatever age they may elect to take it, their money they have paid in with three per cent compound interest goes to their heirs or representatives. There is another class who do not care for their heirs or representatives, but want a larger annuity, and that is the class for which this clause is intended to provide.

Hon. Mr. FERGUSON—Is there a policy issued in connection with these annuities?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. FERGUSON—It is in that policy the agreement referred to here is to be found?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. FERGUSON—It is something like creating a beneficiary in an insurance policy. The money that accrues, if a person dies before the annuity becomes payable, would go as it is set forth in the policy, and if there is no agreement in the policy it is provided here that it shall go to the purchaser or his legal representatives.

Hon. Sir RICHARD CARTWRIGHT—If there is no agreement to the contrary.

Hon. Mr. FERGUSON—It repeals section 12 of the Act and makes this provision in lieu of it.

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. POWER—There is no reasonable doubt as to the meaning of paragraph (a). If there is no expressed agreement, then the general rule will be the same as that laid down in sction 12 of the Act. In order to provide for a case where there is an agreement, paragraph (b) is put in.

Hon. Sir RICHARD CARTWRIGHT—That is the object.

Hon. Mr. POWER—At the beginning of this new clause it says that when the annuitant or last survivor of joint annuitants dies before the annuity becomes payable, then if there is no express agreement between the minister and the purchaser of the annuity as to dealing with such moneys, all such payments, shall be made to the purchaser or his legal representative. The purchaser of the annuity may not be the annuitant. I might, for instance, purchase an annuity for a son or a daughter, and I presume that the annuitant is really the person who pays, and under this paragraph (a), in case of the death of the annuitant, I would receive the money. I do not think that is the intention.

Hon. Mr. LOUGHEED—If my hon. friend would look at the interpretation clause, he will find that the purchaser is also the annuitant.

Hon. Sir RICHARD CARTWRIGHT—This has been pretty carefully considered by the Department of Justice. I called very special attention to these points, and they drafted the clauses themselves. Knowing the subtleties of the legal mind, I did not undertake to prepare the clauses myself.

Hon. Mr. POWER—I am not quarreling with it. I do not think the definition really makes any change. Why not use the same words in the two cases, that it shall go to the annuitant or his legal representatives. Then you will be sure; but the word 'purchaser' is not defined in the Act. I only throw out the suggestion for the consideration of the minister.

Hon. Sir RICHARD CARTWRIGHT—I will see that the Department of Justice has my hon. friend's remarks laid before them.

Hon. Mr. POWER—There is another thing; the existing section 12 provides that the money shall be paid to the heirs. Here the provision is that it shall be paid to the legal representatives. A man's legal representatives are his executors or administrators, and it is a question whether the money payable under this Act should go to those representatives. The general rule with respect to life insurance policies is that the money is to be paid directly to whatever heir is mentioned, and does not go to the legal representatives.

Hon. Sir RICHARD CARTWRIGHT—I rather think we had better trust the Department of Justice.

Hon. Mr. FERGUSON—We are told that this clause has been drafted by the Minister of Justice, and, therefore, it shows a good deal of temerity to call anything that it contains in question. However, I think there is a very considearble anomaly here. It says: 'when the annuitant or last survivor of joint annuities dies before the annuity becomes payable,' the money is paid to the purchaser of the annuity who, we are told, is the annuitant himself. The money is made payable to the man who is declared in the first part of it to be dead. I think it should simply be paid to the legal representatives of the annuitant.

Hon. Sir RICHARD CARTWRIGHT—I am not quite certain of the precise reason that has induced them to use those words, but there are one or two sections in the Act which I think the leader of the Opposition has under his hand, in which very special agreements are allowed to be made between employers of labour and other persons in a similar capacity, with respect to granting annuities. I think the Department of Justice, in using these words, had that class of people in view. The contingency of having to deal with the ghost of an annuitant, perhaps, had not occurred to them. No harm can arise to the annuitant himself, inasmuch as neither of these clauses can come into effect until the man is dead prematurely.

Hon. Mr. LOUGHEED—That cannot be the agreement referred to, because that is an agreement between employer and employee, not an agreement between the minister and the annuitant. This deals with another class of agreements.

Hon. Sir RICHARD CARTWRIGHT—It would cover the whole.

Hon. Mr. LOUGHEED—There are two beneficiaries, the annuitant and the pur-

chaser, and some distinction should be drawn between them. The purchaser of an annuity for another, may possibly have some reversionary interest. A man may purchase an annuity with a particular object in view. The Act certainly fails to draw that distinction between the two. So far as the Department of Justice is concerned, I would point out that there is a limited measure of fallibility in that department. They have not provided for all the contingencies that might arise.

Hon. Sir RICHARD CARTWRIGHT—That may be. I will not absolutely gainsay that position. However, we can take this through now and will have the matter considered at the third reading. If further words can be found that can make the matter more clear, I have no objection in the world to insert them. The sole object I have in view is to enable me to deal with those persons who do not desire to have the money returned to their legal representatives or heirs or whoever may claim to be entitled to it.

The clause was adopted.

SENATE REFORM RESOLUTIONS.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Scott, that, in the opinion of the Senate, the time has arrived for so amending the constitution of this branch of parliament, as to bring the mode of selection of senators more into harmony with public opinion, and with that object he will submit for approval, the following resolutions :—

1. That in the opinion of the Senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element, applying it approximately to two-thirds of the number of senators would bring the Senate more into harmony with the principle of popular government than the present system of appointing the entire body of senators by the Crown for life.

3. That the term for which a senator may be elected or appointed, be limited to seven years.

4. That the provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this Chamber. That the province of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the province of Prince Edward Island into two electoral districts for election to this Chamber; and that for the present, and until the four western provinces have been given increased representation in this Chamber, that Manitoba, Saskatchewan and Alberta be each one divided into three electoral districts, and that the province of British Columbia be divided into two electoral districts, all for the election of candidates for representation in the Senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience, local interests and county boundaries.

5. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing Senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence, local interests or other reasons.

6. That as vacancies hereafter arise in the representation of the said electoral districts, the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

7. That in order to diminish the expenses attending elections over wide areas, and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of election expenses: provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising the franchise.

8. That the remaining eight senators in each of the provinces of Ontario and Quebec; the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining senator in each of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, who had not been allotted to any constituency shall be classed as senators for the particular province at large, and as a vacancy arises in that class, it shall be filled by appointment, as at present, by the Crown.

9. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the government, the principle laid down in sections 26 and 27 of the British North America Act shall apply; that is to say, the incoming administration may appoint an additional number of senators, not exceeding nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a reasonable one, but not more than one of the senators to be appointed, shall be taken from any one province; and that no more appointments of senators shall be made for that province until a second vacancy has arisen; thus reverting to the original number of senators allotted to the said province.

10. That the senators representing the several different provinces be requested to meet and suggest the best mode of dividing the province into senate electoral districts and also the name of the senator who will represent each particular district.

11. That the House of Commons be asked to concur in the proposed changes in the constitution of the Senate.

12. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King, praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the Union, be so amended as to conform to the foregoing resolutions.—(Hon. Mr. Ross, Middlesex.)

Hon. Mr. ROSS (Middlesex)—I must confess that I am somewhat averse to entering upon a discussion of the motion moved by the hon. senator from Ottawa largely for two reasons. In the first place, I fear that I cannot, in controverting, or attempting to controvert some of the arguments he advanced, treat them with that delicacy which I would like to treat the remarks of an hon. gentleman of his age and experience, and I wish to protect myself at the outset by saying that if by any divergence I should treat them more strongly than, perhaps, the hon. gentleman might feel I should, that he will not attribute it to any warrant of courtesy on my part, but rather to the difficulty one has in expressing himself as tenderly as he would like to in dealing with his arguments. In the first place, I feel that there is, perhaps, nothing very material that could be gained by a prolonged discussion on Senate reform in the present state of public opinion. It would almost appear from what has transpired within these walls during the last four or five years that the Senate itself is more anxiour for reform than the public opinion to which we appear to be anxious to pay so much deference. In 1906, before I had the honour of a seat in this House, I understand that for several days there was a prolonged discussion of the question. Last year a similar discussion took place, and now we are resuming the same subject, without any proposition before us to which we can attach more responsibility than we can to the measures of any private member of the Senate. I feel that what has been said in this House on the subject during the last four or five years would, perhaps, warrant us discontinuing this discussion unless we had before us a conclusive and well thought out proposition emanating from the government and carrying with it the responsibility which always attaches to a government measure. It goes without saying that anything we propose involves an amendment of the constitution. Our constitution has already been amended on five different occasions, in every instance such amendments emanating from or originating with the government. This resolution proposes a more momentous, a more drastic amendment to our constitution than any which has hitherto been proposed. I feel myself very strongly that before we enter upon a further discussion of this question—at least beyond the present occasion—that we should have submitted to us a proposition which met with the approval of the government, and in regard to which we would have the assurance that so far as our consent was concerned, if that consent were given, that the measure would be pushed through to a conclusion. We have fired sufficient arrows in the air now to discontinue such an amusement, if amusement it is. I might be mistaken, but I do not feel that there is a very strong opinion outside in demanding Senate reform. The battle has not been pushed to the gates by any means. The hon. gentleman from Ottawa said that the time is opportune as we have just been through a general election. So we have, but did we hear much of Senate reform in the last campaign? Was there an election in a single constituency that turned upon this question? Did either the leader of the opposition or the leader of the government make it one of their foremost planks in their respective platforms? Did the journalists of the day press it upon the public attention as one of those vital questions demanding immediate consideration? There has been no such pressure, as far as I can understand. There has been no such demand thrust upon the attention of the electorate for reform of the Senate. Outside of the occasional observation of an emotional journalist, or of a fantastic caracaturist, very little is said about the Senate. We are not open to the charge that we have obstructed public legislation. At least if the charge is made it has not been proven. There has been no petition presented to either House in favour of so-called Senate reform. If the question appears to be urgent, we are making it urgent, largely by the line we are pursuing. My

hon. friend referred to the motion made by the Hon. David Mills in 1875. We have crossed many a river since that time. The Hon. Mr. Mills was for thirty years or more a member of parliament after he moved that resolution, but he never repeated his motion so far as I can remember. Even when submitted to the House it was only carried by a majority of three votes. Twenty-one Liberal members of the House voted against Mr. Mills' resolution. So that taking that as a starting point in the history of the movement toward Senate reform, it cannot be said that it was a movement that disturbed the public opinion, which agitated either branch of the parliament of Canada which was dismissed itself. practically, by the Hon. Mr. Mills, as a motion out of which there was little or no political capital to be made, if he had that object in view, or what was not essential to the successful operation of our constitution, so that we may dismiss that as the starting point for Senate reform. Then we were referred to a resolution passed by the Liberal convention in 1893, a resolution which indicated in terms, as such resolutions usually do, that something had to be done, but how it was to be done, by what process, was not stated. However, it gave a basis for the demand for Senate reform, and I suppose, so far as it goes, it committed the Liberal party to Senate reform. We have travelled now sixteen years beyond the meeting of that convention, and there is no proposition emanating from the Liberal party. They were sincere, no doubt, and the convention was unanimous in adopting that resolution; but there was no pressure of public opinion outside to urge the Liberal party to any further declaration or action. It was simply a declaration of opinion to which there was no sufficient response that warranted the Liberal party in advancing further, and it not unfrequently happened that in laying a party platform, it is afterwards found by experience that some of the planks, so-called, may be either in advance of public opinion, or may be an assumption of a condition of public opinion which might be afterwards dismissed from public attention. So that taking either of these two propositions as an indication of Senate reform, they have been practically abortive. True, there was some agitation in the House of Commons by one party in favour of the abolition of the Senate, and by another party in favour of an elective Senate, but how far these appeals to the House of Commons will meet with the approval of the members of that House remains to be seen. I, therefore, arrive at this point, and I feel it somewhat strongly, that as it is the government of the day who is responsible for legislation, and who is in a special sense responsible for amendments to the constitution, the Senate would act wisely in its own interests—I do not fear Senate reform—and would do justice to a large question, if hereafter it were left in abeyance until the government of the day, who is responsible for the legislation, takes it up and as far as I am concernede, as a private member of the Senate, I propose treating it in that way. My hon. friend suggests that the season for reform is opportune, because of the action of the English House of Lords, and he argued that because they have recommended that certain members of that House should be made elective by their own colleagues, therefore that an elective Senate was seriously considered by leading legislators in Great Britain. His quotations from the report of the House of Lords do not prove quite as much as would appear from his statement. Hon. gentlemen are aware, and the hon. gentleman from Ottawa has so stated, that the peers of Scotland are elected by their fellow piers, and the piers from Ireland similarly elected, 16 in one case and 28 in the other. The proposition of the committee was that the peers of England, or of Great Britain rather, which number about 400, I think, should be elected up to the number of 200 by their fellow peers, just as the peers of Scotland are elected now. The object of that course was, as stated in the report I have before me, first to eliminate from the list of members who receive a writ of summons to attend a session of the House of Lords, those who are irregular in their attendance, or perhaps who do not attend at all, except under very strong whip, and, secondly, to eliminate those who take very little part in the business, and, thirdly, to reduce the House of Lords from about 600 to a House of

about 400 members. I have the report here before me, and it is quite clear from that report that the committee did not entertain for one moment an elective House of Lords as we understand an elective Senate, for in their report they state that a proposition was made that representatives of county councils might sit in the House of Lords to represent that popular element. Here is the clause, 35:

> In order to bring the House more into harmony with the changes of political opinion in the country, some members of the committee desired that persons experienced in local or municipal administration should be introduced from outside at each general election to sit and vote in the House of Lords for the duration of the parliament. To effect this object various proposals to admit to the House elected representatives from county councils and municipal corporations, whether peers or not, were discussed. On this capital question the committee were almost equally divided, and are, therefore, unable to make any recommendation.
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> The committee would then have proceeded to inquire whether another and more complete solution of the difficulty caused by a possible deadlock between the two Houses on a question of grave importance, might not be attained by proceeding as a last resort to refer the issue to the electorate by means of the constitutional expedient known as the referendum.
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> But, though much might be said in favour of such a proposal, the majority of the committee felt that to discuss it, or formulate an opinion upon it, would be beyond the limits imposed upon them by their order of reference.

Those two propositions were considered by them and were both rejected. Every elective element which might possibly add to what might be called the popular side of the House of Lords was rejected, and the only change approved by the committee was that the peers of England who represent England should be elected by their fellow peers as in the case of Scotland and Ireland.

We have no precedent whatever in the action of the House of Lords from the report of this committee. My hon. friend went on to say that under an elective system, as we had in Canada for about two terms—eight years—a number of men of unusual ability were sent to the old Legislative Council, and among those he instanced were Alex. Campbell, David Christie, Sir. D. MacPherson, G. W. Allen and a few others. These were, certainly, men of considerable mark. They got their position in the old Legislative Council through the favour of the constituents to whom they presented their case. I do not know, however, that these men were more distinguished members of the old Legislative Council than some hon. gentlemen who were sent to this House under the nominative system. For instance, I think the Hon. J. J. C. Abbott was a member of this House. I know we had Sir Oliver Mowat and David Mills, and we had the hon. senator from Ottawa and the right hon. leader of the House and a number of distinguished gentlemen whom I see all around me, of much greater experience, and I venture to say without being invidious in my comparison, of equal usefulness in the Senate as these were in the old Legislative Council. If the constituents in their wisdom saw fit to send these gentlemen to the Legislative Council, well and good, but if you look over the list of elected members you will find—and I have mentioned only six or seven, and I think only six or seven attained any degree of prominence, that the great body of them—and there were forty-eight in all—were only such members of the Legislative Council as are frequently, sent to parliament in any general election. The electors have no divine prescience as to the wisdom of men who present themselves as to the sterling integrity of these men that is not possessed by others who may have the right to nominate to this Chamber. Frequently men get into a deliberate body by votes, not at all because of their ability, but because from various and other influences of which every member is aware. I do not think this Chamber as constituted now would compare unfavorably with the old Legislative Council and may I ask my hon. friend if it is not up to the standard who is to blame? We are not to blame. We have come here under the constitution, and if by any accident this Chamber is not maintained up to that high standard to which it is desirable it should be maintained, we must hold the government responsible. In olden days the Conservative government made its appointments to the Senate, and at the present time the government which is now in power, and I think one of the axioms of our constitution is that the country may hold the government responsible for its

appointment to the Senate under responsible government, just as it may hold the government responsible for any other act of theirs, and if I were disposed to find fault with the Senate instead of comparing this Senate with the old Legislative Council I would say to the government of the day that 'If the status of the Senate is not what it ought to be, you are very much to blame. You should bring into the Senate men of a standard and of a calibre which will maintain the dignity of the Senate and promote its efficiency.' There is no excuse if condition exists—a condition which, in my own mind, I do not think exists—and which I do not think the hon. gentleman had quite in his mind when he made the comparison.

Then the hon. gentleman quotes from the colonial despatch of the 3rd December, 1864, in which the Colonial Secretary questioned the constitution of the Senate by the Quebec resolutions on the ground that senators were appointed for life, and that there was no provision whereby the number of senators should be increased to prevent a deadlock between the Senate and the House of Commons. That is a fact which stares us ever in the face, and I doubt very much if, by any process you can devise, you can prevent a deeadlock between this House and the other. Occasionally a deadlock occurred between the House of Lords and the House of Commons. There the power remained in the hands of the government, or in the hands of the King to increase the Lords in order to overcome that deadlock. That power was never exercised. It was proposed to exercise it in 1832, and the House of Lords retreated from the position they had taken, and King William, I think it was, stayed his hand. If a deadlock like that should arise—and it may arise—we can only trust to the good sense of either House, either to change its position or to revise its plan, or to trust to such pressure of public opinion on the Senate as will overcome the deadlock which may thus prevail. I do not think this Senate, as at present constituted, would deliberately set itself up to oppose any measure introduced by the government which was generally and almost universally supported by public opinion. We surely have some judgment. Because we are appointed for life, it does not mean that consequently we have cast our common sense to one side. Twenty-nine of our members were members of the House of Commons. In the House of Commons they could insist upon their views, or they could withdraw an expression of opinion, and could bow to public opinion, if it was so desired. Are they now less amenable to public opinion? The Senate must be one of two things: It must be independent or it must be subservient. I prefer that it should be independent. But to come back to the observation made by the Colonial Secretary in 1864. That observation was made immediately after the passing of the Quebec resolutions. It was the observation of a Colonial Secretary, and we know very well that colonial secretaries do not quite understand the public opinion of the colonies. What happened? Within two years of the expression of that opinion, a Colonial Secretary introduced the Quebec resolutions under the name of the British North America Act into the House of Lords, and asked the approval of the House of Lords of the resolution containing the very clause to which the preceding Colonial Secretary had objected. Which shall we follow, the Colonial Secretary who objected to life senators, or the Colonial Secretary who introduced the Bill in the House of Commons to which the previous Colonial Secretary objected? The argument fails, because you have placed one Colonial Secretary against another, if you put it on that ground. But I think the British North America Act shows the latter opinion was the correct one, because of the fact that it was supported by the House of Lords without a division, and afterwards supported by the House of Commons without a division, and when it was introduced in the House of Commons the Under Secretary made this remark:

> I think the time has gone by for either the parliament or the government of England to attempt to teach colonies like these (the Canadian colonies) their interests better than they can judge of them themselves.

So that the result of Mr. Adderly's remarks was in direct contravention of the remarks of his predecessor. I stand by him. I think the time has come when we need not quote in this House the comments of a Colonial Secretary, particularly when these are superseded by his successors, and

when their supercession is introduced in the House of Lords and when it is accepted by the people of Canada. I have said that the Senate must be independent or subservient. Which is it going to be? If it is an elective Senate, I doubt if its independence will be as complete as at present constituted. I am not going to argue that out at any very great length. It has been discussed over and over again. An elective senator will seek re-election very likely, will certainly seek re-election unless he is prohibited from so doing. In seeking re-election he may be pandering to public opinion—what a senator should not do—not that he should set himself up against public opinion, but in my judgment there should be no pandering to public opinion. The one use of the Senate is that it stands in the way of that demagogic public opinion which is over-borne by a momentary enthusiasm, but which on sober second thought would be abandoned by the wisest and most sensible men; and that has occurred once or twice in England. Take the Home Rule Bill carried by Mr. Gladstone in 1893, carried in the House of Commons by a large majority and rejected by the House of Lords. What does it mean? That that Home Rule Bill was never reintroduced, never repeated in that form or any other form. Did it not mean that the House of Commons considered that the Home Rule Bill introduced by Mr. Gladstone did not meet the sober public opinion of England, and that the occasion of the public opinion of England being opposed by the House of Lords resulted in the interest of good government? I think it means that. I do not think it could mean anything more. But my hon. friend says that the Senate treated Mackenzie somewhat cavalierly in dealing with what is called the Esquimalt and Nanaimo Railway Bill. I had the honour of being a member of the House of Commons and naturally enough I stood by the government in that case, and, possibly, if my views were on record—but they are not, although I have no doubt what they were—I considered the action of the Senate an unwise one. I would like to cross-question some of the old Liberals of my own time, who have watched public opinion since those days till now, to ascertain if they are quite sure after all that Mackenzie was right and the Senate was wrong? It may be considered treason on my part to question the action of my leader. I am as loyal to my leader as any man need be, but everybody knows that leaders, like other people, make mistakes. Mr. Mackenzie's proposition, and the one which the Senate took up, as you will observe by reading the report, was not so much the construction of the Esquimalt and the Nanaimo Railway as it was the alternative proposition, that instead of going to build the Pacific Railroad as decided by the terms with British Columbia, that he should have a mixed water and railway system from Ontario to the west, using the lakes as far as Fort William and the water courses as far as Winnipeg, and for that purpose the Fort Francis lock was begun on the Rainy River. Then using the American route as far as Pembina, getting into Winnipeg from Pembina by a short road he had built during his time, and then proceeding west as leisurely as time would permit, and when that railway was completed to the west, there would be a railway from the coast to Winnipeg, and a branch from Winnipeg through the United States and into Canada again and those who did not like the railway could use the water stretches route. That was the proposition before the country, and the proposition to build the Esquimalt and the Nanaimo Railway was regarded by the Senate and many members of the House of Commons then as a breach of faith with British Columbia. I am happy to think there is nothing that stirs up honest English blood like a breach of faith. I admit the terms were rather arbitrary, that British Columbia committed the fault with which Canning charged the Dutch, of giving too little and asking too much. The terms were very arbitrary. They were very burdensome. I think they were unwise. I think easier terms could have been made with British Columbia, but they had been made and they were approved by the parliament of Canada. While they did not require to be approved by the parliament of Canada; they were approved by order in council, and ratified by Her Majesty the Queen, and and they were binding on Canada, and the Senate took the ground that those terms should have been carried out to the letter.

It may have been asking the pound of flesh, but there was the bond, and they insisted upon that bond, and the British Columbians also insisted upon that bond—perhaps there may have been political feeling as well, but the Senate threw out the Esquimalt and Nanaimo Railway Bill. It did not prevent the construction of the Canadian Pacific Railway, as we are happy to know. It did not prevent Mr. Mackenzie going on with characteristic energy, to fulfil the conditions of the bond, for he had put the western section under contract to Onderdonk & Co., and he had built the line from Pembina to Fort Garry, and he had made some progress with his water stretches route, and I think had put under contract part of the road between Fort William and Winnipeg.

Hon. Mr. SCOTT—All the road between Fort William and Selkirk was under contract.

Hon. Mr. ROSS (Middlesex). Showing extraordinary energy under very difficult and trying circumstances, and no one could commend him more highly than those who have studied his history for his energy at that time. The attitude of the Senate was hostile. It was independent, perhaps, in the light of subsequent events. I am not going to characterize the action of the Senate. I certainly shall not criticise it too severely. Then there was the action of the Senate whereby the Yukon Railway Act was thrown out. It was the action of an independent Senate, of a Conservative Senate, but that Bill was never re-introduced. No subsequent effort was made to introduce the Bill in the House of Commons. If the Senate was wrong, the House of Commons failed in its duty in not pressing it again. I do not know that the Senate was wrong. I do not know that the Senate, under existing circumstances,, would be more ready to pass that Bill than the Senate which rejected it. I want to go back to what I laid down before—that the Senate must be either independent or subservient. No matter what the political complexion of the Senate may be, it must act a judicial part. I have been in association with the Senate now for three sessions, and I speak with the utmost frankness when I say I was surprised, and am surprised every day when I see how insignificant and undiscoverable is the political element in the Senate. I do not know that as many men could be gathered under similar conditions that would discuss public Bills on their merits with greater impartiality, and that would show less political feeling in dealing with Bills coming from the other House. For instance, last session I took an active part in rejecting what was called the Co-operative Societies Bill. I did so on the ground of provincial rights. It was a government Bill. Every political motive would induce me to support it on that ground, and it was so with many who supported me in my view. I felt there was but one course to take, to reject the Bill, because the powers asked for could be had from the provincial legislatures, and had been granted in some of the provinces. I acted under no political motive whatsoever, and I do not know that those who voted with me on that occasion were influenced by such motives either. Their independence on that occasion could not be construed into any desire to embarrass the government. Running through the hon. gentleman's argument seems to be this thought, namely, this House must be in harmony with the other chamber, otherwise there is obstruction. Does it follow that his argument was well founded? The House of Lords is never in harmony with the House of Commons politically, except when the Conservatives are in power. It does not reject many measures, but when it does, it acts within its right. I have shown that Bills sent from the House of Commons may well be rejected in the public interest. It is not necessary that this House should be in harmony with the House of Commons. In the United States they have an elective Senate, elected by the various state legislatures. Now that Senate is not in harmony at all times with the House of Representatives. I have here a quotation from an admirable work by Mr. Pierce, called 'American Usurpation,' in which he says in eleven Congresses since 1887, the Senate and President were of a different stripe from the House of Representatives most of the time. There were only two years during which the same party held the control of all the

branches of the government, yet the United States government goes on and undertakes vast enterprises, constructs a great navy, builds the Panama canal, deals with interstate commerce, and the two Houses, although not in political accord, seem to be animated by the same patriotic motive to pass legislation in the general interest. What guarantee would we have, if we had an elective Senate, that they would be in accord? Would there not be greater danger, if they were in accord, that the purpose of the Senate would fail? We have an opposition in this House as well as in the other House. What is the purpose of the opposition? It is to criticise the acts of the government, and, as I have often been told, is useful to keep the government straight. It is exceedingly useful, partly because of its suggestiveness and partly because of its criticism. If there were no opposition, probably the government would go astray more frequently than they do; and if the Senate was always in accord with the House of Commons we would be charged with being merely a registration department of the House of Commons, a replica of the House of Commons. It reminds me of the remarks made by the orator who was called upon to make a speech after Burke. He was so over-whelmed with Burke's eloquence that when he rose he said merely, 'I say ditto.' Now I do not want the Senate to be saying 'ditto' to the House of Commons unless it feels that ditto is a proper word to use. I want the Senate to feel so independent, and be so judicial in its attitude on all public questions, whether constituted as now or elective, that it will have an opinion of its own. Take away its judicial attitude, and you destroy its usefulness. You do not want a Supreme Court to accept the decisions of a court of appeal; you want it to review decisions. So it is with the Privy Council, its usefulness is because it reviews the decisions of other courts. Now, the Senate is a court of appeal. Its business is to criticise, to amend, to review, to set aside, if necessary, the decisions of the court below, because we are in a better position to follow our own independent judgment than is the court below. As a rule, we have had more experience, and are more disposed to attend to details than the committees of the other House. We cannot be said to have been obstructive. Out of 5,209 Bills sent up from the House of Commons in forty-two years, we have only rejected 115, or two per cent, an average of less than three each year. If we are open to the charge of obstruction, what will we say of the House of Commons? We sent down in the same time 871 Bills. They rejected 90, or ten per cent. If either House is to be found guilty of the charge of obstruction it is not the Senate, but the Commons. We have as good a right to expect the Commons to pass our legislation, as the Commons to tell us to pass their legislation. We rejected two per cent of their Bills; they rejected ten per cent of our Bills. We made 1,067 amendments to their Bills, or twenty per cent, and they made 281 amendments to ours, or thirty-four per cent. If either Chamber is open to a charge of obstruction, it is not ours on which that charge can be properly fastened. But my hon. friend refers to what appeared to him an approaching calamity in this House, namely, in the course of a very few years the Conservatives will have faded away and the House will be constituted entirely of Liberals. I do not think that the Senate need necessarily be constituted of one party, or that there should be an equilibrium of parties in the Senate. That introduces the political element. An equilibrium of political parties means the existence of political parties in the Senate. I do not want a political party in this Chamber. If you want to eliminate politics from the Senate, are you more likely to do it by the elective than by the nominative system? How is a man going to appeal for a seat in the Senate? On some political issue, of course. He is from the beginning a politician, and having got support as a politician, he expects that support to be continued because he is a politician. We may have been appointed here because of having been politicians, but it does not follow that we will continue so to be, nor shall I admit what is involved in that statement, namely that political opinions are necessarily partisan opinions. We may have political opinions, and yet be fair and non-partisan and maintain the balance of justice equally. But if political appointments to the Senate are bad, what

will you say about political appointments of various other kinds? For instance, look at the administration of the British empire? The Vice-Roy of India is a politician, and always has been, yet 240,000,000 of people are governed by a politician. Is that appointment bad? The Lords of the Privy Council, who sit in the judicial committee, are politicians. The judges of the Supreme Court of Canada, with one or two exceptions have all been politicians. The Governors of Canada have all been politicians, without a single exception that I can recall. We had the Duke of Argyle, Lord Derby, Lord Minto, Lord Aberdeen, who is at present Lieutenant-Governor of Ireland, and so on, all politicians, and that reminds me that the Lord Lieutenant Governor of Ireland, the country of all others hardest to govern, has always been a politician. The judges of all our courts are usually selected by the government in power from their friends. Throughout the world to-day governments are carried on by politicians. Is it an offence to us that we have been politicians? It adds more to our status than perhaps anything else could. I admit that in the House of Lords men have been introduced who have not been politicians. Men like Lord Cromer, Lord Tennyson, Lord Strathcona, Lord Mount Stephen, Lord Avebury and others. The practice has not been so much in this country to select senators from classes of that kind as from politicians. If I were to offer a suggestion I would say to the government: 'You might well look around and select from those of different callings and professions in life for appointment to the Senate, and I have no doubt very useful they would become.' This Senate, composed of politicians, however, is very representative. I mentioned last year that there were nineteen lawyers here, eight capitalists, three journalists, fifteen engaged in agriculture, ten in manufactures, seven doctors, fifteen engaged in mercantil pursuits, eight in miscellaneous and three occupied official positions in their various municipalities. If you compare the representative character of this House with the representative character of the United States Senate, we have nothing to fear from such a comparison. If you have an elective Senate, will you have any more satisfactory results? I do not propose to follow the hon. gentleman from Ottawa at any further length on the line of his argument, but I now propose to call attention to two phases of this question that I think have not yet been fully considered. The first phase is that the parliament of Canada could not abolish the Senate if it would. We, therefore, may dismiss from further consideration that phase of the question. The proposition in another place that the Senate should be abolished is an unconstitutional proposition and could not be entertained. Why do I say that? I say so, because the constitution of Canada was a treaty in the first place, entered into by the various provinces at the conference held in Quebec in 1864. Let me quote a few words from a speech delivered by Attorney General Macdonald, afterwards Sir John Macdonald, in the old parliament of Canada in reply to a question put by Mr. Powell, member for Carleton, to the effect that it would be reasonable, Mr. Powell thought, that the Quebec resolutions, 72 in number, should be taken up and voted upon seriatim. What did Sir John Macdonald say:

> In answer to the member for Carleton, the government desired to say that they presented the scheme as a whole, and would exert all the influence they could bring to bear in the way or argument to induce the House to adopt the scheme without alteration, and for the simple reason that the scheme was not one framed by the government of Canada, or by the government of Nova Scotia, but was in the nature of a treaty settled between the different colonies, each clause of which had been fully discussed, and which had been agreed to by a system of mutual compromise.

That was the foundation of the Quebec resolutions submitted to the old parliament of Canada. And in reply to Hon. A. A. Dorion, afterwards Sir Antoine Dorion, Attorney General Macdonald made this remark:

> These resolutions were in the nature of a treaty, and if not adopted in their entirety, the proceedings would have to be commenced de novo.

That is, he would have to go back to the parties by whom the treaty was formed to get their assent and bring it before the parliament of Canada again. Let us fortify that by some further quotations. For instance, I have here the proceedings of the conference held in Quebec as contained in

the admirable sketch by Mr. Joseph Pope, who was present at that convention:

It was moved by the Hon. Mr. John A. Macdonald, seconded by Col. the Hon. John Hamilton Grey (P.E.I.): That there shall be a general legislature for the federative provinces composed of a legislative council, and legislative assembly.

That was one of the earliest resolutions submitted to the conference held in Quebec. It was carried unanimously, and when the Quebec resolutions were agreed to, every province felt that it was to be a Senate which might guard its interests, or whatever value they attached to it, but every province accepted the Quebec resolutions and signed them at the close of the conference with the understanding that there was to be a Senate, and it was on that basis the resolutions were adopted by the parliament of Canada. Can we say the province of Quebec now having agreed to these resolutions, and having sanctioned them in the parliament of Canada as we did in the session of 1865, there shall be no Senate? Have we any authority to say so? In the constitution of the United States there is this provision, that every state in the Union shall have equal representation in the Senate, and that the suffrage shall not be withdrawn except with the consent of the State. I admit if a proposition emanated from the parliament of Canada agreeing to the abolition of the Senate, and it were ratified by every province of the Dominion, as the original terms were, except in the case of Nova Scotia, then we could abolish the Senate, and unless it is seriously proposed in the resolution for the abolition of the Senate to go further and submit such a proposition to the various provinces of the Dominion, then any resolution like that is abortive, is premature, and of no purpose. I propose as a Canadian to stand by the original treaty. I do not propose to break faith with Quebece, Ontario, Prince Edward Island, or any other province that came into the Dominion. Let me fortify that still further, and you will see the value of it when I refer to the admission of Prince Edward Island into the confederation. When Prince Edward Island asked for admission to the Union, the movement came from the province. An address was submitted to the local legislature, which was carried, favouring confederation. The terms were settled between the Dominion and the province. These terms were subject to ratification, first by order in council of the Dominion government, and afterwards by order in council of Her Majesty's Privy Council. In looking over the terms under which Prince Edward Island was admitted to confederation, I find this:

In case of the admission of Newfoundland and Prince Edward Island or either of them each shall be entitled to a representation in the Senate of Canada of four members.

Now, if you look to the provisions of the British North America Act, you will find that the Island was to be represented by four members in the Senate, and Prince Edward Island came into the confederation with that distinct understanding. These terms were ratified in the following manner:

And whereas Her Majesty has thought fit to approve of the said terms and conditions, it is hereby ordered and declared by Her Majesty, by and with the advice of Her Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Act of parliament, that from and after the first day of July, one thousand eight hundred and seventy three, the said colony of Prince Edward Island shall be admitted into and become part of the Dominion of Canada, upon the terms and conditions set forth in the hereinbefore recited addresses.

Now, one of the terms and conditions was that Prince Edward Island should have four members in the Senate. Are we prepared now to say that Prince Edward Island shall not have four members in the Senate? We would have just as much authority to say that Prince Edward Island should not have four members in the House of Commons. Are we going to break faith with Prince Edward Island, and cut down its representation by any act? My contention is that on the terms of admission, Prince Edward Island and the other provinces entered into a treaty with Canada.

Hon. Mr. SCOTT. There is no disposition that any change like that should be made in the constitution.

Hon. Mr. ROSS (Middlesex)—I am not speaking of the hon. gentleman's resolution. I want to dispose of the prevailing opinion that one chamber for Canada would be as good as one chamber for Ontario. I

want to dispose once and for all of the idea that the Senate can be abolished. British Columbia also entered the confederation upon similar terms. It was provided that the province should be represented in the Senate by three members, and these terms were ratified by Her Majesty the Queen. My argument is that we could not abolish the Senate if we would; that any action on the part of the parliament of Canada would be ineffective, unless that action was approved by the various legislatures that went into this treaty and compact, and it is well that the public should know that those who are asking for revolutionary measures should know now, and once for all, that whatever change may be made in the constitution of the Senate, its abolition is beyond the power of the parliament of Canada.

Now I come to the other branch of my subject namely, can we change by Act of parliament of Canada the form of appointing senators? My argument is that we cannot, that any action on the part of the parliament of Canada for changing the constitution of the Senate and making it elective, is equally subject to the approval and assent of the provinces that originally entered into confederation and those that subsequently joined it. Let me go back for a moment to the resolutions that were approved at the Quebec conference. Here is a resolution again moved by Sir John Macdonald:

> That the members of the legislative council shall be appointed by the Crown under the great seal of the general government and shall hold office during life.

Now that was an essential part of the original compact. They were to be appointed by the Crown and held offices during life. Quebec, Nova Scotia, New Brunswick accepted that, and when Prince Edward Island and British Columbia came in, they accepted that as one of the privileges they were to enjoy under confederation. That was approved unanimously by the whole conference, and then at London when the delegates went to England to confer as to the Quebec resolutions, and as to the drafting of a Bill for the Colonial Secretary to consider, the delegates there agreed upon the following:

> There shall be a general legislature or parliament for the federative provinces composed of a legislative council and a House of Commons.

The word 'Senate' then had not begun to be used. So there the action of the original conferees at Quebec was approved by the conference of representatives from Canada when they were accepting a draft from the House of Commons. But more than that, the treaty originally formed at Quebec, and unanimously approved by the parliament of Canada and the legislature of New Brunswick, though not by Nova Scotia in set terms, and confirmed by the British parliament was a compact ratified by the authority of the Crown, and was signed by Her Majesty some time in March, 1867. That was a treaty; can we violate it in any way? If we can violate it in one way, we can violate it in another. Is the parliament of Canada competent to withdraw from our French colleagues in the House of Commons the use of the French language, or from the legislature of Quebec the privilege it has under the British North America Act of using the two languages? If we can amend the Act one way, we can amend it in another way. Of course the privilege was given us to amend the British North America Act in some respects, but not in that respect. Here is a remarkable thing. In clause 93 of the constitution, it is provided that the provincial legislatures may amend the constitution except in so far as it affects the appointment of the Lieutenant Governor. The legislature is given power amongst other things 'to amend from time to time, notwithstanding anything in this Act the constitution of the province except as regards the office of the Lieutenant Governor.'

The provinces have exercised that right of amendment. They abolished the upper House in New Brunswick and Manitoba. I think they consolidated the legislative assembly, and the legislative council in some form in Prince Edward Island. They have a right to amend their own constitution, but you will not find in the British North America Act that the parliament of Canada has a right to amend its constitution in regard to the Senate. What parliament may do is here and there stated. Take, for instance, clause 105, where it is provided that

'unless altered by the parliament of Canada, the salary of the Governor General shall be ten thousand pounds.'

Wherever the parliament of Canada has power to amend the constitution, the British North America Act distinctly says so. Where it has no power, the Act is silent. Was the parliament of Canada within its rights in making amendments in the past? Most assuredly. The first was to make it clear that we had a right to establish a province in Prince Rupert's land. The Manitoba Act was passed on the authority of the parliament of Canada, but a question was raised by the Hon. Mr. Mills as to the right to do so and a declaratory Act was passed by the House of Commons that the parliament of Canada had that right and confirming the Manitoba Act. Then the question was raised later, whether the committees of the House of Commons had a right to examine witnesses under oath, as the committees of the House of Commons in Great Britain had. They had no such right at the time the Confederation Act was passed, and that right was conferred upon them. Then the question was asked again whether in the admission of Prince Rupert's land they had a right to send representatives to the Senate. An Act was passed confirming that right.

Then the question was raised as to whether we had the right to appoint a deputy Speaker. That was the fourth amendment which was confirmed. The next question was somewhat broader, namely, the disturbance of the financial basis of confederation by an Act which we passed in this House last year, making additional grants to the various provinces under that Act. Now, you will notice the history of that Act. Although it was passed by the parliament of Canada, it has had the tacit assent of the various provinces. I was myself present at an interprovincial conference at Quebec, in 1887, where I think all the provinces were represented except British Columbia. I am not quite sure about Prince Edward Island, but I know British Columbia was not represented, and there we agreed in solemn conclave that the financial basis of confederation should be altered. I was present at the conference in Ottawa in 1903, where all the provinces were represented through their premiers, where that agreement was formed. After my retirement from office, there was a subsequent conference of all the premiers of Canada, who all agreed on a basis except British Columbia. So you had in the amendment of that financial basis of confederation, not through the legislatures, but through their representatives, concurrence in the alteration of the basis of that agreement. I do not think the House of Commons can do it constitutionally in any other way. In fact I think it was sailing very close to the wind to do it in the way they did, and they apparently felt so, for you will notice in the schedule to that Act passed by the House of Commons which was practically the Act, 'Nothing herein contained shall supersede or affect the terms specially granted to any particular province upon which such province became part of the Dominion of Canada.' They guarded themselves against any infraction of the original terms of confederation by saying that nothing contained in the Bill proposed would affect the basis upon which the provinces became part of the Dominion of Canada. So that it was very evidently present to the members of the government at the time they framed that Bill, that they were sailing very close to the wind. Now what is my argument? My argument is that we entered confederation with the Senate constituted as at present, constituted so that the members of the Senate are appointed by the Crown under the great seal, that they are appointed for life, that every province of the confederation was party to that agreement, that we cannot, if we would, as a House of Commons, or parliament of Canada abrogate that agreement: It was a treaty solemnly entered into, and, therefore, if the question of amending the constitution of the Senate has to be seriously considered, we have to proceed about it in a constitutional way.

Now, what would be the constitutional way? We may begin at either end. We may begin with the provinces and have resolutions passed from one province to another until all have agreed, and then obtain the concurrence of the parliament of Canada. Or what would be perhaps a more practicable way, and practical as well, would be

for the parliament of Canada to say: 'We want an elective Senate,' allow that proposition to go down to the provinces comprised in the original compact and when we have the concurrence of all the members of the original compact, then it would be our right to come to the House of Commons and ask for such a change as was approved by all the members of the provinces, and I want it to go out to the people of Canada that this is the logical, honest way to amend the constitution of Canada. Let there be no agitation in Ontario for that amendment to the constitution unless the people of Ontario know the modus operandi. Shall we here say to Quebec, who are unanimous in favour of a nominative Senate, I believe almost unanimous—at least they were at the last conference—shall we say to them that we shall lay violent hands upon that compact to which you agreed and to which you would not agree unless it was framed in that way? The constitution contains some curious clauses—one of them evidently designed to protect the minority refer to Quebec. You will find in the schedule to the British North America Act, I think it was called schedule two, a list of constituencies whose boundaries cannot be altered by the parliament of Quebec. Now, there was some object in making such a list. That list reads as follows: Counties of Pontiac, Ottawa, Argenteuil, Huntingdon, Missisquoi, Brome, Shefford, Stanstead, Compton, Wolfe and Richmond, Megantic, town of Sherbrooke.

There you have thirteen constituencies in the province of Quebec that were by the British North America Act so unalterably fixed that they could not be affected by subsequent legislation. There was an object in that. It was to protect certain minorities in these various constituencies, as I understand it. The purpose of the Senate is similarily to protect minorities. There is a minority in Canada that could not be represented at all in this House, I venture to say, if the Senate was elective. Go into our western constituencies and you have no guarantee that in certain of these the Roman Catholic minority of Canada can ever obtain a seat. It is quite possible, and I doubt if there are many constituencies that would be formed for senatorial purposes in which the Roman Catholic could get a majority and send their representatives to the Senate unless that species of intolerance which so universally prevails subsided during such an election. The object of the Senate, I understand is, first, to protect the provinces, like the Senate of the United States. The second object was to proetct the minorities, and if you read the confederation debates you will see that was put forward. Have we the right when these provinces entered into confederation in good faith, feeling that they would be protected, to change the mode of protection provided without submitting it to their approval? I say we have no such right. How is the constitution of the United States changed? In a very involved way. There is an agitation now, as the hon. gentleman from Ottawa said, in favour of making the Senate of the United States elective by popular vote, and thirty-one states have already petitioned Congress that that mode of election shall prevail, and in five successive sessions of the House of Representatives a motion was passed appointing a committee to confer with the Senate to see if they could not devise a means for an elective Senate by popular vote. There was some considerable agitation in regard to that. What would follow if Congress, that is the Senate and House of Representatives agreed upon a plan? Would the constitution of the Senate of the United States therefore be amended Not at all. The constitution regarded the original union of the states as a compact, as a treaty, and provided that there must be a vote of two-thirds of the Congress and three-fourths of the states to agree to any change in that constitution, so that if the House of Congress adopted a resolution in favour of an elective Senate that resolution would go down to the original states that entered into that original compact for their approval or disapproval. That is the logic of any Act or amendment.

Hon. Mr. SCOTT—Does the hon. gentleman know that that compact has been violated in twenty-five cases?

Hon. Mr. ROSS—It has not been violated yet. In Illinois, Wisconsin, Iowa, and other States, an Act has been passed that candidates for the Senate shall be voted upon by their primaries. That is the same

as candidates for the legislature; but that Act does not bind the legislature, and the legislature cannot be bound, outside the constitution, to appoint to the Senate the men who will carry the majority of votes. All that it does is to say that it is advisory, and some states legislatures have resented the interference, and have appointed men not recommended by the primaries. That is, they rejected the candidates of the primaries, and exercised their right to elect whomever they pleased. Our process of amending the constitution is quicker, in theory, than the process of amending the constitution of the United States; but it should have the same honest principle permeating it. We do not provide that the majority of the states shall approve of amendments to our constitution in the British North America Act; but the spirit of the British North America Act never departs from it. It is there. It has its vital office and it is our duty to see that it is maintained. In Australia the same protection is given to the states. The six states elect six senators each, and if they want their constitution changed they go to a popular vote, and there must be a majority of the states to vote in favour of it, and it must be a majority of the votes of the whole commonwealth. See the protection? They cannot be ousted out of their constitutional right unless the majority of the states approve, and at the back of that it must be a vote of all the states. We have no such constitutional protection, but what have we? We have the honour of the men who are the guardians of the constitution. We have the honour of Canadians who entered into the compact with their fellow-Canadians from the various provinces on certain conditions, and that honour should be as binding on us, nay should be a thousand fold stronger, in preventing any violation of the terms, than the articles in the United States or Australian constitutions, and that honour demands that when there is a proposition made to revise the constitution, that we should revise it in precisely the same way in which it was formed, with the first parties thereto. How sacredly does Britain guard the treaties that she has made? For instance, she guarded the Washington treaty with far greater zeal than the United States did, although I do not wish to comment on the action of the United States in regard to that, and England has strictly observed the other treaties she has made. The honour of England was attached to these treaties, and the honour of England made them sacred. Here we have a contract ratified by ourselves, ratified by our original representatives, ratified by Great Britain signed by Her Majesty, and shall we tear it to tatters? Shall we, in our supposed wisdom, or in the arrogance of power which we may possess, set an original bargain aside and substitute for it something else in which the interests of the original parties are not conserved? That is not the view I want the Senate to take so long as I am a member of it, or whether I am a member of it or not, and I hope we shall make an effort to have the people of Canada understand, if my logic is right, that whether the Senate is for good or for ill it is here under conditions we cannot violate, and if the Senate is not up to the standard the people of Canada require, then it is not the Senate's fault, but the fault of the government which make the nominations to the Senate. Should the government forget what it owes to this important branch of the legislature and what it owes to the people of Canada, whose servants we are, then the Senate of Canada may deteriorate. I do not think it has deteriorated. I see no signs of deterioration. I have no reason to believe that the Senate of Canada is not as good now as the old legislative council was. I have no reason to think that, man for man, the Senate is not as good as the House of Commons who have come directly from the people. I have no reason to believe that the Senate of Canada is not as capable to legislate for the people of Canada as the House of Commons or any other legislative body. Under these circumstances, without even resting my case mainly upon that constitutional compact, I think we had better dismiss the prolonged discussion of this question until it comes before us in a proper form, until the government takes the responsibility of it, and that is the duty of a government—that is what a government is for, that all amendments to the constitution shall be made only on the responsibility of the government. If the government take the responsibility, let them submit some proposition.

Such a proposition when before us, I am prepared to consider; but in the meantime I think the subject might stand over for further consideration, and that constitutional methods should be adopted in order to bring the question before the people of Canada.

Hon. Mr. McMULLEN moved that the debate be adjourned until Tuesday next.

Hon. Mr. POWER—I feel strongly attempted to move an amendment, that the debate be adjourned for six months, but I shall not.

The motion was agreed to, and the debate was adjourned until Tuesday.

HURON AND ONTARIO RAILWAY COMPANY BILL.

REFERRED TO THE RAILWAY COMMITTEE.

Hon. Mr. BEIQUE moved concurrence in the report of the Standing Committee on Railways. Telegraphs and Harbours on Bill (No. 14) An Act respecting the Huron and Ontario Railway Company.

Hon. Mr. RATZ moved:

That the said report be not now adopted, but that it and the said Bill be referred back to the Railway Committee for further consideration as to the bonding powers to be given to the company.

Hon. Sir MACKENZIE BOWELL—Would it not be well to give some reason why the company should have some greater power to issue bonds than are given to most other companies, particularly for a road that is running through a well settled portion of the country?

Hon. Mr. YOUNG—I understand that they had additional reasons to submit to the Committee on Railways with reference to the capital stock, that they would ask to have an opportunity of submitting, which they did not have the other day, and out of fairness to them, I think the House would readily consent to let them have a new trial before the Railway Committee, and that is all they ask.

The amendment was agreed to.

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

THE SENATE.

OTTAWA, Wednesday, March 10, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RIDOUT DIVORCE CASE.

Hon. Mr. KIRCHHOFFER presented the report of the Divorce Committee re the petition of John Grant Ridout for a Bill of Divorce.

The report was received.

Hon. Mr. CLORAN—May I ask when members of the Senate can have copies of the evidence in these divorce applications? I observe that there was a case on the orders for yesterday. I do not know whether it was adopted or not. I should like to have information on that point.

Hon. Mr. KIRCHHOFFER—I intended, when the orders of the day were called, to direct the attention of my hon. friend the leader of the government in this House to this matter. We have had a report of the Divorce Committee before the Senate since the second day of this month. It has been set down for hearing two or three times. It has been postponed from day to day, and yet to-day the evidence has not been printed and circulated among the members. Every time this matter comes up we find that the evidence has not been circulated, and, therefore, the report must stand over. We have a large number of petitions for divorce before us this session, and if the printing of the evidence in these cases cannot be pushed a little faster, perforce some of these applications will have to stand over if the session closes as early as it has been suggested. I understand the delay does not take place by reason of any fault on the part of any one in the House. It is altogether a delay in the Printing Bureau, I understand, and I am sure I am not asking too much from the leader of the House when I request that he be kind enough to have some instructions given to the Printing Bureau which would make them facilitate the printing and the circulation of the evidence in the divorce cases as quickly as possible.

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Secretary of State to the matter at once.

Hon. Mr. CLORAN—I am glad to receive this information, and I would ask also, as a privilege, to have the evidence in each particular case supplied to us at least eight days before we are called upon to pass judgment. It is not right simply to put the evidence in our hands in the morning and have the Senate judge those cases the same afternoon. I would ask that the chairman of the committee insist that the evidence be in the hands of the senators at least eight days before the case is considered.

Hon. Mr. LANDRY—I raised that point last year. The report of the committee to this House comprises all the documents that go with the Bill, and when those documents are not before us the Bill is not complete and cannot be considered on its merits.

BILL INTRODUCED.

Bill (H) An Act respecting the Anglo-Canadian Continental Bank.—(Hon. Mr. Cloran).

THIRD READINGS.

Bill (No. 18) An Act to amend the Animal Contagious Diseases Act.—(Rt. Hon. Sir Richard Cartwright).

Bill (No. 11) An Act to incorporate the Canadian Western Railway Company.—(Hon. Mr. Beique).

Bill (No. 24) An Act respecting the Edmonton and Slave Lake Railway Company.—(Hon. Mr. Beique).

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 21) An Act to amend the Railway Act.

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—This Bill is asked for by the Department of Railways in consequence of their having now a considerable number of applications to lease water-powers for the development of electricity. The amendment is to regulate the price which may be charged for electricity.

Hon. Mr. KIRCHHOFFER.

Hon. Mr. LOUGHEED—Why should this not be extended further than the present Bill seems to go? There might be embraced in it all public companies incorporated by the parliament of Canada which use water-power over which the parliament of Canada has jurisdiction. It is desirable that there should be uniformity in charges as far as possible, whether the company be lessees from the Crown or not, in the case of companies incorporated by this parliament.

Hon. Sir RICHARD CARTWRIGHT—There may be something in what the hon. gentleman says, but this refers simply and solely to this particular department. The proposition the hon. gentleman makes had better be dealt with in a separate Act. There is always a certain risk in incorporating into Railway Acts provisions which do not particularly refer to the immediate subject.

Hon. Mr. LOUGHEED—But my hon. friend will observe that this is a new departure. It is tantamount to the introduction of a policy by the government of controlling the rates for water-power. As I understand, a great number of applications have been made to the government for water-power from canals and other water courses belonging to the Crown. I presume that what is in view is the adoption of rates to meet those circumstances. If that policy is being introduced—and it will certainly be of an extensive character—there is no good reason why the government should not take to itself, or the Railway Commission should not take to itself, the same power with respect to the water-power companies we may have incorporated, and which may be operated under federal charters. It is as necessary in one case as in the other, because the primary object is to protect the public against excessive rates.

Hon. Sir RICHARD CARTWRIGHT—I know, but in that case the hon. gentleman is aware that there are often very different conditions and very considerable difficulty as between individuals and private corporations. If he choose to submit an amendment between this and the third reading I will confer with the Minister of

Railways on the subject, but I would not undertake to alter the Bill in that direction without previous consultation with my colleagues.

Hon. Mr. LOUGHEED—It is simply an extension of the policy adopted. My right hon. friend will observe that it will be impossible, even under this Bill, to adopt a uniform schedule, because I apprehend that the conditions in one case might be vastly different from those in another.

Hon. Sir RICHARD CARTWRIGHT—Quite so.

Hon. Mr. LOUGHEED—Consequently, we cannot expect uniformity even under this.

Hon. Sir RICHARD CARTWRIGHT—They are more apt to be different, I fancy, in the case of leases between private individuals and corporations than between private individuals and the Crown. Most of these cases will originate from the canals which are under the control of the government in a special sense, and there is much more likelihood of difficulties occurring. I am not disposed to refuse, nor yet am I disposed to accept the amendment, unless my hon. friend can put it in such shape and give it to me in such fashion that I may submit it and have it considered.

Hon. Mr. LOUGHEED—It is simply a question of policy as to whether the government should not take control of the rates for water-powers usually speaking; that is where they can exercise jurisdiction.

Hon. Sir RICHARD CARTWRIGHT—If I follow my right hon. friend aright, he would desire that the rates as between private parties should be controlled by the Railway Commission, not simply those originating from the Crown?

Hon. Mr. LOUGHEED—As between public companies incorporated by the parliament of Canada and the public.

Hon. Sir RICHARD CARTWRIGHT—The companies incorporated by the Dominion of Canada are really private parties.

Hon. Mr. LOUGHEED—If the policy is sufficiently good to apply to telephone and other large corporations engaged in operating public utilities, it seems to me that it should be applicable in the case I have mentioned.

Hon. Sir RICHARD CARTWRIGHT—Well, it may be.

Hon. Mr. LOUGHEED—It has been a prolific source of discussion in the press and otherwise the rates which should be charged by these companies, and where they are diverting the streams of the Dominion for power purposes there is no good reason why the Dominion should not exercise a general supervision over the rates chargeable by the companies.

Hon. Sir RICHARD CARTWRIGHT—That may be, and, as I say, I shall be willing enough to confer on the subject, but in the meantime I think we may as well accept this Bill as it is pro tanto.

Hon. Mr. LOUGHEED—Oh, yes, I am not objecting to that.

Hon. Sir RICHARD CARTWRIGHT—I do not think there is any harm in the Bill as it stands.

Hon. Mr. LOUGHEED—I have no objection to that; I think it is a step in the right direction.

On clause 2,

2. Sections 370, 371 and 372 of the said Act are repealed, and the following sections are substituted therefor:—

370. Every company shall annually prepare returns, in accordance with the forms for the time being required and furnished by the minister, of its capital, traffic and working expenditure and of all other information required.

2. Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company, and shall also be attested upon the oath of the president, or, in his absence, of the vice-president or manager of the company.

Hon. Sir RICHARD CARTWRIGHT—This simply furnishes the material for the return.

Hon. Mr. LOUGHEED—In what respect are the schedules inadequate to meet the provisions of the Act? Is it anticipated that more detailed returns will be furnished by the railways?

Hon. Sir RICHARD CARTWRIGHT—I am informed by the department that the schedule forms are not in accordance with

the full and detailed forms of returns at present adopted by the department, and, therefore, they want to make them fuller and more compete.

Hon. Mr. FERGUSON—Before that clause is carried I wish to offer some observations upon it. I think it is a change we should not make without very serious consideration, and especially as I have learned that little attention was called to this change in the House of Commons. I have consulted several members of the House of Commons who are very prominent in the discussion of railway matters, and they were not aware that a Bill was passed repealing schedules 1 and 2. If hon. gentlemen will take the trouble to turn up the Railway Act they will find all the schedules to that Act; Nos. 1 and 2 are repealed by the measure that we have before us. I have been looking a good deal into this matter of statistics, and I am free to admit that I quite agree with the right hon. minister that there is room for very much improvement in the statistics that are being furnished up to the present time. I have got to this position, that I would now hesitate to quote any of these returns without stating very clearly that they came to me in this way and that I would not vouch for their accuracy. Whether this proposition is likely to result in better statistics is something that I would not be prepared to say, but I am afraid it will not. It is practically giving away the power whereby parliament had control of statistics. That is exactly what we are doing. The returns that we are having now, that are furnished to us in the railway statistics, and which are based upon the schedule, if they are not satisfactory and not up to date, I would think the right thing to do would be to frame new schedules that would conform to up to date demands for statistics. By doing that and putting these in the Act in the place of the schedules which we are repealing, we would then retain some control of the statistics, which we are not liable to have if we just simply say, as we are doing by this amendment, that the Minister may call for certain returns, and lay the substance of them before parliament. I notice from a careful examination that I have made of the report of the statistician, and from some of the statements that were made in the presence of a good number of us this morning by the deputy Minister of Railways, that the object is to assimilate our statistics to those of the United States, in order that comparisons can be easily made between the United States statistics as given by the Interstate Commerce Commission, and those compiled under Mr. Payne of the Canadian Railways Department. That certainly appears on the face of it to be a very good object, a consideration that should not be overlooked, and, possibly, ought to be carried out; but we must remember that the Interstate Commerce Commission has not the power or authority to deal with many matters that our Railway Department can deal with. The Interstate Commerce Commission is only, as its name implies, a commission that controls commerce passing through two or more states of the union, and has no power and control over commerce which originates and ends within any one state. It has not the control over railways which we have in our Department of Railways and partly in the board of Railway Commissioners. The matters that have been vexing us a great deal recently with regard to highway crossings and the separation of tracks and so forth, the Interstate Commerce Commission has nothing whatever to do with. These are questions that are handled by the different states of the union. Therefore, we must be very careful about repealing these schedules and falling back on the schedules of the United States, because if we follow them implicitly we will find a great deal of the work that pertains to our Railway Board and especially to the Department of Railways will be dropped out and lost sight of altogether. As an illustration of what I am now saying, in the year ending the 30th of June, 1907. all statistics having reference to highway crossings failed to make their appearance in our report. I wanted to make comparisons to show what progress had been made from year to year, and I found that these statistics had been dropped out. I asked Mr. Payne, the statistician, who appears to be giving a great deal of attention to his work, and he told me that they followed the United States plan of statistics, and

that they did not notice until too late that these statistics were not included in the American classes and forms and, consequently, the statistics appeared for that year without this information, which it is very important we should have, because it is the only channel for publicity with regard to them that we have in Canada. They did not notice their being left out of the United States interstate commerce statistics, but if we dropped them, we drop them out of sight altogether, and we lose the advantage of publicity and the advantage of making comparisons one year with another. It seems to me, we should be able to make comparisons with the United States, and I highly applaud the Minister of Railways and his assistant, Mr. Payne, in endeavouring as far as possible to assimilate these returns in order that we can compare notes with our United States neighbours, where conditions are more like our own than they are in any other part of the world. But while we are doing that, we must be very careful that we do not follow them too closely and thereby possibly lose much of what is indispensable in regard to our own railway system, and which we cannot afford to have dropped out and lost to the public. I think it will be abundantly verified that attention was not called to the serious character of this change when the Bill went through the House of Commons.

The ex-Minister of Railways, Mr. Haggart, with whom I had a conversation on the subject, did not know that this change was made, and he failed to notice that the Bill contained such a very far reaching proposition as this. I would suggest to the leader of the House that it might be a good proposition to hold this clause over and consult with his colleague the Minister of Railways, to see whether or not a better method would be to amend these schedules. Much of them may be obsolete, as has been stated; much of them may not be valuable at any time. Well, let those drop out, but with reference to statistics preserved by other countries, and with a clear eye to our own situation, having no other means of getting the information before the public, it would be well to consider whether it would not be better that this parliament should still hold control over these statistics. One clause of the Bill says: 'Every company, if required by the minister so to do, shall prepare returns of its traffic, &c.' That implies a possibility that the minister might not consider returns of this traffic as being essential. I am safe in saying in the presence of hon. gentlemen, many of whom know a great deal about these matters, that it is very important that the details of the traffic of our railways should be given in a tabular form for publicity in some public record. We are here giving an option to the minister to get these returns or not. Perhaps a new minister who had not very closely studied the subject himself, on the advice of a statistician who wanted to get rid of the work, might, if we should pass this Bill do something that we would lament afterwards. Nothing is more important to the country than that we should have accurate statistics on the subject of transportation. It is a subject that transcends almost all others, and becomes more important every year. We should be able to turn to such statistics with the greatest degree of confidence. I felt almost appalled when I was told to-day by a gentleman high in one of our big railway corporations that some of the statistics I had quoted in this House the other day about the number of level crossings guarded by one of our railway companies was not correct and that the company knew it was not correct, although it put them in a very serious position. These returns are said to be sworn to. All this serves to show that we should take the greatest possible care that these returns shall be ample, and, above all things, that they shall be correct, so that we can turn to them with confidence and get the lessons they are calculated to give us.

Hon. Sir RICHARD CARTWRIGHT—I am not disposed to hurry a matter of this kind, which, as the hon. gentleman says, is one of considerable importance, and, therefore, if he wishes it, I have no objection that the committee should rise and report progress on the understanding, not that I would accept his amendment, but that I would lay his views before the Minister of Railways.

Hon. Mr. FERGUSON—I am not proposing an amendment; I am making a suggestion.

Hon. Sir RICHARD CARTWRIGHT—Demands are constantly being made, in connection with the railways, for different kinds of information, and I do not think it is the intention of the Department of Railways in any way or degree to circumscribe the information we now get, but simply to add to it and obtain from time to time further information. It might be a matter requiring some considerable time and delay to draw up schedules that would give all the information which the department might think it necessary to acquire, and, as he will observe, parliament would necessarily have full information furnished them every session as to what had been done, and could demand and undoubtedly would demand that further schedules should be added, or if any schedules had been omitted which they thought material, that they should be replaced. Still, if the hon. gentleman wishes to defer the consideration of this Bill for a few days, I shall ask the committee to report progress and ask leave to sit again.

Hon. Mr. FERGUSON—Under the old law there was no rigidity in this matter. There was a section which gave the minister power to ask for additional information. I think that would still be necessary, because any schedules you would draw up, even with the greatest care, might omit something which might be desirable. In that case I would give the minister power to ask for further returns. I agree with my right hon. friend, that these schedules should be thoroughly revised, and parliament should not give up absolutely the control of these statistics.

Hon. Mr. ELLIS from the committee reported that they had made some progress with the Bill and asked leave to sit again.

SALISBURY AND ALBERT RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. DOMVILLE moved the second reading of Bill (No. 35), An Act to incorporate the Salisbury and Albert Railway Company. He said: In 1891 this railway company was incorporated by the Dominion Parliament and declared to be a work for the general advantage of Canada. In 1900 the railway was given power to construct branch lines. In 1907, under a foreclosure order, the road was sold, and this Bill is to enable the purchasers to operate the railway. Practically, no new powers are asked for. The railway being under Dominion jurisdiction, it is necessary to come to parliament for the present Act. They ask to be incorporated as the company had been previously.

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

RAILWAY CROSSINGS BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (C) An Act to amend the Railway Act with respect to persons in vehicles crossing railways. He said: Any one who reads the ordinary returns made to parliament must know that the number of accidents at railway crossings is increasing. For a large number of these accidents the people crossing the railways are responsible. We had before us to-day in the Railway Committee, the Deputy Minister of Railways who, in answer to a question as to the number of accidents that happen owing to the recklessness of people crossing the railways, said he believed 50 per cent were due to that cause. If the public would follow out the provisions of this Bill and stop and listen for the approach of a train, there would be fewer accidents. My object is to guard the public against themselves. I have no desire to relieve the railways of any responsibility that may rest upon them in this matter. I wish to notify the public by this Bill that a grave responsibility rests upon themselves. In many cases they cross the railway track as if it were an ordinary wagon road. I am quite willing if the House is disposed to give the Bill a second reading to send it to the Railway Committee where it can be thoroughly sifted and put into the best shape to render it useful legislation. You can only educate the public in this matter by legislation. We have had a good deal of legislation within the last three years regarding railway crossings. There have been many accidents

attended with loss of life, and the public should know that they share the responsibility with the railways in preventing such accidents. We granted level crossings to the railway companies in order that we might have railway accommodation. If we had stipulated that every crossing should be protected, we might possibly have much less railway accommodation to-day than we actually possess. It is quite evident that the government feel that the country has a responsibility with regard to these crossings. They are setting aside a sum of $200,000 a year for some years to come for the purpose of protecting railway crossings where there is a great deal of traffic. That money will go to assist the railway companies to provide either overhead crossings or to raise their tracks above the road. No doubt, some of the municipalities will also have to share in the responsibility and contribute towards having protected crossings. When accidents occur at level crossings the public are very apt to find fault with the railways, but the railway companies are not the only responsible parties in the matter. Parliament granted them the right to build their roads with level crossings, and it is unfair to hold them responsible for the accidents which occur in consequence of crossings being unprotected. As our population increases it will be necessary to make provision to obviate the destruction of life at level crossings. But while we do all that, we must endeavour to educate the public to the fact that they themselves have a responsibility in connection with this matter. We want to teach them that when they come to a railway crossing they must not endeavour to rush across, as fifty per cent of the travelling public do to-day, without looking to see if a train is approaching. They must observe certain rules and regulations to see that accidents do not occur.

Hon. Mr. LANDRY—Perhaps the hon. gentleman will tell us if this Bill applies to people who are deaf or blind? I notice also that there are blanks in the Bill. I quite understand that the Senate cannot insert money clauses, but there is nothing to prevent the hon. gentleman from undertaking to fix the number of feet on each side of the track where a man must stop before proceeding further. I suppose it will be fixed in the Senate. When it goes to the Railway Committee, I hope we will have a Senate Committee which will work so hard to try and protect the Bill, that it will not report this session, because the Bill requires a good deal of amending.

Hon. Mr. CLORAN—Not being a member of the Railway Committee, I should like to suggest to my hon. friend one or two ideas with regard to this Bill. Our experience in Montreal—and I think it is the experience of every large city where railway tracks pass over or through the streets—that not only vehicles, but foot-passengers meet with accidents. A woman coming from church the other day was thrown one whole block, from one street to another. Would she come under this law? Who is going to police all these crossings to see that a man approaching the track stops within ten or fifteen feet of the crossings? You would require to have police there. A neighbour seeing a man crossing without stopping is not going to inform on him. You would have to keep a policeman at every crossing to see that the law is observed. Another point is this. If the Bill is given effect to as now constructed, it would relieve the railway companies of providing protection.

Hon. Mr. McMULLEN—No.

Hon. Mr. CLORAN—Yes, because what necessity would there be to protect the crossings if every one was required to stop and look and listen before attempting to cross the track? I am pointing this out now, as I shall have no opportunity of voting upon the Bill in the commitee. In our large towns, protection is absolutely necessary at these crossings. You cannot control the action of individuals crossing the tracks, because you have no way of enforcing the law. Some are hurt by getting under the gates and crossing the tracks on foot when a train is approaching. The Bill must cover all these points, and will have to make it clear that the railway corporations are not to be relieved of their duty of protecting crossings where the municipalities demand such protection.

Hon. Mr. McMULLEN—I do not ask that the Bill be passed in its present form. I

am quite willing that it shall be amended in the Railway Committee to cover the points that have been raised, or to meet any other suggestions that may be considered necessary to protect the measure. My hon. friend says he is not a member of the Railway Committee. There is no rule to prevent him from attending the meetings of the committee, and addressing the committee if he thinks proper to do so.

Hon. Mr. FERGUSON—There is another difficulty which my hon. friend has not considered: Everybody who comes up to a railway track and does not stop to look and listen, according to this Bill, ought to be killed, even if he is deaf or blind; but the penalty which the hon. gentleman proposes to inflict applies to the party who is killed, and how will it be collected when the person is dead.

Hon. Sir RICHARD CARTWRIGHT—I believe some such law as this has been put in force in several states of the neighbouring Union, but I have not had an opportunity of seeing exactly what has been done. I have some constitutional objection to making new sins by Act of parliament, or new offences either. That is a question which requires a little consideration. If you are going to import into the Act a clause which makes it an offence for a man to cross a railway without stopping or listening, you create a new offence which you propose to punish by fine. The House will have to take into serious consideration, before they decide on the principle of the Bill, these two considerations. I am not at all certain, off-hand, how far this would tend to be another obstacle in the way of parties who are injured at railway crossings obtaining damages. Undoubtedly the railway company would feel, in pretty nearly every case, and I suspect would get officers of their own to testify, that the parties had not stopped as required by this measure, and it would be difficult for the party, in many cases, particularly when the accident occurred at night, to establish whether he had stopped or not. The greatest number of accidents that have resulted in loss of life have taken place after dark.

Nobody, as a rule, would be able to say whether a man had stopped or had not stopped, though the plea would be undoubtedly made on behalf of the railway company. That requires some little attention, because I know their skill in devising pleas of contributory negligence and I am not clear how far that might go. A question akin to this is now before the Railway Committee in the shape of a Bill which I think compels the railway companies, or proposes to compel the railway companies, to move at a rate not exceeding ten miles an hour where they cross on the level in any thickly-settled portion or through towns or villages—I forget the exact wording of it. It has occurred to me, and I throw out the suggestion for the benefit of my hon. friends in the Railway Committee, whether it would not be wise in the interests of the public and a perfectly fair thing, to declare that if on any crossing a fatal accident or a serious accident involving injury to life and property has occurred at any particular crossing, that that crossing should be prima facie declared to be a dangerous crossing, and that the trains should be compelled thereafter to stop before they passed that particular crossing until the Board of Railway Commissioners had investigated the matter and decreed whether the railway company should make provision to prevent such accidents in future. I give that as a suggestion which has been made to me by one or two parties of experience, and which it might be worth while of my hon. friends of the Railway Committee to consider. As for the question at large, as I say, I am perhaps a little to blame for not having called the attention of the Minister of Justice to this matter. I should like, as the matter is unquestionably one of importance, to confer with these gentlemen, and I will therefore move that this debate be adjourned until Wednesday next.

Hon. Mr. BELCOURT—Before the motion is put the right hon. leader of the House has appealed to the members of the legal profession to support him in the position he has taken. I as a member of the bar think that this Bill is extremely objectionable. As pointed out by the right hon. leader, the burden of proof would be upon the person who met with the injury to prove conclusively to the satisfaction of the court that he stopped and that he had listened for a coming train before the accident oc-

curred. Now, if we take the case which is put rather facetiously by the hon. gentleman of what will happen if a man is killed, that is a very serious question. If the man who has received the injury dies as a result of the injury, who is going to prove that he looked and listened before he received the injury? So that in all fatal cases it would be an absolute bar to recovery against any railway company. Nobody could prove it. The man is dead. Nobody could establish the fact that he stopped and looked and listened.

Hon. Mr. SCOTT—Provision might be made for that in the law.

Hon. Mr. BELCOURT—But if you make it an offence on the part of the party who disobeys the law, punishable by fine, how are you going to make a provision, when the case comes before a jury, that he is not guilty of negligence?

Hon. Mr. GIBSON—That would not apply to a case where there were two or three people in the vehicle.

Hon. Mr. BELCOURT—I am not putting that case. I am putting the case where a man is going along singly, and is killed at a crossing. Nobody is with him. Who is going to furnish the proof the burden of which this Bill places upon him? Instead of being a measure of protection to the public, I look upon this Bill as being a very serious bar to the protection of the public.

Hon. Mr. BEIQUE—I understood the hon. gentleman from Wellington to say that his object was not to interfere with the responsibility of the railway company.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Mr. BEIQUE—If I were called upon to express an opinion on the Bill as drafted, I would have no hesitation in saying, as the hon. gentleman from Ottawa has just stated, that the Bill is very objectionable, because it would tend to interfere very much with the responsibility of railway companies in case of accidents of that kind; but, as the hon. gentleman from Wellington has expressed his intention as promoter of the Bill, to accept any suggestions in that regard, and if the Bill required to be corrected in that respect, what would be necessary would be a provision that this Bill shall not be construed as lessening in any shape or form the responsibility of the railway company, as would otherwise obtain if the Bill had not been passed. However, as the right hon. leader of the government has stated, it is but fair that he should have an opportunity to consult the Minister of Justice and the Minister of Railways before this Bill is read a second time. At present, I have not formed any opinion on the Bill. What there is in the Bill which might commend itself to the Senate would be, that it might be a means of education; but I am satisfied that it should be nothing more than that, so as to make it compulsory on persons crossing railways to take the ordinary precautions, and it should be limited to a fine, not an excessive fine, but it should have no other effect at all.

Hon. Mr. GIBSON—I should like to say in connection with the Bill of my hon. friend from Wellington, that there is nothing different in his Bill from many other Bills. The only feature about it is that it is an attempt by a layman to bring a Bill before parliament, and if possible to create in the country an idea that all the responsibility does not rest exactly with the railway company, that the people themselves should assume a certain amount of responsibility. The Bill may be faulty, but where is there a Bill that has ever come down from the Minister of Justice and other legal luminaries from the other House which has not been subject to a great deal of criticism. This Bill may be sent to the Railway Committee, and whatever defect there may be in it, I am sure the hon. gentleman from Wellington will not be as obstinate as some gentlemen who insist that their Bills must not be touched. He does not look on it as a sacred thing. If an improvement can be made, he will be very glad to accept any suggestion that would bring the Bill into a workable form if I understand him aright, and for these reasons I think that it is unfair at this stage of the Bill to subject it to a great deal of —will I say—unnecessary criticism, because if he were asking to have the Bill go before the Committee of the Whole House, then there might be some just reason for

criticising it now. But if he permits the Bill to be sent to the Railway Committee, every opportunity will be given to those who are able to make suggestions, such as my hon. friend behind me and other lawyers in the House, and my hon. friend will accept with good grace every improvement that will tend to make the Bill more acceptable.

Hon. Mr. McHUGH—I am quite satisfied that the hon. gentleman who introduced the Bill, did so with the very best intentions, to try to prevent the sad accidents which have occurred from time to time by people being run over at railway crossings. At the same time, we must consider whether it is a step in the right direction, or whether there are not elements of danger in the passing of a Bill of this kind. In many cases, we know that people who are driving horses along a public highway are brought into a state of danger if they come near the train at all, and have to stop there, and you are going to multiply the accidents that will happen at these places by compelling people to stop at a point within so many feet of the railway crossing. There is no one who drives along the highway who does not feel that there is a responsibility upon him for his own safety. People driving have to use their best judgment as they are approaching the railway crossings, and if they see a train coming along the track to a crossing, they have to exercise their best judgment as to what is the best and safest thing for them to do, whether it is safe for them to drive across or not. If they think it is the safer course, that is what they are going to do, and if they think they are safe to remain where they are, that is what they are going to do. But we would be taking away from the individual the opportunity of doing that which but for this law he might have done and you force him to stay at a certain point, although his team may run away and dash into the railway train when it is on the crossing. We have heard of accidents of that kind happening. A vehicle ran into a train and two people lost their lives, and a third one was mained for life. There are elements of danger in stopping a team near an approaching train in that way, and by this measure you deprive the driver of the opportunity of doing that which his own judgment, no matter how good that judgment was, might dictate to him what was best at the time. On the whole, I think it is far better to leave it to the judgment of the teamster as to what is the best and safest course for him to pursue. I have no objection to see the Bill sent to the committee. I do not oppose that at all; but I point out the danger. How often have we seen a funeral procession come to a railway track and have seen the drivers whip up their horses to cross, and one team may run away and injure half a dozen people. Drivers often whip up their teams to get out of danger, and I think we must leave a good deal to the judgment to those who are handling the horses and to the railway company. If the engine driver sees a procession of that kind, let him slacken speed and permit the procession to cross.

Hon. Mr. CLORAN—Another point in the Bill is this: Every one is liable on summary conviction to a penalty not exceeding $25; how are you going to collect that? There is not machinery in Canada that can force a man to pay $5 if he has not got it. You should say 'or three months in jail.' This Bill is defective as it stands. Then another point: what about children, who are more or less irresponsible, from seven years upwards, who are going to school? You cannot expect them to be as sensible and wise as a man of 21 or 40. Would they be held responsible under this law? This is what happens in large cities; people crossing the tracks from St. Henri to St. Cunegonde, for instance, are in danger of being killed if great care is not exercised. It is not the people in vehicles. What would the law do with children under ten or twelve years of age, who violated the provisions of this Bill?

Hon. Mr. McMULLEN—I might be permitted to add one word to what I have already said. My hon. friend from Lindsay says that it is better to leave matters as they are. We have had the experience of a number of years, and that experience says that deaths through accidents on railway crossings are increasing.

Hon. Mr. CLORAN—There is no doubt about that.

Hon. Mr. McMULLEN—The object of the Bill is, if possible, to put a stop to the fatal accidents that take place at these crossings. My hon. friend will surely admit that it is a good thing to try and protect the public against their own recklessness that results in injury and death at level crossings? I think that it is a proper thing to do. I have no desire whatever, by the Bill, to give the railways any advantage whereby they can get rid of responsibility that they are now subject to for accidents at level crossings. I entirely agree with what my hon. friend from De Salaberry says. I am quite willing to accept any amendment that shall be made to the Bill, that will deal solely with the public, if we have to go so far as to insert a provision that it shall not be used by the railway company in the case of an action for damages from an accident that took place at a level crossing. If it is thought better to put it in that shape, I am quite willing. The object of the Bill is to educate the public to the fact that they have certain responsibilities, and teach them that they must comply with the existing law with regard to stopping at level crossings. Why do we compel trains to stop at railway crossings? Where the track of one railway crosses the track of another the law requires that the trains must come to an absolute standstill before they cross. If it is necessary for a train to do that, is it not necessary for a man driving a vehicle to do the same? We do not want to force upon our people, for instance, the conditions that are forced upon the people of Russia. There, if a man comes to a railway crossing, if the time is up for the express train to pass, or a freight train, he has to stand there perhaps for hours before he is permitted to cross that track, until that express train goes by. That is the Russian law. We do not want to pass such a drastic provision as that; on the other hand this Bill is intended as an educator for the public, to teach them that they have certain responsibilities, and that we pass a law for the purpose of teaching them that they must take notice of the railway track when they come to it and observe certain provisions of the law when crossing.

The motion was agreed to.

SECOND READINGS.

Bill (No. 46) An Act respecting the Crawford Bay and St. Mary's Railway Company, and to change its name to 'The British Columbia, Alberta, Saskatchewan and Manitoba Railway Company'—(Hon. Mr. De Veber).

Bill (No. 23) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Watson).

CANADIAN PACIFIC RAILWAY AND GRAND TRUNK RAILWAY JOINT SECTION BILL.

SECOND READING POSTPONED.

Hon. Mr. POWER (in the absence of Hon. Mr. Watson) moved the second reading of Bill (No. 25) An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Fort William, Ont.

Hon. Mr. LANDRY—Before the motion is put I should like to raise an objection. The Bill contains one clause and fifteen pages of schedule. The first clause is translated into French, but the schedule is not translated, and I object to the Bill being taken into consideration before it is given to us in French. Last year we had a number of Bills in the same position and the schedules were all translated into French.

Hon. Mr. GIBSON—Were the schedules printed in French when the Bill was brought before the House, or afterwards?

Hon. Mr. LANDRY—The schedules when they passed the House of Commons were presented to us in French. In this case, the schedules are not in French. It is the fault of the translators in the House of Commons. They should translate the schedules into French.

Hon. Mr. POWER—The point of order is well taken, and I move that this order of the day be discharged and placed on the orders of the day for a second reading on Friday next.

The order of the day was discharged accordingly.

DOMINION LANDS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 12) An Act to amend the Dominion Lands Act.

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—I may just explain to hon. gentlemen that the Minister of the Interior in submitting this Bill stated that the changes proposed were merely intended to correct the displacement of certain sections which had been put out of their place by the revisers, and which he proposes to replace. There is a trifling alteration which later on I will propose, giving power to parties to sign, under certain conditions, for the Governor in Council.

Hon. Mr. LOUGHEED—Could the hon. gentleman give me any information as to this feature of the Bill? It provides for the cancellation of an entry should the land be required for the specified purpose mentioned therein, and in a subsequent clause it makes provision for a limited compensation, namely, for improvements by the entrant for the land, but makes no provision in regard to the damage which the entrant may suffer by reason of the cancellation of his entry. That may be a very objectionable law. It is not the fault of the entrant that he has gone upon this land. It has been thrown open for homestead entry. The Crown has received his entry and has permitted him to go upon the land, to rely, in fact, upon that land eventually becoming his upon satisfying the conditions of the Homestead Act. It, therefore, in my judgment, would be a very severe hardship upon such a man if the government should suddenly determine that this land was required for the development of a certain water-power, which may never have been in the anticipation of the government or anybody else at the time the entry was made. He should have a claim for compensation more than for his improvements. The improvements would but represent an infinitesimal part, so to speak, of the value which he might attach to this particular property. He may have been on there for a couple of years. He may have added to the value of the land very substantially, but all he is entitled to is the bare improvements. Some measure of compensation should be made and some provision should be introduced into the Bill accordingly by which he would be indemnified for the cancellation of the entry.

Hon. Sir RICHARD CARTWRIGHT—I am advised by the department that they have not altered the existing law at all; that this is a mere restitution to their proper place, of certain paragraphs which were transposed by the revisers. That is their statement to me—that they have not altered the law at all. It may be that a hardship such as my hon. friend speaks of may exist at this moment, but, as I understand, the department do not propose to add anything to the law.

Hon. Mr. LOUGHEED—While it possibly may have been a serious omission originally, even though there be an omission in the Act, and that this is simply a reinstatement of former provisions omitted, it seems to me a matter not only well worthy of consideration, but a matter that certainly should be provided for, because my right hon. friend will observe that the hypothetical case which I have mentioned—and I should say those cases would be numerous—would be cases of very great hardship.

Hon. Mr. DANDURAND—There is no question about it, that this is but reinstating the clauses as they were in the previous Act. It is simply a replacing of sections. Section 5 in the revised statute was section 7 originally; section 6 was section 6. Section 7 was section 5. So, practically, 7 has been submitted for 5, and vice versa, and section 8 was section 8. So that practically there was but one change. Section 5 which is brought down to section 7 and section 7 is changed to section 5. Of course the policy may work out an injury but it was the old law.

Hon. Mr. LOUGHEED—If there be a possibility of injury, and we are amending the Act, it is the duty of parliament, and more especially the duty of the government who is charged with the legislation, where a manifest wrong is done, to amend the Act accordingly.

Hon. Sir RICHARD CARTWRIGHT—Is not compensation provided for to a certain extent?

Hon. Mr. LOUGHEED—Well, not according to this. I am not prepared to say that there may not be some clause in the new Act—it is a very lengthy Act, but my impression is that the present Act would not cover a case of this kind. My right hon. friend will observe under subclause 7, the compensation is of a limited character and only extends to the improvements made by the homesteader upon the land. As I have already pointed out, those improvements might be an infinitesimal part of the value of the right, which has been cancelled.

Hon. Mr. DANDURAND—But it must be done before the letters patent are issued.

Hon. Mr. LOUGHEED—Precisely, but then that may occur any time up to three years. The shortest period that can elapse before issuing a patent is three years, and in the meantime he has sacrificed all opportunities of securing another homestead. The lands, owing to the very rapid settlement of the western country, may be taken up and he may find himself suddenly deprived of his homestead, and all the value he has attached to it, and substantial value at that.

Hon. Sir RICHARD CARTWRIGHT—He would not be deprived, as I understand, of the value of any improvements he had made, but, so to speak, if I follow my right hon. friend correctly, of the unearned increment? Would that not be it?

Hon. Mr. LOUGHEED—It seems to me that is a misnomer, because it would be an earned increment. The man has brought the land into value. While he would not be deprived of the right of securing another property, yet even three years after he made his entry he might have to go back many miles before getting another homestead. It seems to me that some provision should be made that this entry of land by the Crown should be made very soon after the land is given him, or adequate compensation should be made on taking over the land. It is practically expropriation. The principle embodied in all other statutes of this nature is that adequate value should be paid for whatever is taken by the Crown.

Hon. Sir RICHARD CARTWRIGHT—As I am advised, there is no alteration contemplated in the existing law. The hon. gentleman cannot say whether there is or not of his own knowledge.

Hon. Mr. LOUGHEED — My impression is there is not for this particular class of cases. My right hon. friend will observe that the various subsections mentioned here are complete in themselves as to dealing with this particular class of cases. Consequently it is quite unlikely that there is any provision in the Act for compensation, that is to say, it would be simply a repetition of what is enacted here and would practically be a contradiction, because these provisions are of such a character as would make any other provision repugnant.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend has raised a question affecting the policy of the department not properly coming up perhaps under this Bill. Nevertheless, as I can see there is a possibility of hardship in such cases as he supposes, provided there is no other mode of compensation open, and as he thinks it may occur, I will just insert a small amendment to which he can have no possible objection, and the committee can rise and report progress and I shall call the attention of the Minister of the Interior to the hon. gentleman's remarks.

Hon. Mr. LOUGHEED—I would suggest to put the Bill through its committee stage, and before the third reading, if the case be as I have stated, and as I am inclined to think is correct, a further amendment may be made at the third reading.

Hon. Sir RICHARD CARTWRIGHT—I shall call attention to it. I can see that under certain possible conditions serious hardships might be inflicted on a settler, which none of us desire. I thought the notice had to be given within a much shorter time than appears to be the case. I will accept the hon. gentleman's suggestion and put the Bill through with one little amendment, that is to amend

section 90 by adding the words ' or by some other person thereunto specially authorized by the Governor in Council.'

The clause was amended and adopted.

Hon. Mr. LANDRY, from the committee, reported the Bill with an amendment.

Hon. Mr. LOUGHEED—It is proposed to repeal subclause 8 in the existing Act, which is very much more ample in its provisions for compensation than the substituted clause which we are now enacting. The clause in the Bill limits compensation to the improvements, whereas the existing law leaves room for ample compensation for the land which may be taken.

Hon. Sir RICHARD CARTWRIGHT—I shall call the attention of the minister to the hon. gentleman's point. I spoke from my brief, stating what the department represented to me as their intention.

Hon. Mr. LOUGHEED—One difficulty lies in this fact: the government has in view the carrying out of one particular idea, and the amendment is directed towards that particular interest without taking into consideration the other interests involved. This is in the interest of the public.

Hon. Mr. DANDURAND—Does not the hon. gentleman think that power is granted to the arbitrators to give such compensation as may be considered right?

Hon. Mr. LOUGHEED—Under the existing Act, the compensation which may be allowed by the minister, if not accepted, may be dealt with by arbitration. This Bill limits the compensation to the improvement.

The amendment was concurred in.

GOVERNMENT RAILWAY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 20) An Act to amend the Government Railways Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—The object of this Bill is to bring the government roads more completely within the terms of the Act affecting other roads.

Hon. Mr. LOUGHEED—Are there many claims for damages?

Hon. Sir RICHARD CARTWRIGHT—A good many. They have been of long standing, and I am informed on certain sections of the Intercolonial Railway the price of cows is regulated by the facility of access to the railway.

Hon. Mr. LOUGHEED—I suppose the price ranges high immediately before an election?

Hon. Sir RICHARD CARTWRIGHT—I am not prepared to say. With respect to this Bill, I move to amend the 12th and 13th clauses by moving that the words ' in any court of competent jurisdiction,' be struck out.

Hon. Mr. LOUGHEED—That would drive him to the Exchequer Court, would it not?

Hon. Mr. DANDURAND—There would be only the Exchequer Court. The clause as it stands, would leave a doubt as to whether there might not be some other tribunal.

Hon. Mr. LOUGHEED—If the policy of the Act be to place the Intercolonial Railway in the same class as the other roads in cases of damages for loss of cattle, why not permit the public to sue in the ordinary courts of competent jurisdiction? It is a serious matter for a person who has lost a cow or a horse to be obliged to present a Petition of Right to the Crown, and to have that go before the Privy Council for the issue of a fiat and then take proceedings in the Exchequer Court.

Hon. Sir RICHARD CARTWRIGHT—This is to some extent an Act of grace from the Crown to the subject. Later on it may be found expedient to widen it; but in the present instance the Minister of Justice desires to press it in this fashion.

Hon. Mr. DANDURAND—At present, we have no other way of recovering from the Crown than by a petition and a fiat, because the Crown could not serve itself, so it would need to be by virtue of a general provision that perhaps the Intercolonial

Railway could be made a person or corporation to be sued.

Hon. Mr. POWER—I am very glad that the minister has stricken out these words, because without the amendment it would open the door to all sorts of blackmail on the country. The law as it stood previous to last year was to this effect; the owner of the cattle was to have no action unless they were killed or injured through the negligence or wilful act of some officer or employee of the minister. Looking at the way in which justice is generally done between the Crown and individuals, that seemed to be a wise provision. Now this measure states that the recovery shall take place, unless such animal got at large through the negligence or wilful act of the owner or his agent. It puts on the Crown the onus of establishing negligence on the part of the owner or his agent. Without the limitation placed on it by the amendment now proposed, it would open the door to very serious abuse. If hon. gentlemen will look at the second subclause of the clause before the committee, they will see that it is in direct contradiction to the statute. That is a very sweeping measure, and unless qualified by the amendment which has just been made, would expose the country to numbers of claims that perhaps were not well founded. Every one knows that in the ordinary courts, where it is a case say between a poor widow or a poor farmer and the government, the country would be salted by the jury every time.

Hon. Mr. LOUGHEED—I cannot appreciate the remarks of the hon. gentlemen from Halifax. It seems to me that this Bill is not possessed of the self-denying virtue so to speak, that has been pointed out. I never could appreciate why the Crown should seek to place itself in a superior position to a railway corporation. It is about time that we did away with the traditions as to the Crown being unable to do wrong. It is hoary with age, and with abuse, and to my mind is one of the greatest abuses we have in the country to-day. If the Crown enters upon the important responsibility of operating a great railway such as the Intercolonial Railway, why should they not place themselves in relationship to the public in the same position as any other railway? Why should not the public have the same right to recover if damages have been suffered, and have the same remedy as against a private corporation, such as the Grand Trunk Railway or the Canadian Pacific Railway? The proposed amendment to the clause very greatly weakens the Bill, and withdraws from it that healing virtue which we were anticipating. It seems to me that the Act should be amplified so as to permit actions to be taken in the ordinary courts of law against the Intercolonial Railway. Take, for instance, the case of horses or cattle being killed in a distant country town in the maritime provinces. All the cumbersome machinery existing to-day in connection with an action against the government, has to be set in motion in Ottawa. Instead of the subject who has suffered damages being able to set in motion the machinery of his own local courts, he has to get in communication with solicitors in Ottawa, and, practically, the whole machinery of government has to be set in motion before a fiat can be secured upon which to base an action to recover a claim of perhaps under $100. To set that machinery in motion would cost substantially more than the loss suffered by the subject.

Hon. Mr. DANDURAND—The amendment proposed will not alter the Act in any way. The phrase to be struck out is 'in any court of competent jurisdiction.' As between a party and the Crown, the only court of competent jurisdiction is the Exchequer Court, and, therefore, the words are useless. The idea of the right hon. gentleman was to strike them out, so as to prevent confusion in the minds of the public. The hon. gentleman speaks of allowing the Crown to be sued as another party, especially when administering a railway. That is a large question. The same question was put to the minister, and he said the question had already been discussed, and no solution had yet been reached. I myself believe that the government could well afford to allow a certain personality—if that expresses my idea—to the Intercolonial Railway, so that it could be sued as any railway corporation without having to send to Ottawa for a fiat to take the case before the

Exchequer Court. The question not having been matured in government circles, I suppose we will have to wait until the government reaches a decision on that point.

Hon. Mr. ELLIS—I quite concur in the view expressed by the hon. gentleman opposite. There is no doubt there is steadily growing in the country a feeling that there is oppression in the difficulty which a man has in taking proceedings against the government for damages of the kind referred to, and in getting it settled. The government is a very powerful institution. Its officers have behind them a very strong force, and it is difficult for a man to get his claim considered. It would be well, where the government has gone into a commercial enterprise, to that extent to waive its privileges. I might point out that the Senate in striking out these words might be understood now as committing one of those wicked acts of changing a Bill already passed by the House of Commons. The only thing that surprises me is that the House of Commons did not catch on before sending it here.

Hon. Mr. POWER—I am not in favour of limiting the right of action to the Exchequer Court. I thought that the interests of the public might be more guarded than they are in this Bill, but with respect to the observation made by the hon. leader of the opposition that the government should assimilate the law as to government railways with the law as to private railways, this Bill is really in that direction. For instance, I find the second clause of this Bill has been copied largely from the general Railway Act, and puts the public in the same position as in dealing with an ordinary railway company.

Hon. Mr. DANDURAND—The Intercolonial Railway is brought under the law which governs other railways, with this exception, that a suit must be taken before the Exchequer Court.

Hon. Mr. LANDRY, from the committee, reported the Bill with an amendment, which was concurred in.

BILLS INTRODUCED.

Bill (No. 27) An Act to incorporate the London and Lancaster Plate Glass and Indemnity Company of Canada.—(Hon. Mr. Kirchhoffer).

Bill (No. 58) An Act respecting the Vancouver, Westminster and Yukon Railway Company.—(Hon. Mr. Bostock).

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

THE SENATE.

OTTAWA, Thursday, March 11, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (I) An Act respecting the Quebec Oriental Railway Company.—(Hon. Mr. Tessier).

Bill (J) An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.—(Hon. Mr. McMullen).

Bill (L) An Act respecting certain letters patent of the American Bar Lock Company. —(Hon. Mr. Campbell).

Bill (L)An Act respecting certain letters patent of Franklin Montgomery Gray. (Hon. Mr. Talbot).

Bill (M) An Act to amend the Conciliation Act, 1900.—(Hon. Mr. McMullen).

Bill (N) An Act respecting the Ontario, Hudson Bay and Western Railway Company.—(Hon. Mr. Ross, Middlesex).

Bill (O) An Act respecting the Algoma and Central Hudson Bay Railway Company.—(Hon. Mr. Ross, Middlesex).

Bill (P) An Act to incorporate the Kootenay and Alberta Railway Company.—(Hon. Mr. De Veber).

Bill (Q) An Act respecting the Quinze and Blanche River Railway Company.—(Hon. Mr. Belcourt).

Bill (R) An Act respecting the Ottawa Fire Insurance Company and to change its name to the Ottawa Assurance Company.—(Hon. Mr. Belcourt).

THE CHIEF JUSTICE OF THE SUPREME COURT OF BRITISH COLUMBIA.

MOTION.

Hon. Mr. BOSTOCK moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate copies of all charges made against the Chief Justice of the Supreme court of British Columbia, and also of all correspondence, &c., relating thereto.

He said: I think it is only right that I should give to this House a few reasons why I consider this motion, which is an unpleasant one to any member of this House to move, should be made, inasmuch as I feel that it is a reflection, to some extent, on the judiciary of the province which I have the honour of representing in this House. I do not think that any member of the Senate can feel anything but regret at having to come forward and introduce a motion of this kind. I am led to do so from the expressions of opinion that have appeared in the papers of British Columbia with regard to certain incidents that have taken place in the administration of justice, especially in regard to the action of the Chief Justice of British Columbia. On the 30th May last year, the 'Daily Columbian,' a paper published in New Westminster, stated in its news columns the following with reference to a case of a man named Isidore, of Greece, in an action that was brought before the courts against Manager D. Gilchrist, of the West End Grocery, for false arrest, claiming several thousand dollars damage, in which suit he was awarded the sum of one dollar as an adequate compensation for the injury which had been sustained to his character through his two hours' imprisonment. The 'Columbian' report of the matter says:

His Lordship, Chief Justice Hunter, was not present and the jury, consisting of eight men, who were to hear the evidence in conjunction with the presiding judge, were converted into a board of arbitration and the case was proceeded with, both parties consenting.

On the same day the Vancouver 'World,' of the 30th of May, 1908, contained the following:

The news from Victoria is that the full court was to have opened there on the 2nd instant, but had to be adjourned for a week because of the indisposition of the chief justice. A number of Vancouver lawyers who had gone to Victoria at the expense of their clients then had to return without having accomplished anything. Forty appeals concerning many matters of serious public and private importance have had to be postponed. All the inconvenience entailed upon the public in preparation for the hearing of their cases will have to be undergone a second time, and the expense of double attendances and double journeys will have to be suffered into the bargain.

It looks as though the administration of justice in the province has suffered a complete break-down for the time being. Unless some attention is soon given to the rights and needs of the community the paralysis will be complete.

The 'World' in its editorial goes on to say:

We have had frequent occasion within recent weeks and months to animadvert on the ever-growing arrears of the business of the law courts of the province. We have pointed out the need of the court of appeal, wilfully held in abeyance for motives which are to say the least questionable, and we have unavailingly urged the administration to promulgate the Act bringing it into existence. We abate no jot or tittle of our criticisms of the provincial government in the matter of its indifference to the interests of citizens who are unfortunate enough to be in need of legal redress, but we may point out in addition that much might be done to expedite court business were it not for circumstances a court of appeal could in no way modify. There is first of all the serious misunderstanding between certain members of the Supreme Court which seems to have imported a maximum of friction into the working of the machinery of justice. We have nothing to say as to where the fault lies—we are not in possession of all the facts. We may express, however, without any impropriety, our sense, and we think the public sense, of regret that the distinguished gentlemen whose differences have become notoriously acute should have found themselves unable to reach a modus vivendi before the incompatibility of their views became generally known.

Then again later on in the same year, on the 11th June, 1908, the Victoria 'Times' had a notice with regard to the case of Rex vs. Walkem in which it says:

The full court is not sitting this afternoon. Shortly before lunch the Walkem appeal was commenced with Chief Justice Hunter, Mr. Justice Morrison and Mr. Justice Clement constituting the court.

The hearing was to have resumed at 2.15, but when that hour arrived no judges appeared.

A quarter of an hour later a messenger arrived, and after delivering a message to the registrar the latter announced that court would stand adjourned until 11 o'clock tomorrow morning.

Those cases gave rise to a good deal of discussion amongst the public generally on the coast. The Vancouver 'World' of June 20 had a further article, reviewing the administration of justice in the province, which is headed 'Clogging the Wheels of Justice.' That article first of all referred to the proposed institution of a Court of Appeal, which has not yet been carried out, and in the second part of the article it refers to the administration of justice in this way:

The other matter is one on which we have long hesitated to speak, since for reasons which we need not further indicate, criticism of the judges of the Supreme Court would come with better grace from almost any of our contemporaries than from us. No other journal, however, seems inclined to take up the question, and therefore, the public interest demanding that it should be taken up, we reluctantly bring it to the attention of our readers. We refer to the repeated occasions upon which the indisposition of the chief justice has occasioned the adjournment of the courts. By common consent the Honourable Mr. Chief Justice Hunter is one of the ablest jurists and one of the soundest lawyers in the west. The greater the pity it is that a man so splendidly endowed mentally should be the subject of sudden physical visitations which have repeatedly incapacitated him and have caused delays and expense in the courts to an extent which has finally caused a complaint to be lodged with the Minister of Justice.

A few days later, on the 24th June, 1908, there was an account in the same paper, the Vancouver 'World,' of a meeting held by the Bar Association of Vancouver, and amongst other matters that are stated to have occurred at that meeting the report says:

The editorial which appeared in the 'World' was touched upon, a prominent member saying that the frequent inability of the Chief Justice was so well known to the bar that he did not need to refer to it further. Several other members spoke of the article in terms which implied that it had not erred on the side of over-statement or hypercriticism.

The association might have been said to divide on party lines with respect to the motion re the Court of Appeal, but the ranks were broken by a prominent Liberal K. C., who went over to the Conservative side for the occasion, his action thus being the immediate cause of the defeat of the resolution.

Later on in the same year, on the 21st October, 1908, a paper called the 'Herald,' which is published in the state of Washington, had a notice under an item of news supplied by a special correspondent from New Westminster. It is headed, as is often done in this paper, in very large type in these words:

BRITISH JUSTICE SLIPS A COG.

Canadian Premier Asks Judge to Amend His Ways, But Still Assizes Are Delayed at Cost of $500 Daily.

(Special to The Herald.)

New Westminster, B. C., Oct. 21.—The Jenkins murder trial has not yet been called, owing to the absence of the presiding judge, Chief Justice Hunter, who is said to be detained in Vancouver on one of his periodic engagements at the club. In the meantime sixty jurymen from all sections of the district and half a hundred witnesses remain huddled in the court room, emitting words anything but complimentary to the man who is responsible for keeping them away from their business.

I have quoted these cases to show the feeling and expression of opinion that has been forwarded to Seattle, of the Chief Justice in British Columbia. I do not state that these opinions are correct; but I think when such articles as that appear in papers that are published throughout the province, that the Chief Justice of the province ought certainly to be given an opportunity of proving whether those statements are correct, and if they are not correct, of clearing his character and clearing the stigma that will be placed upon the bench of the province, and upon his position of Chief Justice, if they are allowed to remain as they are at the present time unrefuted, and no notice taken of them.

The motion was agreed to.

GUARANTEE OF RAILWAY BONDS IN ALBERTA.

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

What resources has the government of Alberta got that will justify them in guaranteeing interest on railway bonds to the extent of twenty-seven million dollars. Also, what property has the government of Saskatchewan on which they can guarantee the interest on bonds for any purpose.

Hon. Mr. EDWARDS—I desire to ask what right this House has to interfere with domestic matters in any of our provinces?

Hon. Mr. DERBYSHIRE—If the provinces had not the authority to guarantee the bonds——

Hon. Sir RICHARD CARTWRIGHT—I may say that the government of the Dominion is not, by the constitution, required or empowered to ascertain what the resources of the various provinces may be in dealing with matters within their jurisdiction, and I do not think that this House which is, in a special sense, the guardian of the rights of the several provinces, would be disposed to advise that the government should attempt to interfere. We have no means of ascertaining the point the hon. gentleman desires to be informed upon.

Hon. Mr. PERLEY—I was simply asking for information. This government created the two provinces very recently.

Hon. Sir RICHARD CARTWRIGHT—We have no means of obtaining the information desired.

The SPEAKER—The motion is not in order.

Hon. Mr. PERLEY—I think it is in order. I did not ask the hon. gentleman from Brockville (Hon. Mr. Derbyshire).

COMPLAINTS AGAINST THE LAKE ST. JOHN COLONIZATION SOCIETY.

INQUIRY.

Hon. Mr. TESSIER inquired of the government:

Has the government received any complaint against the Lake St. John Colonization Society? If so, by whom were these complaints made?

Is it true that it has been complained that this society acted in politics? If so, who made that complaint?

Hon. Sir RICHARD CARTWRIGHT—I may say in reply to the hon. gentleman that so far as the Department of the Interior is aware, to which this question is referred, they have received no complaints, and, also, with regard to the second question, in so far as the Department of the Interior is aware they have had no complaints that the society has acted in politics.

PUBLIC WORKS IN REGION OF LAKE ST. JOHN.

INQUIRY.

Hon. Mr. TESSIER (in the absence of Hon. Mr. Choquette) inquired of the government:

Has the government received any complaint about the manner in which the amounts intended by the government for public works, were spent in the counties of Chicoutimi and Saguenay and in the region of Lake St. John?

Hon. Sir RICHARD CARTWRIGHT—I may say in reply to the hon. gentleman that some complaints have been received by the Department of Public Works.

NATURAL RESOURCES OF CANADA.

MOTION.

Hon. Mr. DOMVILLE moved:

That a special committee of the Senate on the mineral resources of Canada be appointed.

He said: This honourable body thought fit to appoint several committees on very good and necessary grounds to look into the various questions that might be considered during the session by hon. members who have considerable experience and considerable time— —

Hon. Mr. FERGUSON—Will the hon. gentleman allow me to point out that I am afraid he will have a good deal of trouble for nothing. I desire to save my hon. friend trouble hereafter, because this motion contemplates an amendment of our standing orders, and the House will have to be summoned especially for that purpose, or otherwise if the hon. gentleman goes on——

Hon. Mr. DOMVILLE—I have considered that and am very much obliged. The committees here deal with agriculture and forestry, which is all right, immigration and labour, commerce and trade relations, civil administration and public health; but they fall short in one respect to my mind, because they have lost sight of the great mineral resources of Canada. Nova Scotia is interested, British Columbia and the hinterlands of the Northwestern provinces are interested—we are all interested, and probably this omission was an accident, and I want to make that good by having a committee to take charge of the mineral resources of Canada. I am moving slowly in this matter. The Nominating Committee ceased to exist when it reported, and, therefore, the only way to move in this matter is to ask for the appointment of a special committee. To some it may seem unnecessary that we should have these

committees. I think otherwise. The world is looking to the resources of Canada. We have something besides manufacturing, agriculture, fisheries and forests. We have great mines. We may point to the Drummonds, of Montreal, who have opened up the great iron deposits of New Brunswick which have laid dormant until recently and have been discovered to be the greatest mines in the world. We have valuable shale deposits in New Brunswick and Nova Scotia, and antimony mines and many other valuable mineral resources which should be brought to the notice of the world. It may be argued that the Department of Mines can supply this information. The department is doing its best, but it cannot cover everything, and this will strengthen the hands of the department. It will show that the Senate of Canada desires to co-operate with the department in obtaining information as to the resources of Canada. I may mention that in the English 'Graphic' of the 19th January there is a description of machinery which can be utilized in the manufacture of peat and peat moss. By means of this machinery the immense peat beds to be found in every part of the Dominion may be utilized to provide fuel when supplies of coal become scarce.

Hon. Mr. POWER—I think the procedure adopted by the hon. gentleman is open to criticism. I have no quarrel with the selection which he has made of members of the committee, but it is contrary to English practice that a member should nominate all the members of the committee.

Hon. Mr. DOMVILLE—I stated that I was willing to let the House nominate the committee. I have simply suggested names.

Hon. Mr. POWER—That does not alter what I propose to say in the slightest degree. The hon. gentleman should have made two motions, one for the appointment of a committee, the other suggesting names. If the House wishes to waive its right of selecting the committee, the House has a perfect right to do so, and I do not propose making any objection.

Hon. Mr. LANDRY—I agree with the hon. gentleman that there should be two distinct motions, one approving of the principle, the other mentioning the names. Rule 83 of this House says:

> The senators to serve on a special committee may be nominated by the mover; but, if three senators so demand, they shall be selected as follows: Each senator shall vote openly for one senator to serve as a member of the committee, and those senators for whom the largest number of votes are given shall constitute the committee.

To exercise our right, three senators must rise and ask for that vote. If the vote is not asked for, the members can be nominated by the House.

Hon. Mr. DOMVILLE—I am not such a stickler for technicalities in these matters as the hon. senator from Halifax, but I would call his attention to the following which may be found at page 533 of Bourinot:

> It is not the invariable practice in the Senate to include in a motion the names of the members which may be given by consent of the House when the motion is duly proposed, but no doubt it is the more convenient and regular course to include the names in the notice of motion. It is usual for the mover of a select committee to be one of its members.

I have no desire to interfere with the rules; I know they are paramount.

Hon. Mr. LANDRY—I understand the objection to the motion is that no names are mentioned in the notice of motion, so the House is taken by surprise. We hear for the first time to-day the names of those who are to compose the committee.

The motion was allowed to stand until to-morrow.

BILLS INTRODUCED.

Bill (No. 44) An Act to incorporate the Canadian. Liverpool and Western Railway Company.—(Hon. Mr. Mitchell).

Bill (No. 52) An Act respecting the Bank of Vancouver.—(Hon. Mr. Bostock).

POST OFFICE ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 19) An Act to amend the Post Office Act.

Hon. Mr. POWER—I gave notice of an amendment to this Bill. It may be that

some other hon. gentleman would like to take up the motion, so I call attention to it now. The amendment which I proposed was to substitute for 'domestic article' at the end of the Bill the words 'articles mailed from one point in Canada to another such point.' I understand that in the department 'domestic article' means an article mailed from one point in Canada to another such point, and so far as regards the officers of the department and those familiar with postal regulations, any amendment would be unnecessary; but inasmuch as the laws are intended for the general public and the ordinary citizen might not know what comprised a domestic article, I suggested that we should make this amendment. I submitted the desirability of the amendment to the right hon. gentleman in charge of the Bill and he has considered the matter. I gather from the fact that he has not said anything about it that he does not consider the amendment desirable. In the face of that fact, I do not care to move the amendment.

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

THIRD READINGS.

Bill (B) An Act to amend the Government Annuities Act, 1908.—(Rt. Hon. Sir Richard Cartwright).

Bill (No. 20) An Act to amend the Government Railways Act.—(Rt. Hon. Sir Richard Cartwright).

PROTEST OF BILLS OF EXCHANGE ACT AMENDMENT BILL.

SECOND READING POSTPONED.

Hon. Mr. BELCOURT (in the absence of Hon. Mr. Choquette) moved the second reading of Bill (G) An Act to amend the law relating to protests of Bills of Exchange, Cheques and Promissory Notes.

Hon. Sir RICHARD CARTWRIGHT—Will my hon. friend explain the object of the Bill?

Hon. Mr. LANDRY—I object to the second reading; the Bill has not been printed in French.

The order was postponed.

SECOND READINGS.

Bill (No. 36) An Act respecting the Southern Central Pacific Railway Company.—(Hon. Mr. Young).

Bill (No. 42) An Act respecting the Toronto, Niagara and Western Railway Company.—(Hon. Mr. Beith).

Bill (No. 43) An Act respecting the Hudson Bay and Pacific Railway Company.—(Hon. Mr. Watson).

Bill (No. 47) An Act respecting the Guelph and Goderich Railway Company.—(Hon. Mr. McMullen).

Bill (No. 53) An Act respecting the Walkerton and Lucknow Railway Company.—(Hon. Mr. McMullen).

BRAZILIAN ELECTRO-STEEL AND SMELTING COMPANY BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (No. 10) An Act respecting the Brazilian Electro-Steel and Smelting Company, Limited.

He said: As the House may remember, last week this order and the following order upon the paper were allowed to stand over so as to give the promoters an opportunity of enlightening hon. gentlemen as to the reason and nature of the proposed charter, and also to get some information with regard to the personnel of the company. I understand that the promoters consist of the same enterprising group of Canadian financiers who have so successfully inaugurated and floated the Sao Paulo Company, the Mexican Tramway Company and others of a kindred nature in those southern countries. I think that many of the members of this House will know that those companies have been extremely successful and that they have greatly enriched a number of Canadian financiers and others, and that a very large amount of money is being distributed in the way of profits and dividends to the shareholders of those companies. I am informed that most of the bonds of these companies are floated in England. The British investor has naturally a rather timid appreciation of the volatile nature of the governments of some of those southern republics, and the companies have found that while there may be diffi-

culty in floating their bonds if they sought a Mexican charter only down there, that fortified by a Canadian charter they had no difficulty whatever in floating their bonds. As far as this House and the country are concerned, I do not think we incur any risk or take any responsibility. They ask us to give them a charter here. We do not give any instructions in Mexico as to what powers they shall be given them there. If the Mexicans will do business with them there under the charter we give them, that is their own affair.

Hon. Mr. McSWEENEY—I should like to ask the hon. gentleman, before the motion is put, if he has read anything about the Pearson group? That is one name that was mentioned. I observe that a financial paper in England makes an onslaught on the whole group engineered by Pearson & Company, warning the British investors not to touch them with a forty-foot pole.

Hon. Mr. LOUGHEED—I took the liberty on the introduction of those Bills to object in as strong language as I could to the policy incorporated in the Bills, of this parliament stamping with its approval the Bills in question, and thus inferentially saying not only to the investing public in Canada, but the investing public in England, that these enterprises meet with our approval. Notwithstanding the lucid explanation made by the hon. gentleman from Brandon (Hon. Mr. Kirchhoffer), I am not only of the same opinion, but I am strengthened in that opinion inasmuch as my hon. friend has stated that there is considerable objection in England to investing funds in foreign enterprises of this kind unless legislation of this character should issue from the parliament of Canada. Now, as I said on that occasion, the policy of this parliament in assisting Canadian companies to divert funds from Canada into foreign countries, and particularly countries of a revolutionary character that are not only volatile, as my hon. friend has mentioned, but are nationally volcanic in addition, is to my mind a very unwise policy indeed. If those gentlemen desire to enter upon any stock floatations—because that is what they largely are—they certainly should take the risk of investing their funds upon the strength of whatever legislation they may be able to obtain in those countries and not invoke the intervention or approval of the parliament of Canada. My right hon. friend the leader of the House, when this matter was brought up a few days ago, indicated that he would make inquiry from the government as to what the attitude of the government would be in assisting a policy such as has been imported into those Bills. I anticipated that my hon. friend would have made some explanation to-day upon the introduction of those Bills, or at least upon the motion being made for the second reading, and I should be very glad indeed to know what his views are upon the subject.

Hon. Sir RICHARD CARTWRIGHT—I may say in reply to my hon. friend, that he raised two questions, if I remember right. He raised one as to the constitutionality of this Bill. That he has not dwelt upon this afternoon, and I presume he has satisfied himself that whether the policy or the advisability of it be right or wrong, that the thing is constitutional enough. particularly as charters have been already granted by us pretty freely for similar enterprises. As to the question of policy, I can only say this to my hon. friend: He must remember that there are immense sums of foreign capital invested in Canada, not merely from England, but from foreign countries, the United States more particularly, also from France, Belguim, Germany and other places, and taking the whole matter together I think that we can leave it reasonably to the discretion of the investors whether or not they will put their money into these enterprises. I think the matter may be considered very properly either in the Banking and Commerce Committee or in the Private Bills Committee, whichever one these Bills will go to, but I might say with respect to those new enterprises that I do not think it would be found that any material amount of Canadian capital is likely to be diverted. On the other hand, I think it will be found that the Canadians are rather, so to speak, the conduit for the conveyance of capital from other countries into this enterprise, and they have not put an overwhelming amount of their own capital into the con-

cern. My hon. friend is no doubt aware that very considerable amounts of money, not of Canadian money, but of money altogether have been invested in these enterprises. In several cases they have been remarkably profitably invested, and Canadians have benefited largely by the success and enterprise they have shown. On the whole, I do not think that the government could be called upon to discourage such propositions. Of course they will always have to undergo the scrutiny of the various committees to which such measures will be referred in both Houses, and I should be very sorry indeed to see wildcat enterprises of any kind promoted with the knowledge or approval of this House, but I think that it is a matter that may fairly be left to the discretion of the committee after hearing the various parties who have the matter in charge, and, therefore, I do not intend to oppose the second reading of the Bill.

Hon. Mr. LOUGHEED—In the event of confiscation by one of those foreign powers of the undertakings which may be carried out under the authority of these Bills, what would be the attitude of the government of Canada by reason of it being a Canadian company incorporated by the parliament of Canada? Would it not necessarily introduce complications?

Hon. Sir RICHARD CARTWRIGHT—I hardly think so. I may remind my hon. friend that an enormous amount of British capital is invested in precisely similar enterprises all the wide world over. I do not think the parties who have invested have received any special advantage or protection from the British government. They must take their risk. The hon. gentleman remarked, I think, just now, that in some of those countries they were in a very unstable condition. I think my hon. friend has rather referred to the past than to the present. Take Mexico, for instance. We have been desirous of cultivating the friendship of Mexico and opening trade with her. There are considerable grants now made by us, both on the Pacific and Atlantic, in aid of transportation for the purpose of encouraging the trade with Mexico, and I think I may venture to say to my hon. friend that within the last thirty years there is no country in the world that has made greater or more rapid progress, or more gratifying progress in every way than Mexico. Whether that can be said equally to the same extent of Brazil I am not sure; at any rate neither Mexico nor Brazil has been of late years at all subjected to those violent revolutionary and sanguinary outbreaks that have marked the career of so many of the South American republics, and, as I understand it, no power is given in this Bill to deal in any other portions of that region except Mexico and Brazil. On the whole, I do not think the government are called upon to interfere with the discretion of the House in this matter.

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

Hon. Sir RICHARD CARTWRIGHT—I move that the Bill be referred to the Committee on Banking and Commerce.

Hon. Mr. POWER—I arise to call attention to the purposes of the company as set out in the first clause of the Bill. Clause (1) states that:

> The company may, within the Republic of Brazil, survey, lay out, construct, complete, maintain and operate, and from time to time extend, remove and change as required, double or single, iron or steel railways and branches, side tracks, turnouts, and tramways for the passage of cars, carriages and other vehicles adapted thereto, upon and along streets, highways and other public places, and upon and along lands purchased, leased or otherwise acquired by the company, also telegraph and telephone lines and works in connection therewith, and allow the use of the said railways and other works by lease, license or otherwise for reward, and take, transmit and carry for reward telegrams, messages, passengers and freight, including mails, express and other freight upon or by means thereof, by force of power of animals, or by steam, pneumatic, electric or mechanical power, or by a combination of them or any of them, and also may there acquire by purchase, lease or otherwise upon such terms and conditions as are agreed upon, and maintain and operate for reward any existing or future lines of railway, tramway, telegraph and telephone, and for all or any of the purposes aforesaid the company may enter into and carry out such contracts, concessions and agreements as it thinks necessary.

I submit the Railway Committee is the proper one.

Hon. Mr. KIRCHHOFFER—I think that my hon. friend is right. There is no objection to changing it.

Hon. Mr. SCOTT—It is a matter of policy as to what committee it goes to. The reason they come here for these powers is that, under the Companies Act, the Secretary of State is not authorized to incorporate railway companies, telephone or telegraph companies, but all the powers to be granted to this company have been granted to dozens of other companies doing business in France and the Argentine Republic and Mexico and all through Central America. As I said the other day, I certainly see no objection to such companies getting charters here. The countries may choose to recognize them. They are subject to the laws of these countries. The Bill starts out with these words:

> Subject to the laws in force in the Republic of Brazil, and with such legislative, governmental, municipal or other authority, concession, license or consent as is necessary.

We take no risks, and I cannot see that there would be any sound policy in resisting the application of Canadians to do business in these countries. As far as my opinion goes, all ventures in those countries in the last ten or fifteen years have been eminently successful. Not long ago I was speaking before I left the office with a gentleman who sells improved printing presses in some of those republics, and I said: 'What sort of a business is being carried on?' 'Well,' he said, 'it is most satisfactory; we have no trouble whatever. I would rather sell to the Argentine Republic than to any other part of the world I know of. They are honest and fair, and we get our money without any difficulty.' He was dealing particularly in the newest variety of printing presses patented in Canada and the United States. I merely mention that as an illustration. My hon. friend opposite made the remark the other day that he thought it was rather risky, and I would like to say to him, what companies are more conservative than the banks of Canada, and yet the banks of Canada are scattered all over these southern countries? The Royal Bank of Canada has twelve branches in Cuba, scattered all over the island. The Bank of Montreal does a large business in Mexico and in other places. I think it has added to the prestige of Canada that our people can go abroad and capture business in foreign countries. Take our insurance business. We are doing a larger business in these countries than the insurance companies of many other countries. My hon. friend on my left can vouch for that. The Canada Life and the Sun Life are scattered all over the world and bringing Canada forward prominently, and no harm can arise from it.

Hon. Mr. LOUGHEED—I cannot permit my hon. friend to misinterpret—I will not say deliberately—the position I have taken on this subject. I have never raised the slightest objection to Canada doing all the business she possibly can with the South American republics and selling all the goods she can, doing all the banking and financial business possible, but what I do object to is that capital in Canada should be diverted by the assistance of parliament towards undertakings such as developing the natural resources through railway undertaking and physical undertakings of that kind in foreign countries. Should there be any trouble such as I mention, Canadians would certainly find it difficult if not impossible to realize on their capital. It would be entirely different where investments of a liquid character are made in those republics, such, for instance, as the business done by the banks. The business done by insurance companies will be on the lives of the subjects of those countries, and the insurance companies of Canada will not be particularly anxious for that kind of business.

Hon. Mr. SCOTT—I gave the best illustration of investments of Canadians abroad when I spoke of the banks, because the banks are the most conservative of our institutions, and they do an enormous business in those countries, such as is done in Canada. I understood my hon. friend to say it was not good policy for Canada to approve of those investments abroad. What has built up Great Britain if it is not the hundreds of millions of money scattered over the world from which they derive an immense income? If Canada is aspiring to that position, and has the money, what objection can there be to making such investments abroad?

Hon. Mr. BEIQUE—The hon. leader of the opposition seems to be afraid that a

Bill of this character may lead to international complications. He stated, for instance, that if property of this company were confiscated, Canada would not be in a position to interfere for the protection of the shareholders. Such a question would arise no more under this legislation than in the case of a Canadian going to Brazil and doing business in that country. If he were oppressed, if his property were confiscated, or if he were treated in any other way than the citizens of Brazil, the government would be bound to interfere, and, therefore, that reason does not weigh much in my mind. But I desire to call attention to another point. It is known that the Secretary of State incorporates companies with very large powers, which are covered by the letters patent issued, and it may be a new departure to transform a joint stock company into a railway company, as this Bill may have the effect of doing. I do not oppose the second reading of the Bill and the sending of it to the Railway Committee, but in that committee inquiry should be made as to what this company has hitherto been doing and as to whether, if it has the right to carry on operations in this country, and desires to be converted into a railway company, some of the powers which it enjoys under the letters patent should not be withdrawn from the company.

Hon. Mr. DOMVILLE—I have had some little to do with legislation, and I really cannot understand what is meant by these share warrants. As I understand it, the shareholders go into the company and are registered in the ordinary way, but under this Bill they disappear and share warrants are issued to them which may not appear on the books, and which pass from hand to hand like scrip. I regard it as vicious legislation. It is all right that we should incorporate a company to do business abroad, but is it right to give the directors power to have the shareholders disappear and offer scrip to them, which, after all, is equivalent to money, and may pass from hand to hand like money? Their names are stricken from the list of shareholders, and they are no longer liable in law or equity as shareholders. We should have some explanation about this before the Bill goes further.

The SPEAKER—The Bill has been read the second time, and the motion now before the House is that it be referred to the Committee on Banking and Commerce. With the leave of the House that can be changed to the Committee on Railways, Telegraphs and Harbours.

The motion was so changed and adopted.

MEXICAN LAND AND IRRIGATION COMPANY'S ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. KIRCHHOFFER moved the second reading of Bill (No. 15) An Act respecting the Mexican Land and Irrigation Company, Limited.

Hon. Mr. DOMVILLE—I do not know who is connected with this Bill, but on the principle that the shareholders are got rid of and share warrants are issued to them instead of shares, I disapprove of the measure. Here is a company incorporated with certain shareholders and the directors have power to strike out their names as shareholders and issue share-warrants to them. Are we to commit ourselves to such a policy? Why should we depart from the Joint Stock Companies Act? I know gentlemen who have had a great deal of difficulty getting ordinary letters patent, but here parliament is asked to set aside all the rules in the case of this company.

Hon. Mr. DERBYSHIRE—You will have to get an inquest to find those shareholders.

Hon. Mr. DOMVILLE—What is a share warrant? What does it mean?

Hon. Mr. KIRCHHOFFER—Something to arrest a fellow on.

Hon. Mr. DOMVILLE—I object to this legislation, because it will be taken as a precedent. If it becomes law, I shall take advantage of it myself and get a charter under which I can get rid of shareholders and issue scrip. Why should we alter our mode of legislating and take such matters

out of the hands of the Secretary of State, to do something never done before?

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

SECRET COMMISSIONS BILL.

POSTPONED.

The order of the day being called:

Committee of the Whole on Bill (31) An Act to prevent the payment or acceptance of illicit or secret commission and other like practices.

Hon. Sir RICHARD CARTWRIGHT—I have been asked to allow this Bill to stand for another day or two. I have no particular objection to doing so, and I move that the order be discharged.

Hon. Mr. LOUGHEED—May I be permitted to suggest that if there be any amendments involving some consideration they should be presented before we are called upon to consider the Bill in committee?

Hon. Sir RICHARD CARTWRIGHT—Certainly. I wish the Bill to be very fully considered, and I am not in the least concerned to press it hastily. It has passed the House of Commons, and there is no object in hurrying it here.

Hon. Mr. LOUGHEED—Would my hon. friend be disposed to give notice of any amendment?

Hon. Sir RICHARD CARTWRIGHT—I do not say there will be amendments; but as soon as I find amendments are agreed to by the Department of Justice, I will cause notice of them to be given in the House or to have them submitted to my hon. friend.

Hon. Sir MACKENZIE BOWELL—If the Department of Justice is to consider any changes in committee, I should like to call attention to the word 'corrupt' in two clauses. To my mind that will destroy, to a very great extent, the main object which the government and the country have in view. My right hon. friend knows well the difficulty, if a charge is made, in establishing the fact of a corrupt act. If presents be given to parties who are purchasing for the government, why should that not be sufficient evidence of a corrupt act? In the investigation undertaken by Judge Cassels, the question was put distinctly to witnesses in a number of cases: 'Did you make these presents to the parties who were purchasing the goods from you for the purpose of obtaining concessions and advantages which you might not otherwise have secured?' In many instances the reply was positively 'No,' that the presents were merely given as a favour. Now, if this word is continued in the Act, in many cases it will defeat the purpose in view. There were some witnesses in the investigation to which I have referred who stated distinctly that they gave the presents for the purpose of obtaining advantages. That would be accepted, I presume, as a corrupt act. I do not know whether this matter has suggested itself to my right hon. friend in connection with this Bill, but it is well worthy of consideration if a stop is to be put to the iniquities which have been perpetrated in the past in dealing with merchants and others through officials of the government. It is well that the Bill should be of such a character as to punish any man who makes a present to any official of the government or to any one else who is dealing with them for the government.

Hon. Sir RICHARD CARTWRIGHT—I will take a note of what my hon. friend mentioned. This is an important Bill, and provides very severe penalties. Undoubtedly, great care must be taken in the wording of the Act, otherwise very severe punishments might be inflicted without possibly full justification. As to the particular point he raises, what twelve honest and sensible men in the box would say as to the motive of a party who made a present to a government official with whom he was doing business? Speaking for myself, I think that I would say no matter what a man swore, that if he made a present to a government official from whom he was soliciting orders I would call it corrupt.

Hon. Sir MACKENZIE BOWELL— So would I.

Hon. Sir RICHARD CARTWRIGHT—So would the public generally. However, I am taking a note of what my hon. friend

has said, and will submit it to the Department of Justice.

Hon. Sir MACKENZIE BOWELL—The jury will be guided by the judge.

Hon. Sir RICHARD CARTWRIGHT—I do not propose to go bail for the judges, but a majority of them would say that men who made presents to government officials from whom they were expecting orders, did not do it for love or for any other purpose than to gain an advantage, and an improper advantage too.

The order was postponed.

BILL INTRODUCED.

Bill (S) An Act respecting the Grand Trunk Pacific Branch Lines Company.—(Hon. Mr. Watson).

THE LANCASTER BILL.

Hon. Sir RICHARD CARTWRIGHT moved that the House do now adjourn.

Hon. Mr. FERGUSON—I want to call the attention of the House to a circular that is being distributed through the post office, having reference to what is called the Lancaster Bill. It is anonymous. It was handed to the postmaster by a member of this House and the name of another hon. gentleman was given who was particularly anxious that it should be distributed. It is due to the House that we should know who is the authority for this circular. Does it come from the government?

Hon. Sir RICHARD CARTWRIGHT—Certainly not.

Hon. Mr. FERGUSON—Does it come from the railway corporations?

Hon. Mr. DANDURAND—I was obliged to leave the Railway Committee room yesterday before it rose. I intended stating that I would have this memo, which had been prepared by the chairman of the Railway Committee, explaining the amendments made last year to the Lancaster Bill, distributed for the advantage of members of the committee before the next sitting. I was not there, unfortunately, to announce that I would have this memo. prepared, explaining to the members the purport of the amendments made last year to the Lancaster Bill, in order that when they came before the committee at the following sitting the members should be in a position to examine those amendments and be better prepared to give opinions on the measure.

Hon. Mr. FERGUSON—I have looked at the circular sufficiently to find that it is a very ex parte statement. Therefore, it is of the first importance that we should know who is responsible for it.

Hon. Mr. DANDURAND—As it refers to a matter which was before the committee, I would have taken the first opportunity to-morrow to explain how that memo. was distributed.

Hon. Mr. FERGUSON—Will it be explained to-morrow to the committee?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. FERGUSON—It should be explained to the House now, because it is being distributed to senators who are not members of the committee.

Hon. Mr. DANDURAND—This memo. was prepared at my request by the chairman of the Railway Committee of this year in order that hon. gentlemen might have an opportunity of considering the arguments submitted last year.

Hon. Mr. FERGUSON—As the document is a very one-sided statement, it is due to the House and the committee that the name of the hon. gentleman who prepared it should be given in order that there may be no misapprehension on that score. It is not the right way to send anonymous documents to members through the post office.

Hon. Mr. DANDURAND—It would have been better to have given the name.

Hon. Mr. FERGUSON—I understand it was prepared by the chairman of the committee.

Hon. Mr. DANDURAND—The chairman of the committee prepared the memo, because he was the mover of the amendments last year and I thought he was in a better

position to explain the purport of the amendments than any one else.

Hon. Sir MACKENZIE BOWELL—Has the circular been distributed generally?

Hon. Mr. DANDURAND—I gave the manuscript to Mr. Young to be printed, and he asked me how it should be distributed. I thought it better that members should have it in their boxes. As a matter of fact, if I had given a little more thought to the subject I would have decided simply to have it distributed to members of the committee, inasmuch as it is to their advantage. But as any member of the Senate can go to the committee and form an opinion upon the value of the work that is going on there, I suppose no harm will come from the fact that this little memorandum is distributed to all the members.

Hon. Mr. FERGUSON—In explanation of the question of the hon. gentleman from Belleville, I may say that about a quarter of an hour ago I went to the post office and saw a large pile of these documents there, and one of them was handed to me, and the explanation was given to me, and if it has not already reached the members, I suppose it will be in their post office boxes by this time.

Hon. Sir MACKENZIE BOWELL—Apart from that, I know of no law or regulation preventing anybody setting forth his views in any circular or documents he may think proper to any member of the Senate or the House of Commons. We could judge of the memo. itself when we got it. Then we might ask who circulated it. That is all right enough, but there is nothing to prevent, so far as I know from my prolonged experience, any gentleman from writing a letter or explaining any measure that comes before the House. It is for us to judge whether it is correct or not. My hon. friend says that this memo, is a very partial statement. That may be. I pass no opinion upon it, but the moment we see it we can ascertain whether it is a correct interpretation of the Bill that was passed by the Senate last year or not. At least that is the view I take of it.

Hon. Mr. FERGUSON—I think it will occur to any hon. member that a document of this kind should not be anonymous.

Hon. Mr. DANDURAND—The point was well taken as to who had distributed the documents. I had intended to state to the committee to-morrow why and how it was distributed.

Hon. Mr. LANDRY—I suppose we will not be compelled to take that into consider ation before we have the French copy of it. I heard it was given to Mr. Young to be printed. Is it printed at our expense? If it is printed at our expense, I want a French copy of it.

Hon. Mr. BEIQUE—I will translate it for the hon. gentleman.

Hon. Mr. DANDURAND—The hon. chairman of the committee has just stated that he would translate it for the hon. gentleman.

Hon. Mr. LANDRY—I want to know if it is printed at the expense of the Senate? My question is more serious than hon. gentlemen would think.

Hon. Mr. DANDURAND—I may state that I did not consider the question, but will answer the hon. gentleman to-morrow.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Friday, March 12, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

RESTRICTION OF EVILS OF DIVORCE.

BILL INTRODUCED.

Hon. Mr. CLORAN introduced Bill (T) An Act to Restrict the Evils of Divorce.

The Bill was read a first time.

Hon. Mr. CLORAN—In view of the character and nature of this Bill I ask that the second reading be deferred until the 24th of March so as to give the different religious, sociological and moral reform

bodies an opportunity to express an opinion in regard to its merits.

Hon. Mr. DOMVILLE—I have great pleasure in seconding the motion.

The motion was agreed to.

MINERAL RESOURCES OF CANADA.

MOTION.

Hon. Mr. DOMVILLE moved:

That a special committee of the Senate on the mineral resources of Canada be appointed, to be composed of the Honourable Messieurs Lougheed, Bostock, Davis, Watson, Ross (Middlesex), Landry, Wood, Comeau and the mover.

Hon. Mr. POWER—I do not rise for the purpose of opposing the motion at all, but I wish to justify the objection I took yesterday. I am not persisting in the objection; but perhaps the House will permit me to justify the attitude which I assumed. On the face of it, the motion which the hon. gentleman made yesterday should have been divided into two motions. The Speaker has the right, if he chooses, to divide the motion into two when he thinks that that is the more convenient course. And it is evidently the more convenient course, because there might be a number of hon. gentlemen here prepared to vote for the committee to consider the subject of mines or natural resources, or whatever it might be, but who were not satisfied with the proposed composition of the committee, and my contention was simply that there should have been two motions. I call attention to the practice in the House of Lords. Our own rule leaves it open. At page 40 of May, I find the following with respect to the practice in the House of Lords:

The House resolves that a Select Committee be appointed, after which it is ordered that certain Lords, then nominated, shall be appointed a committee to inquire into the matter referred, and to report to the House.

That is what one would expect as a common sense procedure. Then in Blackmore's 'Speakers' Decisions' there are cases given as precedents where this matter was discussed. At page 283 we find:

The nomination of the committee must be the subject of a separate motion.

Then he says further:

Mr. Pym moved that the order for going into committee be discharged, and that the Bill be referred to a select committee, consisting of the Marquis of Hartington, and others.

And the Speaker said:

The hon. gentleman might have moved to refer the matter to a select committee, but the nomination of that committee must be left to a separate motion.

That is substantially the rule given in May as to the House of Lords, and I simply wish to justify what I stated, that the British practice was that the motions should be separate. I have no objection to the motion.

The motion was agreed to.

SECOND READINGS.

Bill (H) An Act respecting the Anglo-Canadian and Continental Bank.—(Hon. Mr. Cloran).

Bill (No. 25) An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Fort William, Ont.—(Hon. Mr. Watson).

Bill (No. 27) An Act to incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.—(Hon. Mr. Kirchhoffer).

Bill (No. 58) An Act respecting the Vancouver, Westminster and Yukon Railway Company.—(Hon. Mr. Bostock).

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, March 16, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE FRENCH EDITION OF THE RULES.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to ask the sub-leader of the House whether anything

has been done in the matter of placing the French edition of the Rules before the House. I know he takes particular interest in that translation and will see that the French members of the Senate are better served and will use his opportunity, while the leader of the House is absent, to do the best he can to give us the French edition.

Hon. Mr. DANDURAND—I will let the hon. gentleman know before the end of the week.

Hon. Mr. LANDRY—Is the government considering the question?

THIRD READINGS.

Bill (No. 28) An Act respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba at Portage la Prairie.—(Hon. Mr. Watson).

Bill (No. 35) An Act to incorporate the Salisbury and Albert Railway Company.—(Hon. Mr. Domville).

Bill (No. 14) An Act respecting the Huron and Ontario Railway Company.—(Hon. Mr. Ratz).

Bill (No. 46) An Act respecting the Crawford Bay and St. Mary's Railway Company, and to change its name to 'The British Columbia, Alberta, Saskatchewan and Manitoba Railway Company.'—(Hon. Mr. De Veber).

Bill (No. 23) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Talbot).

QUEBEC-ORIENTAL RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. TESSIER moved the second reading of Bill (I) An Act respecting the Quebec-Oriental Railway Company.

Hon. Mr. LOUGHEED—I should like to point out the extraordinary character of this Bill. It is a Bill in which we assume without any statement as to this road having come under the jurisdiction of Canada, to repeal certain sections in the charter of a Quebec company. It apparently was incorporated by the provincial legislature, and in the first four clauses of this Bill we undertake to repeal provincial legislation. We have no authority to do anything of this kind. If Dominion legislation had previously been obtained, bringing it within the jurisdiction of the parliament of Canada, the Bill should contain a recital to that effect. Under the language of the Bill as it stands this House has no power whatever to grant the legislation asked for.

Hon. Mr. TESSIER—I hope the Bill will be allowed to go to the committee. I am not in a position to discuss it at present, but I shall be very glad to furnish all necessary information in the committee.

Hon. Mr. LOUGHEED—It is equivalent to our arrogating to ourselves authority to repeal a provincial statute. That is a very important principle, and involves a policy to which we cannot for a moment assent.

Hon. Mr. POWER—Let it go to the committee.

Hon. Mr. LANDRY—Generally when we ask for information before accepting the principle of a Bill at the second reading it is furnished. In this case, from what has fallen from the lips of my hon. friend, it appears that he does not know anything about the Bill.

The order of the day was postponed, and the second reading was fixed for to-morrow.

WINDSOR, ESSEX AND LAKE SHORE RAPID RAILWAY COMPANY BILL.

SECOND READING POSTPONED.

Hon. Mr. McMULLEN moved the second reading of Bill (J) An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman explain the object of the Bill?

Hon. Mr. McMULLEN—It is for the purpose of constructing an electric line from Windsor to Essex and some other points along the shore to Lake Erie. Some 40 miles of the road is already built and is in operation, and this Bill is simply asking for an extenson of the time for the completion of the work

Hon. Sir MACKENZIE BOWELL—The territory through which the line runs is exclusively within the province of Ontario.

Hon. Mr. McMULLEN—It has already, by an amendment in the Act, been declared a work for the general advantage of Canada.

Hon. Mr. WILSON—The hon. gentleman in charge of the Bill should tell us definitely whether this is a Bill which comes under the jurisdiction of the Dominion parliament. It is not for the construction of a steam railroad, but for the construction of a local electric line. Its charter, with amendments to it, was obtained from the province of Ontario. Nobody will pretend for a moment that it is a road which comes under the jurisdiction of the parliament of Canada. If we pass the Bill, it may lead to difficulty between the local legislature and the Dominion. The provincial legislature absolutely prevents the running of Sunday cars on these roads. If we grant this legislation the road will be for the general advantage of Canada, and we may grant jurisdiction to permit the running of Sunday cars. I would ask my hon. friend to carefully consider the Bill and postpone the second reading for some future day in order that he may be able to give us full information. It would be well to submit the Bill to the Minister of Justice for his decision as to whether we should grant this legislation or not. I agree with the leader of the opposition that we should hesitate before passing such a Bill. We know that legislation is likely to be brought in by the Minister of Railways to impose certain restrictions upon railways located in certain positions, but that should not continue longer than three years. If we grant this charter it will either have to come under the jurisdiction of the Dominion or the limitation proposed by the Minister of Railways would have no effect. Under all the circumstances, it is better to let the Bill stand over.

Hon. Mr. CLORAN—In reading over this Bill, I find a condition of things that is not only preplexing, but astounding. My hon. friend, who is a champion of provincial rights, will agree with me that this Bill tends to put the provincial authorities in direct conflict with the authorities of the Dominion. What right has the parilament of Canada to say to the Ontario legislature, notwithstanding anything you pass in your statute it shall be of no avail once we say this and say that? Will this House assume the responsibility of telling the Ontario legislature that when they enacted the original charter of this company they did not know what they were doing? I am pointing this out to the hon. senator who is a defender of provincial rights, and asking him to see if it is not an insidious attempt to bring the two authorities into conflict.

Hon. Mr. McMULLEN—This line, at a previous session, was declared to be a work for the general advantage of Canada. The original intention of the company was not only to build an electric line between the points mentioned, but to operate a ferry across the Detroit river, and that power they could not obtain under a provincial charter. They were forced to come here to get the necessary powers. Forty miles of the road have already been built, and it is one of the best equipped and constructed lines on the continent. All that is sought is an extension of time. The point raised by my hon. friend can be discussed in committee.

Hon. Mr. CLORAN—That is all I want to know.

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

CONCILIATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (M) An Act to amend the Conciliation Act, 1900. He said: I introduced this Bill in 1900 for the purpose of preventing foreigners coming into this country and encouraging and inciting our skilled labour to strike. We have had a good deal of difficulty from this cause. On a recent occasion the Canadian Pacific Railway had a difficulty with their men and individuals came from the United States and encouraged the men to strike. I could point out incidents which have occurred from the Atlantic to the Pacific where the same thing has been done. We

cannot afford to have the business of our country at the mercy of foreigners who come here to disturb the relations between employers and employees. We want to be let alone and to settle our difficulties among ourselves. Our skilled mechanics are capable of conducting their own strikes, if they feel it their duty to strike; but we do not want them to be encouraged and coaxed to strike by foreigners. It is a very dangerous thing to permit. Under present conditions, any industry may be hung up by a strike originating outside of the country. I can mention an instance which occurred in British Columbia. The Canadian Pacific Railway found it necessary to put one of its steamers of the Canada-China line into dock for repairs. The company called for tenders, and three bids were received, two from Canada and one from Seattle. The contract was awarded to a firm of Canadians in Victoria. They got the vessel into dry dock and were prepared to go on with the work when their hands struck for higher wages. On investigation it was proved that the strike originated in Seattle and was incited and encouraged by the very men who had tendered in opposition to the Canadian tenderers for that work. I can name many other instances where a similar course was pursued. In committee we can take up and deal with the whole question.

Hon. Mr. DAVID—I call the attention of the hon. gentleman to clause 2 of the Bill in which it says:

4a. Every one is guilty of an offence and liable, on summary conviction, to a fine not exceeding $100, who, not being a citizen of Canada and a British subject, in any way intervenes in a difference, whether existing or apprehended, between an employer or any class of employers and workmen, or between different classes of workmen.

How can you make it a crime for a man to intervene in any way? It should be confined to intervening in an improper way. If the intervention is for a good purpose, it cannot be regarded as a crime. The clause should be amended to punish a man who intervenes to do something in an improper way.

Hon. Mr. McHUGH—I am prepared to let this Bill get the second reading and go before the committee, but I want it distinctly understood that we are not committing ourselves to the principle of the measure. There is a Minister of Labour now, and the government are seeking legislation to help conciliation, and any movement in the proposed direction might be well left in the hands of the government. This Bill had been introduced twice previously, and in just about the form it is now, and once by the hon. gentleman who introduces it this session. I want it understood that we are not committing ourselves to the principle of the Bill if we let it go to the committee.

Hon. Mr. LANDRY—My hon. friend understands that we are accepting the principle of the Bill if we permit it to be read a second time now. This is a public Bill, and is not to be referred to one of the ordinary committees, but will go to the Committee of the Whole House.

Hon. Mr. McHUGH—The understanding should be that we are not assenting to the principle of the Bill.

Hon. Mr. LANDRY—We cannot alter the rules. If we pass the second reading now we adopt the principle of the Bill.

Hon. Mr. McHUGH—Well, throw it out now.

Hon. Mr. CLORAN—This Bill, or a similar proposition to it, has been brought before this House on one of two occasions, as pointed out by the hon. gentleman from Lindsay. It met with objection at the time, and rightly so, because any Bill establishing principles such as are contained in this measure will never receive endorsation at the hands of the Commons. It cannot be accepted by the popular body. By this Bill we are asked to override probably what is one of the greatest Acts of the Liberal government—that is the Labour Act—in bringing peace into the ranks of capitalists and employees, the triumphs of peace as against the arts of war in the Militia Department. The Conciliation Act has commanded the respect and admiration of other countries, of the United States, of England, France and Germany, and all people interested in disputes between labour and capital. They have been obliged to study the working of the Act, and now we find a third attempt to override the most essential feature of

that Act, and that is the Board of Arbitration to settle disputes between employees and employers. Under the Conciliation Act either party to the conflict between labour and capital has a right to select whom he pleases as arbitrator in the dispute. He can bring the arbitrator from Germany, England, United States, South America or anywhere he pleases. The capitalists and the employees have the same right in that respect. This Bill means that neither capital nor labour shall have the right to go outside of the limits of Canada or outside the limits of British jurisdiction for an arbitrator. The Bill says:

> But no person who is not a citizen of Canada and a British subject shall be so appointed.

The hon. gentleman does not mean to prevent capital from getting Rockefeller to come in here and arbitrate a case, if necessary in its interest to do so? You would not prevent Jas. J. Hill from coming in here and arbitrating his rights in the Crow's Nest Pass, or anything of that kind, and yet this is what the Bill proposes to do, to override the most essential feature of the Conciliation Act which gives to both parties the right to get their arbitrator where they can, and the best man they can. If we accept this principle, why not go further and decline to have the national affairs of the Dominion arbitrated by the Hague tribunal, where foreigners will sit on our case? If the principle of having an outsider acting as arbitrator is wrong, on that same principle it would be wrong to have the Hague tribunal settle our affairs. So that the principle involved in this clause is one which we cannot accept, and I am quite sure the lower House, which represents public opinion in this country, will not accept any more than they did two or three sessions ago. As far as the other clause is concerned, I must congratulate the hon. gentleman from Mille Isles on his criticism of that clause. He is not so much in touch with criminal matters as it is my duty to be, but he is sufficiently in touch with them to know that this clause is absolutely of no effect, and would not be applied by any judge in the country. You cannot make a crime by words, in a Act, that do not involve crime and that mean nothing. It is easy to sit down and write out a clause, but it is not easy to have it accepted by the judges of our criminal courts. How can any judge in his common sense condemn a man as a criminal because he has interfered, as the hon. gentleman from Mille Isles has said, in a proper way? The proof is made by the defence against the Crown, that his action was one for the benefit of society; that his action in intervening in the conflict between labour and capital was in the interests of society itself. How can you say the man should be compelled to go to jail when he acted in the interests of society? But under the law he would be guilty. So that the hon. gentleman is perfectly right in stating that the language of the clause is not according to criminal jurisprudence, putting it in black and white what the man has done to make him guilty of the crime. The right hon. leader said he was not one to create more sins for man by Act of parliament, and the less we had of that kind the better society will be. We have enough to do to observe the ten commandments and other necessary commandments without being obliged, under all circumstances of life, to be guilty of an offence punishable by penalty of fine or imprisonment. So that this clause is one that cannot be accepted as it now is. I do not ask the hon. member to withdraw his Bill, but I would ask him to put it in such a position as will meet with the needs of society as it exists to-day; that it will meet with the approval of our criminal courts. That is all. I am prepared to have the Bill discussed before the Committee of the Whole. It must go there, but under the circumstances, as a matter of principle, I cannot accept it and will have to vote against a second reading.

Hon. Mr. GIBSON—I have no idea of obstructing a second reading of the Bill. The hon. gentleman who has just resumed his seat evidently never employed labour or he would know better what he was talking about.

Hon. Mr. CLORAN—I did employ labour, if the hon. gentleman desires to know—probably more than he ever employed before he got a contract.

Hon. Mr. GIBSON—If there is anything wrong about the Bill we can put it right in the committee to which it will be referred. But there is one thing which has always struck me, and that is that the affairs of Canada should be dealt with by Canadians and not by aliens; that our industrial interests and our railways should not be tied up by aliens. I have seen cases of men coming over into Canada and purposely tying up industries that were running in competition with the same class of industries in the United States, and I say that whatever should be done in the way of a Conciliation Act it should be done by Canadian people amongst Canadian people and not by foreigners. The principle of the Bill can be discussed in the committee; but I say that it is high time—and I say it advisely—that every difference and dispute between workmen and employers of labour should be settled by Canadian people rather than be left to aliens. I have had some experience, although my hon. friend does not think so, in employing labour. I have had difficulties with my men, as all employers of labour have had, and I contend that it is much easier to settle a dispute with your own men than to call in outsiders, and that is one of the reasons why my hon. friend has introduced the Bill. I think Canada has grown big enough to settle all disturbances between our workmen and employers of labour without asking for outside influence. I have spoken on this subject before, and I have no second view on it. I hold more strongly than I ever did that all the moneys collected by labour associations or unions in Canada should go towards maintaining Canadian workmen when they are out of employment. If a strike should occur in Canada, the men should get the money out of sums drawn from Canadian workmen. Let me tell my hon. friend that the opposite has been the case for years and years. Our Canadian workmen have been contributing sums of money year by year to keep up what might be called a protective association, so that if anything should happen in their particular trade they should have the contributions not only of the Canadian workmen but of the United States workmen to fall back upon. What is the result? Not a dollar has been received from the other side to maintain Canadian workmen, and I say that we should not allow men who have no interest in Canada, except to destroy our industries, to come over here and create a rivalry which should not be countenanced by Canadian people. This Bill may not be all that my hon. friend claims for it, but there should be ability enough in this House to amend it so as to make it workable. I think I have had occasion to say before that a layman has not much chance of successfully passing a Bill through this Chamber or through the other House, but we should ever keep before our eyes the policy that Canadian affairs should be for Canadians to deal with.

Hon. Mr. ELLIS—The Bill goes further than the hon. gentleman states. It excludes the Englishman. I do not at all like any legislation that discriminates against the mother country. No Englishman, unless he be a resident of Canada, can under this Bill be called in to settle disputes. Social and economic questions which may arise are more thoroughly understood by Englishmen than by people of other nations, and one can imagine conditions which would make it desirable that an Englishman, though not a resident of Canada, should be called in to settle disputes. Why should the Canadian parliament shut out the Englishman? I object to that clause of the Bill very much.

Hon. Mr. GIBSON—We might make it read 'A resident of Canada or a British subject.'

Hon. Mr. CLORAN—Then a Hindoo would have the same right?

Hon. Mr. GIBSON—Why not? He has all the responsibilities that belong to a British subject?

Hon. Mr. LANDRY—He pays his money to come in.

Hon. Mr. GIBSON—Then he is a British subject. Perhaps the phraseology is not exactly what my hon. friend meant it to be, but surely it would simplify matters to make it read 'citizen of Canada and a British subject?'

Hon. Mr. CLORAN—The hon. gentleman has stated that the labour unions of Canada have contributed large sums of money to the United States. I believe that is true. And he contends that they never got a cent back. I want this statement to go before the country: That the hon. gentleman's assumption of that fact is not based on any ground whatever; that, on the contrary, there is not a local union in the Dominion of Canada that has contributed money to the United States national or labour funds that did not get back twice the amount. I am authorized to make that statement by the representative of the labour organizations, and he is on the floor of the Senate. I am authorized to tell the public of this country that there is no labour union in Canada which has con tributed money to the United States labour cause that did not get it back with 10, 20 or 50 or 100 per cent.

Hon. Mr. GIBSON—Can the hon. gentleman name one ?

Hon. Mr. CLORAN—I can name them all. I am authorized to state that there is no labour union in Canada which has contributed to the labour of the United States that did not get back twice as much as they contributed.

Hon. Mr. YOUNG—This proposition has been before the Senate on various occasions—very much the same proposition—and has been rejected on former occasions by the House. What has been said by some of the organizations that the interference that comes from outside quarters is unjustifiable and also irritating, may be very true in some instances. I am not going to deny that; but we have organizations and organizations; we have orders and orders, and it so happens in Canada that we have a high class of orders, well governed, of an international character, especially the railway orders, which are very extensive and strong. These organizations have gone on for years and years working on international lines, with a system of administration that they have perfected, and which, I understand, even the railway authorities themselves approve of; but if this legislation should pass, it will seriously interfere with and cripple those organizations in carrying on their work in future, and I do not think this House has any such intention. The promoter of the Bill with a view of giving the different interests an opportunity of presenting their side of the case—and there will be many sides to it—I understand, is going to follow this motion, if it is carried, and he does not ask the House to be committed to the principle of the Bill, with another motion referring it to the Committee on Miscellaneous Private Bills, where an opportunity will be given to all those interested to present their case, and, therefore, with that suggestion from the promoter, which I hope the House will agree to, it will render any further discussion unnecessary until such time as we have heard the arguments before the committee, and when the Bill comes back to the House we shall be in a better position to deal with it.

Hon. Mr. WILSON—Before this Bill is voted upon, I desire to make a few remarks, and I must say at the outset that I thoroughly sympathize with my hon. friend from Beamsville and the mover of this Bill. I understand full well that with the motives and the feeling they entertain. with superabundance of loyalty and devotion to the interests of the citizens of the Dominion of Canada, they dislike that any foreigner or any outsider should have the right to come here and in any way interfere with traffic or trade in Canada. But I cannot understand how it is that they allow, for istance, the United States people or the Germans or French or others to come into Canada and enter into a legitimate manufacturing business, enter into employment here, or invest their money in the country. If they did, they know that they must be subject to a law, if it passes, under which no matter what difficulties they might possibly have with their men, under no condition could they in any way interfere in negotiating a settlement as between the employer and the employed. For instance, a man may come here and invest a million dollars, an outsider altogether. We want his money. If the hon. gentleman from Lincoln or the mover of this Bill saw an opportunity of investing money in some foreign country

in a legal enterprise, if either of them should discover that whatever difficulty might possibly arise between his men and himself he could in on way interfere or show any disposition to conciliate his men, he would consider that a strange and arbitrary condition. We in Canada are apt to boast of our liberality to foreigners, holding it out as an inducement to men to come here and invest their money in Canadian industries. Yet we are asked to place a law upon the statute-book that if one of these men, with a million dollars invested in the country, should interfere in any way at all in a labour dispute he should be responsible for damages to the extent of $100. Do my hon. friends who advocate this Bill believe that it would be judicious that legislation of this kind should be adopted, and that people in other countries should be discouraged from coming here and investing their money? I do not believe in a principle of this kind. I say that it is arbitrary and unreasonable, and, as has been stated, the Bill will not accomplish the object intended. There are many contractors here to-day engaged in contracts in different places, and if this Bill should become law these contractors could not interfere with their men. This Bill provides that:

> Every one is guilty of an offence and liable on summary conviction to a fine not exceeding $100 who not being a citizen of Canada and a British subject—

He must be both a citizen of Canada and a British subject. If he were a citizen of Canada, living in Canada, and interfered, it would be all right, I suppose, but he must be a British subject—

> —in any way intervenes in any difference whether existing or apprehended.

This is legislation far reaching in its effect. If there should be interference apprehended—if it were thought they were going to interfere—

> —between an employer or any class of employers and workmen or between different classes of workmen.

If he is an employer, even if he is not a citizen and a British subject, should he not have the right to interfere in any dispute or difference between himself and his employees? The Bill says no. It is emphatic and says that he shall not interfere, and if he does interfere, he is guilty of an offence and is liable to a fine not exceeding $100. As this is a public Bill, and as the second reading of a public Bill is admittedly an endorsation of the principle of that Bill I shall feel myself obliged, I do not say reluctantly, but I say in justice, to vote against the second reading.

Hon. Mr. McGREGOR—While seconding the motion, I desire to say that I do not approve of the Bill in its entirety. The word intervene has a strong meaning. While I shall do everything I can to keep foreign agitators from coming into the country, still there might be respectable foreigners resident in the country who should have the right of free speech, and might interfere, and I do not think I could support the Bill in so far as it would prevent free speech.

Hon. Mr. CLORAN—The hon. gentleman is against the principle of the Bill?

Hon. Mr. De VEBER—Being a Canadian, I am proud to think it is possible that we can decide our domestic quarrels amongst ourselves, but until such time as it shall be thought necessary to enact legislation that will prevent outsiders from becoming directors of companies in Canada, and thus becoming, to a certain extent, arbiters of financial institutions in Canada, I cannot see my way clear to vote for a Bill that prevents a labouring man, simply because he is a labouring man, coming into Canada, and as a member of a union from taking an interest in what, to the labouring man, is just as much interest as the capital a millionaire has in some companies. This is discriminating legislation in favour of capitalists as against labour, and I cannot endorse it.

Hon. Mr. DANDURAND—Like a certain number of my honourable colleagues who have expressed displeasure at seeing strangers interfere between Canadian employers and the employees, I would not object to any legislation preventing such interference, but so long as we accept the principle of our people joining the international union, I cannot believe that this Bill, or any Bill on similar lines, will accomplish its object. Men who are connected with international unions will always accept the

orders that come from the other side of the line, and I do not see that this Bill will ever reach a party at the head of an international union who will be called upon by the local union here to order a strike. The orders will always come in writing or by wire. I may say that the first clause, interdicting the nomination of foreigners on boards of conciliation, does not meet with my approval, because I feel that any body of men should have as wide a scope as possible in selecting their representatives on the board.

The Senate divided on the motion, which was rejected. Contents, 13; non-contents, 20. Names not recorded.

SECOND READINGS.

Bill (N) An Act respecting the Ontario, Hudson Bay and Western Railway Company.—(Hon. Mr. Ross, Middlesex).

Bill (O) An Act respecting the Algoma Central and Hudson Bay Railway Company.—(Hon. Mr. Ross, Middlesex).

Bill (P) An Act to incorporate the Kootenay and Alberta Railway Company.—Hon. Mr. De Veber).

Bill (Q) An Act respecting the Quinze and Blanche River Railway Company.—(Hon. Mr. Belcourt).

Bill (R) An Act respecting the Ottawa Fire Insurance Company, and to change its name to the Ottawa Assurance Company.—(Hon. Mr. Belcourt).

Bill (No. 52) An Act respecting the Bank of Vancouver.—(Hon. Mr. Bostock).

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

THE SENATE.

OTTAWA, Wednesday, March 17, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMPLAINTS AGAINST LAKE ST. JOHN COLONIZATION SOCIETY.

MOTION POSTPONED.

Hon. Mr. TESSIER rose to move:

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 charges or complaints made by Mr. Joseph Girard or others to the Prime Minister or any member of the government against the Lake St. John Colonization Society.

Hon. Mr. DANDURAND—I would ask the hon. gentleman to adjourn his motion until to-morrow, because I am not aware if there is any official document or petition which has been lodged with the government, and inquiry should be made beforehand. No address should be carried if there is no paper to be produced.

Hon. Mr. TESSIER—I move that the order of the day be discharged and placed on the orders of the day for to-morrow.

The order of the day was discharged.

FRENCH TRANSLATION OF SENATE MANUAL.

Hon. Mr. LANDRY—I would like to direct the attention of the present leader of the House to the following facts: Our manual, which is called 'Canada Senate Manual,' comprises three parts. The first part contains our rules, the second the forms of proceedings, and the third the imperial enactments—that is the British North America Act. The first part has been translated into French and distributed to the members of this House. The second part has not been translated into French. It was given to Mr. Boucher, who had the superintendence of the translation. He died and was replaced by Mr. Evanturel, who died also, so that the work of translating the second part has not been done. Now, there is the translation of the third part, the imperial enactments. That is to be found in the Revised Statutes, but I would call the attention of the hon. gentleman from Ottawa to this fact: He was explaining to me yesterday that they wanted to make a new translation of the British North America Act, but that this Act could be easily found in the Revised Statutes where we have the translation from 30 or 40 years. Nevertheless, I would call the attention of the hon. member to a very important clause which has been very strangely translated into French. It is the educational clause, the 93rd section of the British North America Act. If my hon. friend remembers, it is said there that nothing

in any such law shall prejudicially affect the rights or privileges with respect to denominational schools. The word denomination schools, to my mind, means religious schools. That was translated into French écoles separées, and the true translation would have been école confessionnelle, which is different altogether, because a denominational school may be a public school. It is not necessarily a separate school, and a separate school may sometimes be denominational, and sometimes neutral. So I call attention to this translation of the British North America Act. So that if we take the old translation I would call attention to the fact of this faulty translation in the Act that might be corrected when it is given in our language.

Hon. Mr. DANDURAND—Does the hon. gentleman say that the Revised Statutes contains this translation, or is it simply our old form?

Hon. Mr. LANDRY—I cannot say about the Revised Statutes, but I know in the law as we had it in the statutes 'écoles separées' was given where it should have been, according to the English text, 'école confessionnelle.'

Hon. Mr. DANDURAND—If the Revised Statutes contained the expression écoles separées, I do not know that we would be warranted in changing the words in our rules.

Hon. Mr. LANDRY—That may be.

MINISTERIAL REPRESENTATION IN THE SENATE.

Hon. Mr. LOUGHEED—Before the orders of the day are called, I wish to direct attention to the very anomalous position of this Chamber in not having the government represented here. The leader of the House was not here yesterday and is not present to-day. If he is absent through illness, we all sympathize with him, and hope that he will be here at a very early day. It has been a matter of comment latterly that the government has reduced the cabinet representation in the Senate to one. I doubt if, since confederation, there have not been at least two ministers on the floor of this Chamber. Certainly it has been the case since 1890, when I became a member of the Senate, and on some occasions we had more than two ministers. It is an anomaly that the business of this country should be transacted in the Senate without any one being present representing the government to give information respecting measures and to reply to inquiries which may come before the House from time to time. The Senate has been the subject of late of a good deal of criticism as to its utility. I am bound to say that if the present government wish to discredit the Senate in the public mind it could not pursue a more successful policy to that end that it is following now, ignoring the Upper Chamber by leaving it without sufficient representatives of the cabinet to take care of government measures. During the present session but one government measure has originated in the Senate, and that is a small and almost an inconsequential Bill to amend the Annuities Act. We have reached a point where the dignity of this body demands the attention of the government. I hope my hon. friend who occupies the leader's chair to-day, and who is well qualified to represent the government in this Chamber, will be clothed with the necessary authority hereafter to represent the government, whether with or without portfolio.

Hon. Mr. DANDURAND—I am sorry that I did not impart to the hon. leader of the opposition the information which I thought the right hon. the Minister of Commerce had given me that he was obliged to be away on some important business which would detain him some twenty-four hours. I was advised this morning that he will be here before the sitting is over, so that the inconvenience caused by his absence will not be of long duration. Last year I suggested a plan by which the Senate might be put on a par with the Commons as to the initiation of public legislation. I do not know to what extent the House accepted or disapproved of my suggestion. This House was constituted on the same lines as the House of Lords as to its powers and privileges. The House of Lords would not admit a commoner within its precincts to present a Bill or to take part

in a discussion, as is done in most parliaments of Europe; but in this democratic country none of us would feel that the Senate had been desecrated if, under some regulation, we allowed members of the cabinet who sit in the other Chamber to present their measures in the Senate. Ministers generally desire to initiate their own legislation. They like to father their own measures. It struck me that we could well alter our regulations and allow ministers to present their Bills in either Chamber. If this arrangement were made, we could have at least half of the public legislation which emanates from the government initiated in this Chamber. Then with regard to private legislation, I suggested that the depositing of the $200 fee with the clerk of a Chamber should not determine that the legislation should be initiated in that Chamber. I suggested that one official should receive Bills for both Houses, and that the odd-numbered Bills should originate in one Chamber and the even-numbered Bills in the other. In that way half of the private legislation would come to this Chamber. If these two suggestions were adopted, it seems to me that it would solve the problem of providing this Chamber with a larger share of the legislative work.

Hon. Mr. LANDRY—Why does not the hon. gentleman suggest the names of a French Canadian minister who should sit in this Chamber? Is it because he is too modest?

Hon. Mr. DANDURAND—I confess that privately I have conveyed the suggestion already expressed by the hon. gentleman in this Chamber, and even made bold to suggest a name that—useless to add—was not my own.

Hon. Mr. LANDRY—Perhaps the hon. gentleman in conveying it as coming from me made a mistake. It might have been better if he had made it as coming from himself. Let me request him to try again—to try until he succeeds.

Hon. Mr. FERGUSON—I have been watching closely to see how the hon. gentleman would acquaint himself in his first quasi ministerial explanation to this House. One remark that dropped from the hon. leader of this House, in the debate on the address, was that he would not be able to attend the meetings of the committees, but he pointed to the hon. gentleman (Hon. Mr. Dandurand) whom he said would represent him at committee meetings. For many days the Railway Committee has been considering a measure which has received th eendorsation of the government in the other end of the building year after year. It passed unanimously once as part of a government Bill, and again and again with the support and entire concurrence of the minister whose department it affects. Some of us have been watching rather closely to find whether the hon. gentleman from De Lorimier, while representing the government in that committee, would follow the Minister of Railways or would strike out for himself. I do not know whether he is representing the leader of the House or not, but many of us have discovered——

Hon. Mr. DANDURAND—I would like the hon. gentleman to adjourn his remarks on what took place in the committee until the Bill comes before the House.

Hon. Mr. FERGUSON—I am speaking on a matter of general policy. I have been watching very closely to know if my hon. friend is following the lead of the right hon. leader of this House, or of the Minister of Railways in the other branch of parliament. It would be very interesting to know what role he is playing in committee on what was a government measure in the other House, whatever it may be here.

IRISH AFFAIRS.

Hon. Mr. CLORAN—I would crave the indulgence of the House for a few moments to speak on a matter which affects a large proportion of the people of this country, and, to my mind, may affect imperial interests. The resolution which I am about to offer may tend to consolidate the amicable feelings which ought to exist between the different sections of the empire. This is the anniversay of the national saint of one of the most important sections of the British empire, and following the command

of the late Queen, whose memory is dear to the people, to wear the shamrock on the 17th of March, we are doing so. She expressed her desire that if any soldier in her army wanted to wear the shamrock on St. Patrick's Day he should be permitted to do so. That event tended to create a better feeling between the two peoples, and her distinguished son, His Gracious Majesty King Edward, has continued in the same path of conciliation and good will. No sovereign in the history of Britain has given more satisfaction to a large section of the subjects of the Crown, during the past 350 years, than our present King. For many a long century the people of Ireland were discontented, with good reason, but starting in the reign of our late Queen, and during the present reign, Ireland has found a greater welcome, a warmer friendship at the foot of the Throne than before. To-day we are celebrating the anniversary of that country which has done so much for the British empire and has furnished so much of its genius to uphold and spread the influence of the British empire. Need I go over the names of the men, whether in parliament or out of parliament? Need I cite to you the Burkes and the Sheridans on the floor of the British House of parliament? And need I cite to you the names of men who extended the limits of the British empire and saved it from destruction? In naming the Wellingtons, the Roberts, the Kitcheners of later days, and how many in past centuries, I but recall the names of those with whom we are all familiar. The anniversary of that people we are celebrating to-day, and without consulting one single senator on the floor of this House, I ask the Senate to endorse an expression of opinion, a sentiment which will go a long way to consolidate and make firm that reciprocal intercolonial or international good will and amity which should exist among all members of the British empire. It cannot be said that the resolution I am proposing now has been hatched and cooked among the members and forced upon the House. This honourable House will be free to reject it or accept it. What I would like to have, on behalf of the British empire, is a spontaneous expression of representative opinion from this honourable House. The resolution reads as follows:

Hon. Mr. CLORAN.

That the Senate of the Dominion of Canada, on the occasion of the national anniversary of Ireland, extends to their fellow citizens of the empire, the Irish people, its sincere congratulations on the more happy and hopeful condition of their national affairs under the reign of His Majesty King Edward VII, and further, that the hon. Speaker of the Senate be instructed to forward immediately by cable the above resolution to the leader of the Irish parliamentary party, Mr. John Redmond, M.P., London, England.

I hope hon. gentlemen will all feel that there is nothing in the words of this resolution but loyalty to His Majesty, loyalty to the empire of which we are a part, with the further object of consecrating the principle, I say, of consolidating the feeling of amity and good will between all sections of the empire. It will be an encouragement to the members of the British government, whether they be Conservative or Liberal, in Downing street or in the parliament at London; it will be an encouragement to move along the lines of improvement and along the lines of extending popular rights to the people of Ireland.

The SPEAKER—Is the hon. gentleman making the motion?

Hon. Mr. CLORAN—No, I am going to make the motion when I am through.

The SPEAKER—I think the hon. gentleman is out of order.

Hon. Mr. CLORAN—I ask the House to hear it. I would be sorry if this motion should be thrown out on a technicality. I understand that I have a right to move the resolution.

The SPEAKER—The rule is specific.

Hon. Mr. CLORAN—Then, before I make the motion, I will have to ask to have the rule regarding the matter suspended.

The SPEAKER—If the hon. gentleman moves that the rule be suspended, with the unanimous consent of the House, it may be suspended, but that is the only way. Of course, we must be governed by the rules.

Hon. Mr. CLORAN—That is my intention if the question of order is raised, but as it has not been haised, and I think that it is a right that appertains to members on the floor of the House to raise a point of order——

The SPEAKER—I do not understand it in that way. I understand the rules are to govern every member, and if a member is proceeding out of order it is my duty to call attention to it. If he wishes to suspend the rule which prevents him from making the motion he desires to make, it is open to him to do so, and if the unanimous consent of the House is given he can go on, but not without it. My object in calling attention to the matter is that the hon. gentleman may proceed in the ordinary way.

Hon. Mr. CLORAN—That was my intention. If no objection was taken I would simply have made the motion, and if there was an objection I would have moved the suspension of the rules.

The SPEAKER—The motion cannot be received until leave is given. If the hon. gentleman makes the motion for leave——

Hon. Mr. CLORAN—Under the circumstances, I move that the rules of the House in regard to this resolution be suspended, seconded by the hon. gentleman from Shediac (Hon. Mr. Poirier).

The SPEAKER—The hon. gentleman moves that rule 24 be suspended for the purpose of enabling the motion which has just been indicated by the hon. senator to be made.

Hon. Mr. KIRCHHOFFER—I would not wish to say anything which would be the means of stopping such a lovely speech as the hon. gentleman is making, and, therefore, on that ground I would not object to the motion going, but I would ask the hon. gentleman if he could not defer his speech until after we get through with the orders of the day, and then we could sit and listen to him?

Hon. Mr. CLORAN—I have finished.

Hon. Mr. KIRCHHOFFER—I was not going to object to it.

Hon. Sir MACKENZIE BOWELL—I do object to it. It is not in order, and the wording of the resolution is of such a character that I think it ought not be proposed to this House.

Hon. Mr. FERGUSON—The only motion that my hon. friend could make at this stage would be to move an adjournment of the House. He would then be quite in order to direct attention to a question of public importance such as this is on St. Patrick's Day; but the only motion he will be in order in making now is one to adjourn the House. I did not hear what the hon. gentleman from Brandon said, but if it was that discussion might proceed and the form of the resolution could be considered under the rules of the House a little later it might be found what the consensus of the House with respect to the resolution is.

Hon. Mr. DANDURAND—The hon. gentleman has been allowed by the Senate to make his speech. He has asked leave to present a motion which did not meet with the consensus of the whole Senate, so there is nothing before the House now.

Hon. Mr. POIRIER—Through courtesy I seconded the motion of my hon. friend, but I did not believe there was any necessity for a motion to adjourn. If there was, then rule 44 of our standing orders has no signification. That rule says:

> A senator can speak to any question before the Senate or upon a motion or an amendment to be proposed by himself.

Here is a motion that the hon. senator declares is going to be proposed by himself. He has a right to speak on a motion he intends proposing. If he has not, then no one in this Chamber can propose a motion except on Bills or such things without giving notice of motion. But no one can move a motion, no matter how important it may be if we have to ask the leave of the House as against the positive rule of this House to the contrary.

Hon. Mr. WILSON—I think the contention of my hon. friend is quite correct. If an hon. member who is speaking declares in his place that he intends to move a motion he has a right to make a speech, and then at the expiration of that speech to submit his motion. That is the rule that has always been observed, and I think it is the one we should consider on the present occasion. If he states that he intends to make a motion at the expiration of his speech, that is generally the course that is pursued in making motions of that kind,

and, therefore, I think he was quite within his right when he did so.

Hon. Mr. POWER—The hon. gentleman has propounded an entirely new doctrine. The Speaker made his ruling, and the decision has not been appealed from; any further discussion of the ruling is therefore out of order.

Hon. Mr. DANDURAND—There is nothing before the Chair. I should like to controvert the declaration of principle made by two hon. gentlemen on the other side. A member can, by courtesy or by leave of the House, make a speech to be followed by an irregular motion, but the Speaker can always ask him what is before the House, and if it is a motion which requires notice, then the speech is out of order.

Hon. Mr. CLORAN—Oh, no.

Hon. Mr. POIRIER—If the hon. gentleman had begun by reciting his motion, would he not be in order to speak on the motion? It is identically the same thing when he declares that he is going to end his remarks by propounding a motion instead of submitting the motion before speaking to it.

The SPEAKER—The hon. gentleman is entirely out of order. Rightly or wrongly I have ruled, and as there has been no appeal from my ruling, we must, I think, adhere to the ruling. I, therefore, call the order of the day.

Hon. Mr. CLORAN—I have the honour to move the adjournment of the House, seconded by the Hon. Mr. Poirier. It is so easy to get through by being civil.

Hon. Mr. DANDURAND—The hon. gentleman is through with his speech.

Hon. Mr. LOUGHEED—My hon. friend has already spoken. He cannot move the adjournment of the House.

Hon. Mr. CLORAN—I have spoken on another motion, but I have not spoken on the motion for the adjournment of the House. We cannot be tongue-tied in this way.

Hon. Mr. DANDURAND—The hon. gentleman concluded his speech.

Hon. Mr. CLORAN—No, I do not want any squelching of this kind at all. I move the adjournment of the House, and have a right to move it.

The SPEAKER—It is moved by the Hon. Mr. Cloran, seconded by the Hon. Mr. Poirier, that the House be now adjourned.

The motion was declared lost.

Hon. Mr. FERGUSON—That is open for discussion.

Hon. Mr. CLORAN—The Speaker cannot put the motion that way. I made a motion to adjourn the House to bring before the hon. senators a matter of importance.

Hon. Mr. LOUGHEED—I understand the Speaker has declared that motion lost.

Hon. Mr. CLORAN—He cannot declare is lost by a flying gesture.

The SPEAKER—I do not want in any way to cut off any discussion, but it must be in order. The motion made by the hon. gentleman was that the House do adjourn, and without any observations the hon. gentleman took his seat. I then put the motion and declared it lost.

Hon. Mr. WILSON—It strikes me that when the hon. gentleman made his motion, he had no right to speak until such time as the Speaker put the motion.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. WILSON—And after the motion was put, the hon. gentleman would have a right to speak, but before that he had no right.

The SPEAKER—Orders of the day.

Hon. Mr. CLORAN—I rise to a point of order.

Hon. Mr. KIRCHHOFFER—Ireland forever!

Hon. Mr. CLORAN—I shall appeal to the House if it becomes necessary. We are not going to be put down in this fashion, and I am going to appeal, if necessary,

from the decision of the Chair. I state here on my honour that that motion was not put before I had a right to speak to my own motion. It does not stand to common sense, and, if I can find a seconder, I will appeal from the decision; but I do not want to do it unless I am obliged to.

The SPEAKER—I hope the hon. gentleman will understand that I am sincere when I say that I have no wish whatever to cut off or curtail discussion of any question so long as it is conducted in accordance with the rules of the House; but, in the meantime, having done so, and having called the orders of the day, whether I am right or wrong, I hope the hon. gentleman will accede to it and proceed to the ordinary business on the Order Paper. After the orders of the day are disposed of, the question can be brought up and discussed.

The CLERK——First order of the day—

Hon. Mr. CLORAN—Order. Please sit down.

Hon. Mr. POWER—If the hon. gentleman from Victoria persists, I think it will be in order for his honour the Speaker to call upon the proper officer to remove the hon. gentleman.

The SPEAKER—I hope we will be able to get on without that. The hon. gentleman will understand that I have no desire to curtail any observations he desires to make; at the same time I must, as long as I am here, do what I conceive to be my duty, and I am trying to do it. I ask the hon. gentleman to desist for the present and plenty of opportunity will be given to discuss the matter.

THIRD READING.

Bill (No. 8) An Act to amend the Dominion Lands Act.—(Rt. Hon. Sir Richard Cartwright).

BAR LOCK COMPANY PATENT BILL.

SECOND READING.

Hon. Mr. McHUGH (in absence of Hon. Mr. Campbell) moved the second reading of Bill (K) An Act respecting certain letters patent of the American Bar Lock Company.

Hon. Sir MACKENZIE BOWELL—Before the Bill is read a second time, it must be distinctly understood, as far as I am concerned, that we do not thereby approve of the principle of this measure. There is no reason given in the preamble why this extension of time should be given, nor can I understand that there is any reason why the law should interfere with a patent of this character in order to extend the time for the commencement of the manufacture of an article for which plenty of time has been given in the past to establish a factory in this country. We have been nearly every session pursuing a policy of this kind. We have a number of factories in Ontario, and probably in other portions of the Dominion as far as I know, that are quite capable of manufacturing this article, and the patent has been granted for a sufficient length of time to enable the inventor in the United States, or if not the inventor the owner in the United States, to commence work in this country. This principle of extending patents has been so abused in England that the Imperial Parliament has stepped in to prevent the extension of time and compel the patentees who have obtained rights in Great Britain to either establish their factories in the country or allow others to do so and take advantage of the inventions. To my mind we in Canada are carrying this principle of extensions altogether too far, and are granting privileges that should not be given, more particularly in a case of this kind, where I know, so far, of no reason being given why it should be extended further and declare that the importation in the past of these goods should not be taken advantage of under the law, but that the patent shall be continued as if the owners had complied with the terms of the Patent Act and manufactured in Canada. I am not going to oppose the second reading of the Bill, although I think it is quite time the Senate asserted the principle or affirmed the principle of preventing the extension of the time for the establishing of industries of this kind under a patent, until good and sufficient reasons have been given and the Senate itself should be the judge of that. If it goes to the committee we will have the same difficulty and discussion on the principle of the Bill, and the reasons which

may then be given which are not now given why it should be extended.

Hon. Mr. McHUGH—I may say that I have received no instructions in connection with this Bill. It is only out of courtesy to the Hon. Mr. Campbell that I took charge of it. Since the first reading I have received a communication from the solicitors in Toronto asking when it would come before the committee. No doubt they will appear before the committee. I have no desire that any senator will be committed to the principle of the Bill until he hears the discussion of the clauses of it in the committee. I think the Bill is very much along the lines of similar Bills that have been passed quite frequently in this House. It is the same provision that has been placed in other Bills which have been passed from year to year and have received the approbation of the Agricultural Department through their deputy minister, Mr. O'Halloran. I think the clauses follow out exactly what has been asked for by that department. If the Bill is read a second time now and goes to committee, the solicitors will be there to explain it. I do not see that I am committed to the principle of the Bill until I hear it more fully discussed.

Hon. Mr. LOUGHEED—Can my hon. friend say when this patent expired? It would almost appear from the recital in the preamble that it must have expired two years ago. If that is the case, certainly gross negligence would be so apparent as to preclude all expectation of this Senate intervening to renew it.

Hon. Mr. McHUGH—I have no information to give the House other than that contained in the Bill, but I know that many other such Bills have been passed under similar circumstances.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend that he allow this matter to stand until information can be given to the House as to whether we should consider ourselves justified in accepting the principle involved in the Bill. If the delay in extending the patent has been unreasonable, the second reading should not be passed. If good reasons can be advanced, or reasonable ground taken as to why the indulgence of parliament should be extended to the patentees it may be a matter to go before the committee. In any event that evidence should be before the Chamber.

Hon. Mr. McHUGH—The solicitors have been communicated with and told that the Bill would get a second reading today, and go before the committee a week from to-morrow. That communication has gone out.

Hon. Mr. LOUGHEED—That practically would preclude all discussion upon the question. It has been customary to set out a recital in the preamble, representing all the facts so that the Chamber may have full knowledge whether the Bill is a reasonable one, but there is a notable absence of all information with regard to this Bill, and it should not receive a second reading until we have that information.

Hon. Sir MACKENZIE BOWELL—That is what I desired to point out to my hon. friend. I can assure him that I have no feeling of discourtesy to him, but I question whether there has ever been a Bill for an extension of a patent brought before the Senate, that has not contained in the preamble the reasons why it is asked.

Hon. Mr. POWER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—No such reason is given in this instance. We are simply asked to extend the patent. If my hon. friend will only examine the Bills which have been passed, he will find that what the leader of the Opposition has just said is correct, that the reasons for asking for the Bill are mentioned in the preamble in every instance.

Hon. Mr. McHUGH—Seeing that there is opposition to the Bill, I move that the order be discharged and that the Bill be placed on the Order Paper for Friday next.

The motion was agreed to.

QUEBEC ORIENTAL RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. TESSIER moved the second reading of Bill (I) An Act respecting the Quebec Oriental Railway Company.

Hon. Mr. LOUGHEED—I took exception to the framing of this Bill, inasmuch as it shows no jurisdiction or authority in this Parliament to grant such legislation. It has been pointed out to me since, that, in 1907, Dominion legislation was obtained declaring this to be a work for the general advantage of Canada, thereby making it a federal Act. But there is nothing on the face of the Bill to show that we have any authority whatever to repeal any sections in the provincial legislation passed concerning the company. In four clauses of this Bill we are asked expressly to repeal certain provincial legislation. There should be some recital in the Bill by which this Parliament could become seized with authority to deal with that particular legislation. This Chamber should certainly require the necessary information to be incorporated in the measure before giving it a second reading. As it stands now, it would appear on the Journals of the House that, without any authority whatever, we have assumed the right to repeal certain provincial legislation.

Hon. Mr. CASGRAIN—This Bill was drafted in England. In committee the defect can be remedied easily by striking out the words which should not have been put there. It is evident that we cannot repeal any clause of a statute passed in the province of Quebec. The Bill has been badly drafted, and was printed in its present form because the people on the other side wanted this Bill just so. They have made certain financial arrangements. That is what I learn upon inquiry. If the Bill is allowed to go to committee, the amendments can be made by striking out a few words.

Hon. Mr. LOUGHEED—The only answer to that is, it will bring ridicule on this Chamber to solemnly give two readings to a Bill so manifestly wrong in its framework as this Bill is. My object is to protect, as far as I can, the dignity of this Chamber, or at least its intelligence.

Hon. Mr. LANDRY—Perhaps the Bill was intended to be presented in the legislature of Quebec?

Hon. Mr. CASGRAIN—In 1907 this railway was declared to be a work for the general advantage of Canada, and it is the Act of 1907 that these people wish to have amended.

Hon. Mr. DAVID—What powers are conferred by this Bill which could not be granted by the provincial legislature?

Hon. Mr. TESSIER—This company was incorporated originally by the Quebec legislature. In 1907 it obtained a federal charter. The mistakes in the first two clauses of the Bill are simply clerical errors which can be corrected in committee.

Hon. Mr. BEIQUE—Under section 6 of the Railway Act, the legislation of this parliament supersedes provincial legislation from the moment a work is declared to be for the general advantage of Canada. This company, having been brought, by that declaration, within the jurisdiction of this parliament, it is proper to amend a charter of the company, though it would not be correct to repeal any Quebec legislation. The company is proceeding under section 6 of the Railway Act.

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

BILLS INTRODUCED.

Bill (No. 29) An Act respecting the Winnipeg and Northwestern Railway Company —(Hon. Mr. Power).

Bill (No. 33) An Act respecting the Niagara-Welland Power Company—(Hon. Mr. McMullen).

Bill (No. 37) An Act to incorporate the Western Canada Life Assurance Company —(Hon. Mr. Bostock).

Bill (No. 40) An Act to incorporate the Great West Permanent Loan Company—(Hon. Mr. Chevrier).

Bill (No. 49) An Act respecting the Ottawa, Northern and Western Railway Company—(Hon. Mr. Derbyshire).

Bill (No. 50) An Act to incorporate La Compagnie du chemin de fer International de Rimouski.—(Hon. Mr. Fiset).

Bill (No. 51) An Act to incorporate the Royal Casualty and Surety Company of Canada.

Bill (No. 55) An Act to incorporate the British Columbia Life Assurance Company. —(Hon. Mr. Riley).

Bill (No. 57) An Act respecting the Vancouver, Fraser Valley and Southern Railway Company—(Hon. Mr. Riley).

Bill (No. 59) An Act to incorporate the Victoria and Barkley Sound Railway Company.—(Hon. Mr. Riley).

Bill (No. 61) An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.—(Hon. Mr. Bostock).

Bill (No. 62) An Act to incorporate the Prince Albert and Hudson Bay Railway Company.—(Hon. Mr. Talbot).

Bill (No. 71) An Act respecting a patent of Thomas L. Smith.—(Hon. Mr. Watson).

Bill (No. 76) An Act to incorporate the Canada National Fire Insurance Company.—(Hon. Mr. Chevrier).

SENATE REFORM.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Scott, that it be resolved—

1. That in the opinion of the Senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element, applying it approximately to two-thirds of the number of senators would bring the Senate more into harmony with the principles of popular government than the present system of appointing the entire body of senators by the Crown for life.

3. That the term for which a senator may be elected or appointed, be limited to seven years.

4. That the provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this chamber. That the provinces of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the province of Prince Edward Island into two electoral districts for election to this chamber; and that for the present, and until the four western provinces have been given increased representation in this chamber, that Manitoba, Saskatchewan and Alberta be each one divided into three electoral districts, and that the province of British Columbia be divided into two electoral districts, all for the election of candidates for representation in the Senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience, local interests and county boundaries.

5. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing Senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence, local interests or other reasons.

6. That as vacancies hereafter arise in the representation of the said electoral districts, the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

7. That in order to diminish the expenses attending elections over wide areas, and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of election expenses. Provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising the franchise.

8. That the remaining eight senators in each of the provinces of Ontario and Quebec; the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining senator in each of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, who had not been allotted to any constituency, shall be classed as senators for the particular province at large, and as a vacancy arises in that class, it shall be filled by appointment, as at present by the Crown.

9. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the government, the principle laid down in sections 26 and 27 of the British North America Act shall apply; that is to say, the incoming administration may appoint an additional number of senators, not exceeding nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a reasonable one, but not more than one of the senators to be appointed shall be taken from any one province; and that no more appointments of senators shall be made for that province until a second vacancy has arisen; thus reverting to the original number of senators allotted to the said province.

10. That the senators representing the several provinces be requested to meet and suggest the best mode of dividing the province into senate electoral districts and also the name of the senator who will represent each particular district.

11. That the House of Commons be asked to concur in the proposed changes in the constitution of the Senate.

12. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the union, be so amended as to conform to the foregoing resolutions.

Hon. Mr. McMULLEN—I do not know that I can add very much to the argu-

ments that have been already presented on both sides of this question; the first, very ably and eloquently by the hon. senator from Ottawa (Hon. Mr. Scott), and the reply by the hon. senator from Middlesex (Hon. Mr. Ross). The question of Senate reform has been discussed on the platform in this country from year to year, and a good deal of fault has been found with the work that the Senate does. It is generally supposed that we are a lot of worn out parliamentarians who are turned into a rich pasture to spend the balance of our days, and that we virtually do nothing here. That is the general impression throughout the country. Those who have spoken in the House of Commons in that way know little or nothing of the work that is done in this Chamber. The hon. senator from Middlesex compiled a very extended statement with regard to the work done by the Senate since confederation; but after all the feeling exists that some change should take place in the constitution of the Senate, especially with regard to the number of senators and life appointments. No doubt many people in this country are anxious that senators should be elected by popular vote. I do not know whether it would be in the public interest to make the Senate elective. I do not expect that it would bring better men into this Chamber than we have now. However, it is desirable that the amount of patronage exercised by any government should be reduced as far as possible. No matter what government is in power, it has altogether too much patronage. In some cases it is a source of weakness rather than of strength, because when a senatorship becomes vacant there are many applications for appointment, and when the vacancy is filled there are fifteen or twenty dissatisfied men who become enemies of the government from that time forwards. Therefore, it is desirable, in the interest of the government itself, that they should have less patronage. From that point of view I would willingly consent to some change being made in the direction suggested by the resolution before us. I would also consent, owing to the fact that there is a feeling in the country that some change should take place, whether that feeling is well founded or not, to other changes being made in the constitution of the Upper House. Since I have had the honour of occupying a seat in this House, I can honestly say that the Senate has discharged its duties well and ably both in its committees and in the Chamber. Bills sent to us from the Commons receive very careful consideration, and in many cases important amendments have been made. In 1906 we made 133 amendments to the Bills sent to us from the lower House. As a rule, those amendments were accepted and the Bills became law. You would fancy from the utterances of some members of the House of Commons that the Senate does little or nothing. It is quite evident that they know nothing about what is done in the upper Chamber. If some of those who undertake to criticise the Senate would read the Senate debates and post themselves with regard to the work done in this Chamber, they would not make such a ridiculous exhibition of themselves as they do when they advocate the abolition of the Senate. There is but one intelligent nation of the many blessed with a system of responsible government that is without a second Chamber. That nation is Greece. So far as I can learn, it is the only country whose parliament consists of only one Chamber.

In the face of all this, surely Canadians are capable of deciding what form of government we should have, and it is not complimentary to the fathers of confederation that 40 years after confederation has been consummated it should be said there was no need for the Senate and it should be abolished. I will admit that if the parliament of Canada were blessed with men of the exalted ability, the great statesmanship, the power of dealing with public questions, like the hon. member for Lincoln who sits in the lower House, it might be possible to get along with one Chamber; but we must not forget that Canada, as a confederacy, has been in existence 40 years now, and in all that 40 years the people have been from year to year and from parliament to parliament electing representatives to the House of Commons, and in all that time they have never been fortunate enough to elect more than one Lancaster, the only representative they ever struck upon who was blessed

with the magnificent ability and the exalted statesmanship that enabled him to see that the Senate of Canada was unnecessary and should be abolished. Possibly he can see farther than any of us, but it is amusing, in view of the work done by the Senate, in view of the amendments made here to Bills that had been sent to us from year to year, and in view of the fact that the Commons accepted those amendments and passed the Bills as so amended, that any man would make such an exhibition of himself as to declare the Senate should be abolished. Let us take the year 1907. In that year the Senate made no less than 75 amendments to Bills that were sent here from the House of Commons. That certainly was some work. Those Bills were not in a perfect condition when they left the Commons or they would not have required the amendments. What was the work done last session? There were no less than 125 Bills received from the Commons. We made amendments to 25 of those Bills after we received them here. We rejected four Bills sent from the Commons. Sixty-two Bills were introduced in the Senate, 52 of which were passed and 10 were rejected. Twenty-six of those Bills were amended in the Commons and 25 received the sanction of the Commons without amendment. That shows that there is considerable necessary work done here. Every one of those Bills received careful consideration in this House. From session to session valuable legislative work is done in this Chamber, and, as I said before, those who undertake to criticise the Senate, do so without knowing what they are talking about. When I sat in the House of Commons, in my simplicity I criticised the Senate also. I thought it might be done without. I felt very bitter against it, owing to the fact that it passed the Gerrymander Act in 1882. I thought it should not have done that. I thought it was an opportunity for the Senate to show its independence, but after all it passed the Bill and I felt it my duty as a consequence to criticise the Senate; but since I have come here I have learned a good deal about the work that the Senate does, and I have come to the conclusion that we are not drones. We do not spend the days and hours that we are called upon to sit in this Chamber virtually doing nothing. The great trouble is, that the press of the country take little or no notice of what is being done in the Senate. We have one reporter furnishing a report of the proceedings to the papers, and the newspaper reporters have an opportunity of looking over the items that come up and are discussed in this Chamber and the result has been that from year to year less and less attention has been paid to the Senate and we do not get the notice in the public press that I think we deserve. We are not finding fault. It is the policy of the press to devote their time almost entirely to the House of Commons. Now, in order to show the constitutions, of other countries and other portions of the British Empire, I have in my hand a statement of the different colonies as well as other countries showing how their systems of government are carried on. As we all know, the states of the neighbouring republic are governed under systems of upper and lower houses, as the following table will show:

UNITED STATES OF AMERICA.

Alabama—Senate and House of Representatives.
Arkansas—Senate and House of Representatives.
California—Senate and House of Assembly.
Colorado—Senate and House of Representatives.
Connecticut—Senate and House of Representatives.
Delaware—Senate and House of Representatives.
Florida—Senate and House of Representatives.
Georgia—Senate and House of Representatives.
Idaho—Senate and House of Representatives.
Illinois—Senate and House of Representatives.
Indiana—Senate and House of Representatives.
Iowa—Senate and House of Representatives.
Kansas—Senate and House of Representatives.
Kentucky—Senate and House of Representatives.
Louisiana—Senate and House of Representatives.
Maine—Senate and House of Representatives.
Maryland—Senate and House of Delegates.
Massachusetts—Senate and House of Representatives.
Michigan—Senate and House of Representatives.
Minnesota—Senate and House of Representatives.
Mississippi—Senate and House of Representatives.

Missouri—Senate and House of Representatives.
Montana—Senate and House of Representatives.
Nebraska—Senate and House of Representatives.
Nevada—Senate and House of Representatives.
New Hampshire—Senate and House of Representatives.
New Jersey—Senate and General Assembly.
New York State—Senate and General Assembly.
North Carolina—Senate and House of Representatives.
North Dakota—Senate and House of Representatives.
Ohio—Senate and House of Representatives.
Oregon—Senate and House of Representatives.
Pennsylvania—Senate and House of Representatives.
Rhode Island—Senate and House of Representatives.
South Carolina—Senate and House of Representatives.
South Dakota—Senate and House of Representatives.
Tennessee—Senate and House of Representatives.
Texas—Senate and House of Representatives.
Utah—Senate and House of Representatives.
Vermont—Senate and House of Representatives.
Virginia—Senate and House of Delegates.
Washington—Senate and House of Representatives.
West Virginia—Senate and House of Delegates.
Wisconsin—Senate and House of Assembly.
Wyoming—Senate and House of Representatives.

Great Britain and her dependencies have also two Chambers:

United Kingdom—Upper and Lower House.
Cape Colony—Legislative Council and Assembly.
Natal—Legislative Council and Assembly.
Orange River Colony—Legislative Council and Assembly.
Transvaal—Legislative Council and Assembly.
Canada—Commons and Senate.
Newfoundland and Labrador — Legislative Council and Assembly.
Australian Commonwealth—Senate and House of Representatives.
New South Wales—Legislative Council and Assembly.
Victoria—Legislative Council and Assembly.
Queensland—Legislative Council and Assembly.
South Australia—Legislative Council and Assembly.
Western Australia—Legislative Council and Assembly.
Tasmania—Legislative Council and Assembly.
New Zealand—Legislative Council and House of Representatives.

In South America and other countries the same system is followed as will be seen from the following table:

Argentine Republic—Senate and House of Deputies.
Austria—Upper and Lower.
Hungary—Upper and Lower.
Belgium—Senate and Chamber of Representatives.
Bolivia Republic—Senate and Chamber of Representatives.
Brazil Republic—Senate and Chamber of Deputies.
Chile Republic—Senate and Chamber of Deputies.
Colombia Republic—Senate and House of Representatives.
Denmark—Upper and Lower.
Ecuador—Senate and Chamber of Deputies.
France Republic—Senate and Chamber of Deputies.
German Empire—Bundesrat and Reichstag.
Honduras Republic (I)—Congress of Deputies.
Italy—Senate and Camera de Deputati.
Japan—House of Peers and House of Representatives.
Mexico Republic—Senate and House of Representatives.
Netherlands—Upper and Lower.
Roumania—Senate and Chamber of Deputies.
Russia (autocratic)—Legislative, executive and judicial powers all united in the Emperor.
Spain—Senate and Congress.
Sweden—First and Second Chambers.
Switzerland—'Standerath' and 'Nationalrath.'
Turkey—The will of the Sultan is absolute.

Hon. Mr. ROSS (Halifax)—My hon. friend has omitted Nova Scotia which has two Chambers also.

Hon. Mr. McMULLEN—My reason for saying that some change is necessary in the constitution is simply this: We all hope that the population of Canada will increase rapidly. If it does, what are you going to do with the enormous number of members we will have in the House of Commons? Our population is now something like seven millions. Supposing that in a few years it increases to twenty millions and that the province of Quebec should increase during that time to two millions, then the unit of representation divided into two millions, 65 seats in the province of Quebec, would give to Canada if she had a population of twenty millions about 660 members of the House of Commons. Then, again, supposing we have thirty millions and Quebec should increase to three millions, a tenth of the whole population, we would then have 665 members in the House of Commons. Where are you going to put them? You would have to enlarge the House of Commons very considerably. The unit of representation, in my humble opinion, is altogether too small. There are some few countries that have a representation for every 25,000, and

ours, I think, is down to some 23,500. In framing the Confederation Act I think a mistake was made in giving so many members as were given to the different provinces. It would have been better if they had been given only one-half the number. What is the fact? It is costing Canada to-day more for representation than it does the United States. For instance, in the United States a senator receives $7,500 as sessional indemnity, but he represents within a few of 200,000 electors. That is the average representation of a senator in the United States. In Canada the average representation is about 83,000. That costs Canada $10,000 a year for what it costs in the states $7,500. I think that some effort should be made to bring down the expenses both in the Commons and in the Senate to at least in keeping with the cost of legislation in other countries. Just now it is considerably more than it ought to be, in my humble opinion; but if there should be a change made it should not be with the Senate simply, but should include the House of Commons as well. Reduce their number also if the Senate has to be reduced at all. I agree with the hon. gentleman from Middlesex (Hon. Mr. Ross) that if any change is to take place it must be by a move on the part of each province, sanctioning a reduction of the representation, or sanctioning the election of the Senate in place of their being appointed. If all the provinces passed resolutions calling upon the central authority to make that change, and the central authority here were disposed to accede to their request, and then application were made to the home government for an amendment to the constitution to enable them to carry that out, I cannot see why the will of the people should not prevail in that case as expressed through their representatives; but it is not in the power of the Commons nor in the mouth of any man that sits in the Commons to decide that the Senate should be abolished or made elective. He may recommend it personally as his own view, but for the Commons to undertake to remodel the system by which senators are appointed I think would be a very absurd thing. I do not see that they have any authority whatever to do it. I shall not detain the House by referring at great length to the systems of parliamentary government in use in other countries, but I shall refer to a few of them that, in my opinion, are somewhat similarly situated to ourselves. Take for instance the Commonwealth of Australia: the legislative power is vested in the federal parliament consisting of the King, the Senate and House of Representatives. The House consists of senators, six for each of the original states chosen for six years. In general the Senate will be renewed to the extent of one-half every three years, but in case of prolonged disagreement with the House of Representatives, it may be dissolved, and an entirely new Senate elected. That is the system that has been adopted there. The House of Representatives consists, as nearly as may be, of twice as many members as there are senators, the members chosen in the several states being in proportion to the respective numbers of their people, as shown by the latest statistics of the Commonwealth; but not less than five shall be chosen in any original state. Every House of Representatives continues for three years from the date of its first meeting, unless sooner dissolved. The present House has 75 members, or one to every 54,925 of the population.

Then take the country of Holland. The executive power of the state belongs exclusively to the Sovereign, while the whole legislative authority rests conjointly in the Sovereign, and parliament, the latter called the States-General, consisting of two Chambers. The Upper or First Chamber is composed of 50 members elected (for 9 years and every three years, one-third retire by rotation) by the Provincial States, from among the most highly assessed inhabitants of the provinces, or from among some high and important functionaries, mentioned by law. The members of the Second Chamber are elected directly for four years. The number of the present Chamber is 100, or one to every 51,041 of the population.

Denmark has an Upper and a Lower House. The Upper House consists of 66 members; of these 12 are nominated for life, by the Crown, from among actual or former representatives of the kingdom, and the rest are elected indirectly by the people for a term of eight years. The Folkething or Lower House, consists of 114 members

returned by direct election, and universal suffrage, for the term of three years. According to the constitution, there should be one member for every 16,000 inhabitants. At present there is one for every 22,853 of the population.

Italy has a Senate composed of the Princes of the Royal House who are of age, and an unlimited number of members, above forty years old, who are nominated by the King for life; a condition of the nomination being that the person should either fill a high office, or have acquired fame in science, literature or any other pursuit tending to the benefit of the nation, or finally should pay taxes to the annual amount of £120.

The Lower House consists of 508 deputies, or one to every 64,893 of the population, (census 1901).

Spain is a constitutional monarchy, the executive resting in the King, and the power to make laws, in the Cortes with the King. The Cortes are composed of a Senate and Congress, equal in authority. There are three classes of senators. First, senators by their own right; secondly, 100 life senators nominated by the Crown. These two categories not to exceed 180; and thirdly, 180 senators elected by the Corporation of State, that is, the Communal and Provincial States, the Church, the universities, academies, etc., and by the largest payers of contributions.

The Congress is formed by deputies named in the electoral juntas, in the form the law determines, in the proportion of one to every 50,000 of the population.

In fact, in every state, with the exception that I have mentioned, they have two Houses. Now, whether it would be wise, with the experience of the nations of the earth that are blessed with responsible government, for us, even if we had the power, to abolish this chamber, and commit to the care of the Commons all the legislation of this country, there is a very grave doubt in my mind. I frankly admit that some change is necessary; but I believe that a change is just as necessary in the House of Commons as it is in the Senate, and perhaps more so to meet the wishes and desires and needs of the people, and if any change is made, we had better have a recast of the whole representation as based on the Confederation Act and reduce the number, making provision perhaps for the election of part of the Senate, which system is carried out in other countries. I would personally favour the proposition that the hon. senator from Ottawa has made as a step in the right direction, but I would be glad to see it go further, and provide that the Senate be appointed by the local legislatures or elected by the legislatures rather than it should be appointed by the Crown. As I said before, I want to see the patronage distributed so that the government will not be burdened with the task of filling the different vacancies that take place in this Chamber and in the different departments of the public service. For my own part I would consent to any reasonable change that can be made for the benefit of the state.

Hon. Mr. POIRIER moved that the debate be adjourned till Tuesday next.

The motion was agreed to.

IRISH AFFAIRS.

Hon. Mr. CLORAN—Before the House adjourns, I would like to give notice of motion in regard to the resolution I introduced this afternoon, and which I believe, after all, was properly ruled out of order but, under the circumstances, unfortunately, as the effect on public opinion may not be such as we would wish, I feel it my duty, however, to press that resolution on the attention of the House, and, therefore, give notice to have it considered on Friday next. I may also inform the honourable House that since the discussion of the question this afternoon; I have somewhat amended my motion to meet the views of the large number of my colleagues in this House, who regarad this matter not merely as a local matter but from a national and imperial standpoint, and I also am quite willing to do so. As long as the expression of good feeling goes forth from this honourable body to any portion of the empire, I am quite willing it should do so, no matter under what garb, whether silk, velvet or cotton. As long as the expression is there, I am quite willing to accept it and I am quite prepared to

meet the requirements of the situation in regard to a motion of this kind.

The motion is:

That the Senate of the Dominion of Canada, on the occasion of the national anniversary of Ireland, extend to their fellow citizens of the empire, the Irish people, its sincere congratulations on the progressive and hopeful condition of their national affairs under the reign of His Majesty King Edward VII., and that the hon. Speaker of the Senate be instructed to forward immediately by cable the above resolution to the right hon. Prime Minister of Great Britain and Ireland.

The Senate adjourned till Three o'clock to-morrow.

THE SENATE.

OTTAWA, Thursday, March 18, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MINERAL RIGHTS IN THE TERRITORIES.

MOTION.

Hon. Mr. COMEAU moved:

That in the opinion of the Senate, it is desirable that if any change is made in the boundaries of the provinces of Ontario, Quebec and Manitoba, or any of them, the interests of the maritime provinces should be safeguarded by the reservation to the Dominion, for the benefit of the maritime provinces, of at least part of the mineral rights in the territories added to the first-named provinces.

He said: This resolution is, I think, sufficiently clear to convey the idea intended, so that it is not necessary that I should enter into any extended discussion of the matter. It is proposed that very large territories are to be added to provinces which are already very large; but it cannot be argued that these territories are needed for purely provincial reasons. To-day these territories are a part of the public domain, and it is not at all improbable that they contain very valuable minerals, and the maritime provinces, as joint owners, would benefit at least in an indirect way. Therefore, it is not, in my opinion, unreasonable that if these territories are to be added, especially to the provinces of Ontario and Quebec, that the rights of the maritime provinces should be safe-guarded. I have an idea in my mind how it could be worked out in detail, but I do not propose to go into that. I am quite willing to leave it in the hands of the government.

Hon. Mr. LOUGHEED—I hope my hon. friend will not insist upon asking the Senate to commit itself to the proposition embodied in this motion. It is of a very controversial character, and except my hon. friend who has moved it shows good reasons why this principle should be adopted, we should not be asked to depart from well-established principles in respect to the extension of the boundaries of provinces. I should like to know what my right hon. friend the leader of the House thinks of this extraordinary proposition.

Hon. Sir RICHARD CARTWRIGHT—I am bound to say that on this ocacsion my views coincide very closely with those of my hon. friend opposite. I do not think there is precedent for, or prudence in bringing forward a motion of this kind. I do not intend to discuss it, and for this reason: That while I have the greatest regard for the motives—excellent motives no doubt—which may have prompted the hon. gentleman to bring it forward, I think that, to put it very mildly, the motion would be of a highly controversial character. If the case were gone into, we would have to investigate the relative contributions made by the several provinces to the Dominion, and the expenditures, and a variety of other things which would occupy a very large portion of the time of this House, and I am afraid not to any great profit. If any hon. gentleman is of the opinion that the maritime provinces are unjustly dealt with at this present moment, and is prepared to submit a case on their behalf to the House, I shall be ready for my part to go into the matter and argue the case out; but as the case stands now, it is not in the least degree desirable that the Senate should commit itself officially to any such proposition as that now before us. I would, therefore, suggest to the hon. gentleman who moved it, that the matter had better stand over, unless he is prepared to present a much stronger case than has yet been made out.

Hon. Mr. FERGUSON—I know nothing about this motion further than seeing it on the notice paper. I agree with the right hon. gentleman who leads the House, that. at this stage at all events, it might be very undesirable for the Senate to give expression to any opinion along the line of this motion. At the same time, I am pleased that my hon. friend from Digby has brought it up, because the motion contains a suggestion which I think cannot be dismissed before the final disposition of all these territories is considered. I am not speaking now of any addition made to the western provinces. That is a different thing altogether; but when you come to divide the residue, after you have made up your western provinces, between the two great central provinces who were original members of the confederation, or, if you like to call it, the partnership that bought Rupert's Land—when you propose to give valuable territories, timbers, minerals and all these things away to two of the partners out of those that acquired the west, you require to consider the transaction as it effects the other provinces who were called upon to contribute their share towards the acquisition of these territories. I am glad that the hon. gentleman has brought the matter up. It cannot be said, at all events at this stage, that the suggestion has been made that; but for my own part I would not ask that it should be pressed to a decision now. It has been presented to the House, and the government will have it fully before them when they prepare a Bill on this question.

The SPEAKER—Does the hon. gentleman press the motion?

Hon. Mr. COMEAU—My sole object in moving it was to call the attention of the government to the subject, and having done so I am quite willing to let it drop.

The motion was dropped.

THE INTERCOLONIAL RAILWAY.

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 any petition presented to the Governor in Council; praying that the Intercolonial Railway be placed under the Railway Board, together with all correspondence in connection therewith.

He said: My reason for asking for this information is because I have read in some newspaper that the board of trade of Montreal had presented a petition to the Governor in Council praying that the Intercolonial Railway might be placed under the manaement or jurisdiction of the Railway Board. The reasons given by the petition, as it appears in the newspaper, were that private and special rates were accorded to certain parties in regard to freight. If that be the case, it is a very serious charge to bring against the management of the government railway. We know that the law provides very heavy penalties to be imposed on railway corporations that accord discriminatory rates upon their roads. It is also stated in the article to which I refer, that while this has been done, it places the Intercolonial Railway in immediate competition with the Canadian Pacific Railway so far as the freights that are coming west or sent east as far as Moncton or St. John are concerned. It is also pointed out that while there are facilities and means of obtaining information as to the discriminatory or preferential rates given by other railways to different manufacturers or those who use the railway, that it is impossible to ascertain the facts connected with the government railway, for the reason that the government are not obliged to disclose to any person who might make an application, or even to the court, as far as I know, the manner in which they conduct the business of the railway, while a private corporation would be compelled to disclose their rates and to say whether they gave any preferential rates or not. I remember the argument used by the late Minister of Railways and Canals, the late Mr. Blair, when this question was brought before him, and I think the same idea was thrown out in the Senate a few days ago when this question was under consideration by the present leader of the government, that under responsible government the government of the day was responsible to parliament, and, consequently, that if anything of that kind were done, they would be held responsible.

While that is true in theory, difficulty would arise in cases of this kind by the fact of the impossibility of obtaining information required to make a direct charge against the government. I am not prepared to say that the statements alleged to have been made in this petition are correct. I can scarcely conceive it possible, unless it was done for political reasons, to obtain improper support and influence from influential persons living upon the line of the road or doing business on the road; hence, I thought it would be well to bring this matter under the notice of parliament in order that the government might have an opportunity to deny or explain the allegations in the petition, and also to inform us whether such a petition was presented to the Governor in Council or to the Railway Department, and let the public know what action was taken in the premises. Every one must admit the gravity of a charge of that kind against a public institution, if such I might term it, as the Intercolonial Railway. I saw to-day in the Montreal 'Gazette' a telegram from Nevada in which the Central or Southern Pacific Railway, I forget which, had been brought before the court for giving a rate preference to a sugar industry in California, and that the penalties will amount to about $300,000. It is unnecessary for me to enlarge upon this question. I am quite sure my hon. friend the leader of the government in this House will recognize the impropriety and absolute wrong, if it exists, of discriminatory rates being given to any person doing business with the Intercolonial Railway or any other government railway. I have brought this matter under the notice of the Senate in order that my right hon. friend the leader of the government can make, if he desires. to do so, a positive denial, and ask him if he will lay the petition, if such were presented, on the table of the House in order that we may judge of the charges contained in such petition, and to ascertain what course the government has adopted or intends to adopt under the circumstanstances.

Hon. Sir RICHARD CARTWRIGHT—The government can have no possible objection to bringing down any papers or correspondence that they may have in connection with this matter. I have not myself seen the petition to which the hon. gentleman refers, and I rather apprehend that, if sent at all, it has been sent to the Department of Railways and not placed before the Governor in Council, as yet at any rate. As to the major question which the hon. gentleman has raised, that is to say the desirability of placing the Intercolonial Railway under the control of the Board of Railway Commissioners, he is aware that it is a very much debated question, and that, so to speak, any legal gentleman could argue either side of the case with perfect ease for a sufficient fee. I have not myself, nor I think have the government at present, considered this question sufficiently to know whether under any circumstances it may or may not be found desirable to place this railway under the control of the Board of Railway Commissioners. So long as it remains a department of the government, my hon. friend's long experience will teach him that there is very considerable practical difficulty in making the Intercolonial Railway, which is specially administered by the Minister of Railways, subject to the decisions of the Board of Railway Commissioners, who are, to a certain extent, a part of the Department of Railways and Canals, and who are more or less inevitably under the control of the Minister of Railways. Should the constitution of the Intercolonial Railway be changed, should any material alteration take place in the method of administering it, such as has been suggested in several quarters, then I could see that the question would properly come up for decision, and it is quite possible that under those circumstances it might be found expedient and practicable to place it under the Board of Railway Commissioners, though I desire to be understood as expressing no positive opinion on the subject. I think that on the whole, so long as the Intercolonial Railway is administered by the Minister of Railways and Canals, that the balance of conditions are in favour of leaving it as it is outside of the control of the Board of Railway Commissioners. If any malpractices, such as my hon. friend has hinted at, should arise, or be found, it will be the duty of the government.

beyond all question, to correct them, and it will be the duty of parliament if any charges are preferred to investigate them; but, on reflection, he will agree with me that as matters now stand, it would be a peculiar and possibly dangerous experiment to have the Minister of Railways in one capacity supervising, as he must more or less the Board of Railway Commissioners, and in the other capacity, as you may say, be subject to their authority and direction. There is no objection whatever to bring down the papers, and when we get them we will be in a better condition to discuss them. I agree with the hon. gentleman that it is a question of very considerable interest and importance, and well worthy of discussion.

Hon. Mr. WOOD—There is no doubt that this is a matter which is felt by a great many persons in the maritime provinces as a real grievance, nor is there any doubt that they have not proper facilities for placing such grievances before either the government or any other body in such a way that any effectual remedy may be secured. When the Board of Railway Commissioners were appointed, or when the Bill was passed authorizing the appointment of the Board of Railway Commissioners, I referred to this subject, and moved a resolution in the Senate that the Intercolonial Railway should be included with other railways and brought under the control of the Board of Railway Commissioners. As the right hon. gentleman has just pointed out, there are some difficulties, perhaps, in placing the Intercolonial Railway under the control of the Board of Railway Commissioners to the same extent that the ordinary railway companies are by the Act. I would like to point out to the hon. gentleman, and I trust the government will take the matter into consideration now that they are bringing in a measure referring to the Intercolonial Railway, that in cases such as are referred to by my hon. friend who made this motion, the parties aggrieved have really no practicable remedy. Theoretically, they have the right to bring their case before the minister and through their representatives in the House before parliament, but we all know that this is a very slow, tedious and not very satisfactory mode of proceeding, and in a great many cases, while they may have a clear case and one which requires a remedy, yet they would not succeed in obtaining full justice through a course of that kind. I do not see why questions of this kind which may arise between the governing body of the Intercolonial Railway and the public at large should not be referred to the Board of Railway Commissioners, somewhat in the same way as questions of law are sometimes referred to the judges of the courts for their decision, and that the commissioners might express an opinion upon the merits of such cases, thus facilitating very much the settlement of disputes between the government and those who feel that they have not been fairly treated. It would not give rise to any of the complications which the hon. gentleman fears might arise if the Intercolonial Railway were subject to the Board of Railway Commissioners to the same extent as other railways are. Persons having business dealings with the Intercolonial Railway have always been under the disadvantage that in matters of this kind they have not had the privilege of appealing to the courts. There is no tribunal whatever to which they can appeal, and injustice may occur either through the minister in charge yielding, in a moment of weakness perhaps, to political pressure, or through the indiscretion or want of judgment or favouritism of some of the officials of the road. When a person does suffer through an influence of that kind, there is really no appeal whatever. The only recourse is to bring the matter before parliament and have it discussed, a mode of procedure which very few are inclined to adopt, and which is not likely to be satisfactory. I regret to hear from the right hon. gentleman that this matter has never received the serious consideration of the government.

Hon. Sir RICHARD CARTWRIGHT—Perhaps my hon. friend did not understand me. I did not say the question had not received the consideration of the government; I said that the petition referred to had not been brought before them, so far as I knew.

Hon. Mr. WOOD—I understood the hon. gentleman to say that the question referring matters in connection with the Intercolonial Railway to the Board of Railway Commissioners had never been considered by the government.

Hon. Sir RICHARD CARTWRIGHT—I was not referring to that. I was referring to the petition that the hon. gentleman specially mentioned.

Hon. Mr. WOOD—I only wish to express the hope that the step I have suggested will be taken. This is a matter of very great importance and one which requires a remedy. The government should take the matter up now. If they take it up in the spirit I have indicated, they may work out some system by which at least a number of the questions arising between the management and the patrons of the Intercolonial Railway may be referred to th Board of Railway Commissioners for their decision. If that can be done, it will assist very much in facilitating the settlement of such questions, and settling them in a way that will be satisfactory to the government and to the people concerned.

Hon. Mr. LOUGHEED—My right hon. friend might have presented a somewhat hopeful view to the public in connection with this question by pointing out the process of evolution through which the Intercolonial Railway has been passing during the present session. For instance, we observe some legislation here placing the Intercolonial Railway in the same category as other railways with reference to small actions for damages. There is a further evolution, so to speak, of a remedy being given in those cases by placing the Intercolonial Railway under a commission, subject, however, to the minister. I fancy that this will be followed by placing it finally in commission, and then, finally, if one is to judge of the signs of the times, getting rid of the road altogether, because I notice that the member for Lunenburg the other day lecturing in Brockville, and speaking, I presume, to some extent on behalf of the government—he seemed to be a John the Baptist, the voice of one crying in the wilderness, prepare the way—he announced that the Intercolonial Railway at present was a burden on the finances of Canada, and that the people of the maritime provinces looked forward to the day when it would be placed in the same position as the other railways of the Dominion. That seemed an inspired utterance, and, while I do not presume to speak in a prophetic way, I have no doubt we shall have the government soon bringing down a measure to hand over the Intercolonial Railway to some railway company, carrying out a contract which was probably entered into before the elections.

Hon. Sir MACKENZIE BOWELL—I did not discuss the question as to the propriety or impropriety of placing the Intercolonial Railway under the jurisdiction of the Railway Commission. That I studiously avoided. What I desired to point out was that the charge had been made that improper preferences had been given to certain shippers on the line, and I thought it proper that the question should be brought to the notice of parliament in order that the government might be able either to confirm and give a reason for it, or deny it. My own opinion is that the sooner the Intercolonial Railway is removed entirely from the control of the government of the day, no matter what government may be in power, the better for the country. I had occasion for a few months after the death of Sir John Macdonald to assume the management of the Intercolonial Railway, and from my short experience then I came to the conclusion that if ever that road is to be of real benefit to this country it should be removed, in the public interest and in the interest of the railway itself, from all political influences. It should be taken from the management of those who are governing the country, and who are subject to influences that are constantly brought to bear upon the minister, and which, unless he has more stamina than most ministers have, must yield and do that which he knows ought not to be done. I am not prepared to say that that has not been the case ever since the railway has been under the management of the government, but from what I have seen of late, it is carried on to a

greater extent now than ever before. That is evident from the incidents brought to the notice of the public by Judge Cassels, in the slight and imperfect examination that took place, and I would urge in the interest of the government and of the people the propriety of placing the railway under the management of some authority independent in all respects of the political influences of any government. The sooner that is done the better.

Hon. Mr. FERGUSON—When the Bill consolidating the Railway Act and creating a Board of Railway Commissioners was before parliament, in conjunction with my hon. friend from Sackville (Hon. Mr. Wood) and the hon. gentleman from Belleville (Hon. Sir Mackenzie Bowell), I pressed, as well as I was able, the view on this House and on the Secretary of State who had charge of the Bill, that it was desirable that the Intercolonial Railway should be put under the Railway Board in the same respect as the other railways of Canada. I have not changed my mind except just this far, that I am not altogether satisfied with the work that the Railway Board is doing up to the present time. I suppose fair allowance must be made; they must get matters in hand. It will take some time to get a grip of the whole work that it is necessary the board should have. Up to the present time I fear this has not been the fact, but it may come all right a little later. I notice the ex-Minister of Railways has stated in another place, and has from time to time stated in the public press all over the country, that the Intercolonial Railway furnishes a very much cheaper service—and that applied to the Prince Edward Island Railway as well—than is furnished to the patrons of any other road in Canada, and if it were not for the cheapness of that service the road would be self-sustaining. Of course I am not as well acquainted with the affairs of that road as my friend Mr. Emmerson is. He is in a far better position to speak of it than I am, or any member of this House, but I would respectfully express a doubt as to whether there is such a difference in cheapness. I remember when the late Secretary of State declined in 1903 to accept our views with reference to placing the Intercolonial Railway under the Railway Commission, that I then made a motion that as far as through traffic was concerned it should be placed under the board. I urged this because it was quite impossible for the board to exercise its proper jurisdiction on the company railroads of the maritime provinces unless the link that connected the upper province roads with the lower province roads was also under the board, as far as through traffic was concerned. No attention was paid to our views then; but next session a Bill was introduced carrying out our suggestion as far as that is concerned. As one of those representing the maritime provinces, I have no hesitation in saying that we ought to pay for our railway service just as others pay for the services of other roads, or approximately so. In the interest of the whole people of Canada, there should be fair charges on the government roads, and that would help to wipe out the deficits; but the loss is not, in my opinion, in the lowness of the rates, but in the continual loss that occurs to the public from the use of political patronage in the purchasing of supplies and in the employment of people on the line. I am not going to say that all the blame lies on the present management of the road. The same thing existed in previous years, although I am quite sure it has been accentuated in later years. Recently a commission was appointed to arbitrate under the Conciliation Act, or to investigate some complaints on the part of the freight men in the offices at Halifax. A judge from Ontario, a Mr. O'Donoghue, of Toronto, and some third person were appointed for that purpose. The report, which appears in the 'Labour Gazette,' was unanimous, and was to the effect that the men were not paid as high as others doing similar services on other roads; but they also reported that there were about double the number of men employed that were necessary, and that if the number were reduced in proper proportions the remaining men could be fairly paid for the work they had to do. I am satisfied that is the case all over the Intercolonial Railway to-day. To say nothing about political jobbery in land, a great deal of money is wasted in

the purchase of supplies. If these leaks and drains were stopped, the Intercolonial Railway would make a very much better showing than it does at present. I would hail with the greatest satisfaction the handing over of the road, not as proposed by the present Minister of Railways to a board of four servants of the government to be named by the minister, which would not help the situation in the slightest degree, but to an absolutely independent commission that would conduct the affairs of the railway economically, and would purchase supplies at proper prices and employ only such servants as are necessary to run the road well. I notice complaint is often made that the people of the east are getting an undue advantage in the low rates we have been talking about. I do not agree that that is the case, because the manufacturers are benefiting by it, if there is such a thing. It would be a nice question to say whether the manufacturer in the larger provinces or the consumer in the maritime provinces receive the larger share of the advantage from those rates. Returning to the question of putting the road under the Board of Railway Commissioners, alarm was expressed that that would lead to the rates being put up. I do not understand that that would necessarily be the result. The management of the road, which would be the government, would have then, just like a railway company, to file their freight tariffs. There are two or three provisions in the Railway Act with regard to the filing of these tariffs. The traiff would be one which the owners of the road themselves would revise, and it would receive the sanction of the board, and the board would see that all the customers of the Intercolonial Railway were treated fairly and alike. Their power would prevent discrimination, and that is one particular work for which the Railway Commission would be efficient and where its services would be called into requisition. I am glad the matter is being brought up. There is room for improvement and reform in connection with the management of the Intercolonial Railway.

Hon. Mr. CHOQUETTE—I am a little disappointed to learn that the government does not intend to go further with the Intercolonial Railway than merely appointing a commission to help the minister. I have always been of opinion, and am still more of the opinion now, that the government ought either to sell or lease the Intercolonial Railway to one of the great railway companies or in some other way make it independent of the government. We know the difficulties that members representing counties crossed by the Intercolonial Railway have had. For about fifteen years I represented a county crossed by that railway, and the greatest difficulty I have had was with the railway, even in election times. If the government would divest itself of the control of the railway it would be a burden taken from the shoulders of the country, of the government and even of members representing the people. As to the point raised by the hon. senator from Westmoreland, that the people having grievances against the Intercolonial Railway cannot get them redressed, it is absolutely true. Lately a party came to me—and when I was a member of the other House it was about the same thing—with a good claim against the government, we wrote to Ottawa, and in reply were referred to Moncton. When we wrote to Moncton we received a reply that we must go to Ottawa. Only some weeks ago I had that experience. I wrote to Mr. Butler about a claim which had been placed in my hands by a party at Rivière du Loup. He wrote back that I should send it to Moncton. I wrote the very same letter to Mr. Pottinger, and he replied that I must write to Ottawa. I wrote a sharp letter to Mr. Butler, and he said there was some misunderstanding, and that is all I have heard of it. What happened the other day? A client of mine came to my office and placed with me a good claim of over $1,000. It was in connection with a contract for ties. He also saw my partner, the local member for Bellechasse. After having written to Ottawa and Moncton some ten times on the subject, they replied that they were looking into the matter, but giving no good reasons for the delay. My partner decided to proceed by petition of right. He prepared an application, and brought his client from Rivière du Loup to Quebec and had it sworn to and then forwarded it to the Minister of Justice. The Minister of Justice

wr te that he had referred it to Mr. Butler. Mr. Butler took his time to answer it. I do not blame him for that; perhaps he has not had time to look into it. At all events he did not answer it. I went myself to the Department of Justice and asked what was the matter. I asked their opinion, whether the petition of right was good, and they replied: 'We cannot say anything; we have to refer that to the Department of Railways.' They showed me a copy of the letter they had written to the Railway Department to ascertain what they were to do with it, and they had received no answer. I went myself and saw Mr. Butler. He knew nothing about it. He sent for the papers, and found the letter from the Department of Justice, and remarked: 'I will have to send that letter to Moncton.' It was sent to Moncton about fifteen days ago, and I have heard nothing more about it. I say it is a shame and a disgrace to be treated in such a way. The claimant in the case I mention has a good claim. If the government is going to keep the railway, it ought to put the road on the same footing as respect to claims as any other railway, so that if anybody in a district crossed by the line has a claim he may take it to a court in the district and get a petition of right from the judge and have it investigated at once, and not be sent from Ottawa to Moncton, and from the Department of Justice and to the Railway Department, and in the end find that he can get no answer. I know of a case where a man had a good claim two years ago and filed a petition of right. A member of the House of Commons was the lawyer. Up to the present time he has never received an answer. These are facts, and if it were only for the reason that claimants should get justice, the government should get rid of this railway, thereby removing a burden from the people of Canada and saving the country from deficit after deficit. The Intercolonial Railway has always been a burden, and will always be a burden so long as it is controlled by the government. When the Liberals are in power they treat their friends as the Tories used to treat their friends. I may state a case to show how the government is acting. I do not say that it is their fault, but it is because the Intercolonial Railway has been a burden under the Tory regime and about the same thing under the present government, and we cannot help it so long as the government hold the road. Some fifteen months ago I was on a train going to Montmagny in a hurry. Between two stations the train was stopped. After waiting about half an hour I asked the conductor what was the matter. He said there was no steam. I went on to the engine and asked the engineer and he said: 'We have no steam. It is not coal we have, it is stone.' At the next station I telegraphed that fact to Ottawa in order that they might know how things were going. I mention these facts in the hope that the government will go a little further than to appoint a commission, and if possible get rid of the railway, or at least do things in such a way that people with good claims against the government can have them dealt with.

Hon. Mr. POWER—I do not care to express any strong opinion on the resolution moved by the hon. senator from Belleville; but the remarks made by the hon. gentleman who has just taken his seat suggest to me that if the government decide that they are to continue in control of the Intercolonial Railway, it is absolutely essential that they should deal with it as a company would. It should be managed by a general manager who would have executive power, and feel that he was not bound to refer every trivial matter to headquarters. I have not a word to say against Mr. Pottinger. He is a gentleman of the highest character, and has been doing his duty according to his lights to the best of his ability; but Mr. Pottinger has always been under political heads, and he learned at an early date in his official career that, when under an official head the wise course was not to do anything until he had been instructed by his political head what to do. The consequence is, that neither at Moncton nor at any of the stations of the Intercolonial Railway can business men have questions settled as they should be and as they are settled on company roads. I do not know what the intentions of the government may be, but I see in a speech made in another place by the Minister of Railways, some-

thing was said about appointing a board. There is a fourth member of the board whose identity is not indicated. I hope that the fourth member of the board may be a capable general manager, who will be given the same power that general managers on other railways possess. I do not mean to say that then the Intercolonial Railway will be a paying property, but, at any rate, it will be much more likely to pay than under present conditions.

The motion was agreed to.

COMPLAINTS AGAINST LAKE ST JOHN COLONIZATION SOCIETY.

MOTION.

Hon. Mr. TESSIER 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 charges, complaints made by Mr. Joseph Girard or others to the Prime Minister or any member of the government against the Lake St. John Colonization Society.

He said: My reason for asking the production of the papers is that the public in the district of Quebec and in the district of Lake St. John are very anxious to know why the annual government grant to the society has been withdrawn. In answer to an inquiry which I made the other day, the leader of this House told me that no complaints had been received against the society by the Department of the Interior; and it has been said in another place that this subvention or grant had been withdrawn on account of well-established facts, and, moreover, it has been insinuated in another place that this society had meddled with politics, and that seems to be the reason for the withdrawal of the grant. Now, after these utterances, many members of this society and their friends are naturally very anxious to know what complaints had been made against the society, and who made these complaints. I happen to be connected with that society with my hon. friend from Grandville, and we know that the society has done very good work. Its secretary was Mr. Dupont, a very active man, who is now an esteemed officer of this government, and this society has pursued its work in connection with the Lake St. John Railway, whose manager and moving spirit was Mr. J. G. Scott, a patriot who had done a great deal more than anybody, probably, for the progress of the district of Quebec and for the progress of the valley of Lake St. John, a man whose services have been fully appreciated by the public, although they had not been deservedly appreciated by the government. I know that this society has brought thousands of immigrants to that district over the Lake St. John Railway, and since they have been deprived of their grant and rendered unable to pursue their work, that district has greatly suffered and the work of settlement in that region has entirely stopped. As far as meddling in politics is concerned, I can say that this society has never done so, but it has refused to serve as a tool in the hands of the sitting member. I am anxious to see the papers to learn why the society has been deprived of the grant, and I may have something to say when the papers are produced.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the address.

The motion was agreed to.

PUBLIC WORKS IN CHICOUTIMI AND SAGUENAY.

MOTION.

Hon. Mr. CHOQUETTE moved:

That an humble address be presented to His Excellency the Governor General; asking production of all complaints made to the government about the manner in which the amounts intended by the government for public works were spent in the counties of Chicoutimi and Saguenay and in the region of the Lake St. John.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

GEORGIAL BAY CANAL REPORT.

Hon. Mr. DE BOUCHERVILLE—May I inquire of the government if we are to have the report of the Georgian Bay canal very soon?

Hon. Sir RICHARD CARTWRIGHT—I will make inquiry as to that.

CORRECTION OF JOURNALS OF THE HOUSE.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to call the attention of the officers of this House to an irregularity in the votes and proceedings of the 5th March. If I remember correctly, I made a motion that day to the effect that the Minutes and Proceedings of the Senate of Canada, of the second and distinct sitting on July 17, 1908, be now read at the table. My motion was carried, and the Minutes and Proceedings of the Senate for that day were read at the table, and when they were read, the error that I desired to point out had been corrected, so that there was no necessity to make the second motion; but the first motion was made and carried, and I think it should therefore appear on the Minutes and Proceedings of the House. It might be corrected in the Journals.

A QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I desire to direct the attention of the Senate to a report of the proceedings yesterday which appeared in the 'Citizen' this morning under the heading 'The 17th in the Senate.' After nearly a column of humorous comment, I find the following paragraph:

> Half an hour afterwards Senator Cloran might have been seen in close conversation with Sir Mackenzie Bowell, whose face was a study of good nature. The result of their little conference was an amendment of the resolution, and when Senator Cloran moves it again, which, by the way he cannot do until Friday, it will read as follows:—

The inference to be drawn from the paragraph is that hon. Mr. Cloran and myself agreed upon an amendment to the resolution. I am not aware that because the hon. gentleman and myself were not pulling each other's hair or quarrelling, or because I happened to look good-natured, that therefore we agreed upon the resolution which he proposed to present to the House to-morrow. I do not wish it to be understood by the readers of this paper or any other in the country that the hon. gentleman and myself agreed upon any resolution on the subject. I will just add that the conversation between the hon. gentleman and myself was of a friendly character. He tried to convince me that it would be of a great advantage to Ireland and to the world generally if a resolution of that kind were passed unanimously by the Senate. That idea I combatted, and in sustaining the position I took, I called his attention to the debate which took place in the House of Commons where the Irish Secretary had used language which was more bitter against certain parties in Ireland to-day than it has been for many years, and I added this: that the language was more severe than had ever been used by any orangeman. My hon. friend laughed at it, and we discussed this matter probably freely and good-naturedly, as he will admit, but I did not concur in any view he advanced in connection with this subject. I think it is a very great mistake to introduce questions of this kind which are of a somewhat religious, controversial character, that may lead to discussions which, to my mind, will not be beneficial to the individual, certainly not to Ireland or to England or to the country generally.

THIRD READING.

Bill (No. 36) An Act respecting the Southern Central Pacific Railway Company. —(Hon. Mr. Young).

TILSONBURG, LAKE ERIE AND PACIFIC RAILWAY COMPANY BILL.

Hon. Mr. WILSON moved the third readinging of Bill (No. 41) An Act respecting the Tilsonburg, Lake Erie and Pacific Railway.

Hon. Mr. BEIQUE—In connection with this Bill, it is my duty to call the attention of this honourable House to this fact: This Bill came before the Standing Committee on Railways, Telegraphs and Harbours on Wednesday of last week. Certain parties came before the committee and objected to one clause of the Bill, and it was decided by the committee that the Bill should stand until a decision was arrived at on a petition which is now before the Board of Railway Commissioners in connection with this Bill. The petition has reference to this: Under the Railway Act the location plans have to be filed. They have to be approved by the Railway Board,

and notice of the approval of the plans has to be given. Section 192 of the Railway Act says that the filing of the plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all parties of the lands which will be required for the railway and works. The date of such deposit shall be the date with reference to which such compensation or damages shall be ascertained. It appears that the plans had been deposited and notice had been given some three or four years ago, and the company has not proceeded with the expropriation of the lands, and the railway goes into an important part of the city of Stratford and the owners of the land are prevented from making any improvement on their property, because they are subject at any time to be expropriated and to be paid only for the value of the land as it stood at the time the plans were deposited. The petition has been presented to the Railway Board asking that these plans be cancelled. As I have stated, the committee came to the conclusion that it would be better to leave the Bill in abeyance until a decision was arrived at on this petition, with the understanding, however, that the parties interested in opposing the Bill would urge on the Railway Board the necessity of a decision being arrived at as early as possible. Now, the same Bill came before the Railway Committee on Wednesday of this week, and without it being noticed by myself as chairman or by any body else that it was merely an extension of time that was demanded, the Bill was passed, but it was passed under a misapprehension, and I think the House should keep faith with the parties interested and therefore send the Bill back for further consideration. I move that the Bill be referred back to the committee for further consideration.

Hon. Mr. DAVIS—I want to say a word with reference to this matter. I cannot for the life of me see why this particular Bill should be selected to be held back in a case of this kind. If there is anything wrong about the filing of plans, that has nothing to do with the Bill. If these people ask for an extension of time, they probably have as good a right to that extension as a hundred other people, and I do not see why they should be held up on account of something about the filing of plans. The Canadian Pacific Railway and other corporations have had Bills passed through the House where the same questions might have been brought up. We had the same thing in regard to the city of Edmonton some time ago with reference to the filing of plans. Under the law, when a plan is filed, if it was filed five years ago, the corporation who is taking over the land take it at the value of the land as it was at the time the plans were filed. People complain that plans are allowed to be filed and they remain filed there five years while property that is not expropriated and paid for increases in value and the owners do not get the increase. The railway corporations get the value of the increase simply by filing the plans and the owners loose it.

The SPEAKER—As I understand it, the ground on which the motion was made by the chairman of the committee is that there was an understanding that this Bill should stand, and that it was passed through the committee by mistake.

Hon. Mr. WILSON—We have the statement from the Chairman of the Railway Committee that there was a consensus of opinion that the Bill should stand. I agreed that far—that the Bill should stand, but no time was fixed when further consideration of the Bill should be taken up. I object most strongly to the statement made by the chairman of that committee. I was there, and I think I will be able to show that we were prepared on the following day with our solicitor there to meet all the objections raised to the Bill, and we had no opportunity to do so.

Hon. Mr. DANDURAND—If the hon. gentleman will allow me to add a word: There is no question that the committee decided to adjourn the Bill in order to allow the opponents of it to obtain a hearing and decision from the Railway Board upon their demand to annul the registration of the plan on their lands. No date was fixed at that moment when the Bill would again be taken up, but the parties were dismissed with the statement that the committee

would wait for them, provided they exercised due diligence. Now they were not notified how long the committee would wait; but I am quite sure that they were entitled to believe that they would be given more than just one week. I do not know if they were given the full week. I think it was Friday to Wednesday, but nobody seemed to remember why we had adjourned this Bill, and it passed without anybody suggesting that a delay had been granted to those parties.

Hon. Mr. WILSON—No one would remember it from the fact that there was no definite statement made that this Bill should be adjourned in the manner in which the hon. gentleman said.

Hon. Mr. DANDURAND—There was no date fixed. The parties were not told they would be given two weeks or four weeks, and were only told to hurry up and obtain from the Railway Commission a decision on their demands. As no one has raised the question and reminded the committee that we had given the opponents some time to obtain a decision, I think it is but fair, without going at all into the merits, that we should notify them that the Bill will be taken up again in committee at a certain date?

Hon. Mr. WILSON—I am very sorry indeed that I have to call in question the memory of the hon. gentleman who has just spoken, because I was at the committee and heard every statement. I appealed to the committee to pass the Bill. They objected to it, on account of what? On account of a certain note which had been given to the hon. leader of the House by another hon. member of the committee. I have yet to learn why we should be asked to refuse the Bill on the bald statement that the parties had got a charter, and had been holding up the land for several years, and that further delay would interfere with the sale of those lands. I saw no statement of that, except what was read by the chairman, and I knew nothing of the nature of the statement. It did not come to me from the party who objected, nor from the gentlemen who had the notes from those parties stating that they were going to raise objection on those grounds. It was read by the Chairman of the Railway Committee, and was sent to him by an hon. gentleman of this House. They knew I had charge of the Bill and was responsible for the legislation, and yet I received no notice and no consideration. I was not informed that anything of that kind was coming before the Railway Committee, and I therefore had not an opportunity of having the solicitor who had charge of the Bill there. I would hardly expect, and had no reason to suppose that this Bill, which is similar to a hundred other Bills on the Order Paper which have gone through the Railway Committee, would be opposed. Why should I consider it would be necessary to come there fortified in a different manner? I was not upon that Railway Committee, I had no opportunity of doing anything in reference to this Bill until five minutes before. When the question arose, should we or should we not proceed with the Bill, and I moved the Bill, the chairman said he had a note and graciously and kindly read that note. Had he told me anything about his having the note and that it was going to be contested? Nothing of the kind. He read the note and what did he say? Because the company had registered their plans, therefore the people of that locality were held up and had not an opportunity of disposing of their lands. Was that a reasonable course to pursue? Was that a fair consideration of the Bill that was being discussed before the Railway Committee? Had I an opportunity of knowing that it was going to be contested, I certainly would have had the lawyer there who had charge of the Bill, but I had no opportunity to do that. On the next day, this Bill came up and I had my solicitor there but not one single word was raised by the chairman and no objection was made to the passage of the Bill.

I had Mr. Lister there ready to give reasons why this Bill should become law. I found no opportunity for so doing, and now I am told 'we rushed the Bill through.' We rushed it through, why? Because it was a just, upright and honest Bill, similar to hundreds of others that had passed that committee time and again. If you look to the record of the committee, will you find that there has been a single Bill objected to on account of the plans being registered? Nothing of the kind. There

is some other reason why this course is being pursued. That is very evident. Let us consider carefully why this Bill should pass in its present form. The company ask for nothing more than others have asked and received. I have yet to find any objection to the Bill except that it is holding up the lands there. This municipality is the only one that is objecting, and I ask what right have they to prevent the road from being constructed from Ingersoll northward one hundred miles? The only objection they can state is that they have not had an opportunity to sell their lands, and that lands have increased in value. No doubt the value has increased, but it is because the railroad has enhanced the value. The people felt satisfied when the plans were registered that the road would be built, and they wanted higher prices for their property than they could have otherwise received. If my hon. friend, the chairman of the committee, is so solicitous to deal fairly and honestly in this particular case, why did he not ask whether there were plans registered in the case of other companies Bills which have come before that committee, and why did he not ask whether these other companies were holding up lands? There must be some other motive behind this opposition. I ask had not every one an opportunity to consider the Bill and was it not considered? The individual who came there to oppose the Bill knew what was before the committee, because when the question was raised as to whether the Bill should pass on that occasion I distinctly stated that I had no objection to the Bill being deferred for further consideration. I have to learn that there was that consideration to see what the government was going to do. I can understand that was the only objection raised by the hon. senator from Hastings. He was the only one who gave a reason why the Bill should not pass. That was, the fact that the Minister of Railways was bringing in a Bill which would prevent railroads from holding lands longer than two years, and that at the expiration of two years from the filing of their plans and specifications, the lands should be released from any cloud which the registration might cause. He offered that reason,

Hon. Mr. WILSON.

and we now have the Bill to which he has referred. Does my hon. friend the chairman wish to prevent this railroad from being constructed? It is not in his locality or he would not have that objection, perhaps. It is an important road, running from a port on Lake Erie, where there is a large traffic between the people of the United States and Canada, through Ingersoll, and thirty-three miles of the line has been constructed. It is not a paper road similar to many passed by the hon. chairman during the present session. This road will be built. I wonder my right hon. friend the leader of this House is not looking after it. Formerly we had only three or four dollars of revenue from Port Burwell; now we have three to four thousand dollars revenue on account of duties collected on coal. I wish the chairman of the Railway Committee would tell me who are objecting to this? Are there any others objecting? Have any others along the line of the railroad objected to the construction of the road? If he will tell me there are, then I will postpone my further remarks.

Hon. Mr. BEIQUE—I read to the committee a letter from one Mr. Macpherson, which had been addressed to the right hon. leader of the government in this House, taking exception to the time being extended for construction, unless the owners of the properties were protected as against section 192 of the Railway Act, and there was a party present who raised the same objection on behalf of, I believe, the land owners of the town. As far as I am concerned I did not go into the merits of the question at all, but the committee and the House should respect an understanding when it is arrived at. I repeat that when the Bill was called yesterday, it was called as the result of a misapprehension, and neither I nor anybody else noticed that it was the Bill with regard to which this understanding had been arrived last week. The parties should have been notified. Not only were they not notified, but I am informed that the chairman of the Board of Railway Commissioners had been absent and is expected to arrive to-morrow in the city, and the matter is being pressed for hearing on the question which is now before the Railway Board.

Hon. Mr. WILSON—I asked what the ground of their objections were. Was it anything outside of the increased value of land in the town through which the railway is to run?

Hon. Mr. DANDURAND—I would ask my hon. friend to limit his remarks to the keeping of faith with parties we dismissed under certain circumstances.

Hon. Mr. WILSON—My hon. friend knows I have grave doubt as to what was or was not stated. I was there and ought to have heard everything that was said, and, therefore, I do not think my hon. friend should expect me to confine myself to that. I am confining myself to the question why this Bill was held up, and why the charter was removed.

Hon. Mr. DANDURAND—There were 35 or 40 members of the committee present at the meeting, and there must be at least one of them who would have the same doubt the hon. gentleman has. If there is one of them who will rise to say that that was not an understanding I should like to hear him.

Hon. Mr. WILSON—That is a very unfair way of putting it. I am surprised that a lawyer should attempt to force down my throat reasoning of that kind, which would shut off any remarks I have to make. It is not fair or just. I know the statements that were made there. I felt that I should let the Bill stand over for some future time. It did stand over. I was not notified that the Bill was not to come up. I had my lawyer there and why, I ask, if these people are so aggrieved were they not there? They knew perfectly well that the consideration of the Bill was adjourned. They knew it was their duty to be present and they were not there. They wrote one or two reasons, and the chairman cannot give me one reason, outside of the holding up of the land, which prevented them from selling their property. Let us see how badly they will hold these lands up. I have made inquiry of some members of the committee, and they did not hear the statement that my hon. friend has mentioned. In the consideration of this Bill in the House of Commons we find that the following remarks were made by the hon. Minister of Railways:

There is another point I want to deal with, of great importance to the railway companies and the people, particularly in sections where railway construction is taking place. On all these points I am open to discussion and conviction. The law, as it now stands, provides that if plans are filed for the location of a railway, no matter how long a time may elapse between the filing of these plans and the taking over of the property, the value of the property shall remain at the price it was when the plans were filed. Let me illustrate. In a section of country where a railway is to be constructed or a charter granted, the company may proceed to file plans. The companies have their charters renewed. They may have had their plans filed in a certain locality and ten years may elapse before they proceed to take possession of the land for the right of way. The law intended that the land should not increase in value owing to the expected building of railways. It was intended to protect the railways to that extent. But circumstances often arise in which the land increases in value very rapidly, independent of the railway going there, and it hardly seems fair that a company should have the privilege of tieing up the land or keeping it at this high value ten or twenty years before they intend building the road, while the property all around is increasing in value. I propose to say that two years will be allowed after filing of the plans for the railway to obtain a title. That two years corresponds with the time given the railway companies by this House for the expenditure of 15 per cent of their charter. After two years they have to come back and get their charters renewed. I thought it would be fair to make these periods concurrent. I would ask the committee to place a clause in the Bill saying that the price of property shall remain as at the time the plans were filed, provided the company obtains titles to these lands within two years of the filing of these plans. That situation has arisen in some parts of Canada, and I think it is but fair that we should apply the remedy, but whether this would be that remedy or not, I am not prepared to say. That is a clause I have inserted in the Bill, and at present I think it need interfere with no person.

He there points out that when a railroad charter is extended for two years, the plans remain filed for that length of time, and at the expiration of the two years the plans would lapse. My hon. friend says that ten years may elapse, but we do not grant charters for ten years at any one time. They are given for two or three years and renewed. In every instance, the company is required to commence work within a certain time and to complete the construction within a fixed period, and if plans are filed they lapse at the time the charter would lapse. Have we had any evidence here that the lands increased in value without the advantage

the construction of the road would confer on the locality? No, it was on account of the construction of the road that the lands enhanced in value. I have already suggested and I suggest now, that the people owning the property are amply protected by the Board of Railway Commissioners. Cases have been brought before that board where people undertook to charge a larger amount than they ought to have demanded for their lands, and the board felt it their duty to fix reasonable prices on the property. Feeling strongly in the matter, I claim that this resolution is not just or fair to the promoters of this railway. The Canadian Pacific Railway is back of this road, having purchased it. It is constructed from Port Burwell to Ingersoll and is being run in the interests of that locality. That section of the country has been for many years without a railroad. The Tilsonburg and Port Burwell Railway was constructed to provide necessary accommodation. The people contributed their proportionate share of $250,000 for another line, but it was too far out of the way. Are the people of one village to be allowed to hold up this line and deprive a large section of the country of railway facilities? It would be most unfair to all the rest of that one hundred an thirty odd miles to gratify the wishes of a few people in one village. It would be unreasonable and unfair to pursue such a course. If there be a disposition to send this Bill back, I am done with the railway committee so far as this measure is concerned, because I have yet to see any justification for the action they have taken. Why should this one Bill be treated in a different way from hundreds of others that have been passed by the Railway Committee? Are we of the western section not entitled to the construction of roads just as well as the people of other sections? Are we to be denied railway facilities, because one or two people in a town stand in the way in order to sell their lands at an enhanced value? Everybody knows that the Canadian Pacific Railway is anxious for the construction of this road in order that they may convey coal from mines on the United States side, northward. It is a line which we should favour, and, indeed, which we should bonus, because it is opening up the country and doing a good service for Canada. The charter ought to be granted in the general public interest and particularly in the interest of the section through which it is being constructed. That is my last appeal. I have made the desires of the people I represent known, and if their wishes are not granted they will ask why this exceptional treatment is being meted out to them.

Hon. Mr. POWER—I always am most anxious, when it is at all possible, having due regard to one's conscience, to support the hon. gentleman from St. Thomas; and I wish now to tell the hon. gentleman why I cannot in the present instance do so. I shall not go over what took place before the Railway Committee, because that is irregular; but I happen to know these facts from various sources. I ask the hon. gentleman to put himself in the place of the people who came here from the city of Stratford—complaining that their property ——

Hon. Mr. WILSON—May I ask how many are objecting to the construction of the road?

Hon. Mr. POWER—If there was only one objection, that objection has a right to be heard under the circumstances of the case. Let the hon. gentleman put himself in the place for the owners of property at Stratford. This railway company was incorporated several years ago. I think it was five years ago they had this property valued. Naturally the value of property has enhanced considerably since that time. These gentlemen allowed their charter to lie dormant for five years while the property they were going to take kept increasing in value. If the hon. gentleman were one of those property owners, he would feel that he had at any rate a right to be heard before the committee. A representative of the property owners, and I think also of the city of Stratford, appeared and asked that further action should be postponed until the Railway Commission to whom the property owners had appealed should have had an opportunity to deal with the matter.

Hon. Mr. WILSON—Will the hon. gentleman point out to me when and where that took place?

Hon. Mr. POWER—I am not going to do that, because it is improper to mention what took place in the committee. I had that information outside of the committee, from the representative of the property owners in Stratford. The chairman of the Railway Commission happened to be on duty out in Manitoba, and, I understand that he is expected in the city to-day or to-morrow. I understand also that the secretary of the board has intimated that this matter will be brought before the board almost the first thing on the return of the chairman of the board.

Hon. Mr. WILSON—How was it understood?

Hon. Mr. POWER—I am stating now what the representative of the property owners says. The members of the Railway Committee were informed of the facts substantially as I have put them. Having that information, and, as I understand, without any objection on the part of the promoters of the Bill, the committee decided that the matter should stand over until the Railway Commission would have had a chance to deal with this question.

Hon. Mr. WILSON—I raise the point of order that the hon. gentleman is stating what was not stated, so far as my recollection is concerned, and I have as good a memory perhaps as he has. Such a statement as that was not made by any one but the hon. senator from Hastings. The hon. gentleman said there was a Bill before the House of Commons, introduced by the Minister of Railways, which would cover this point.

Hon. Mr. POWER—I am not going to enter into a discussion as to the relative accuracy of the hon. gentleman's memory and mine, but there are various members of the committee present who know which of us is giving an accurate report of what took place. It seems to me that the hon. gentleman, who has a strong sense of fairplay, is one of the last members of the House who would try to take advantage of a mere technicality, as this really is. The hon. member, I have always understood to contend that the citizens of this country should have every opportunity of being heard before their rights were dealt with. Perhaps I have misapprehended the hon. gentleman. Perhaps he is not that kind of man. Perhaps he would sooner take a small advantage of a neighbour, but I do not think so, and I hope to be able to continue to entertain the high opinion of the hon. gentleman which I have held up to the present time.

Hon. Mr. WILSON—If I want a certificate I will ask the hon. gentleman for it and pay him for it.

Hon. Mr. POWER—The hon. gentleman ought to be grateful for the certificate he has got. The position is just this: the hon. chairman of the committee explains that through a mistake this Bill was passed at the last meeting of the committee, and it came up here for third reading. Surely this House is not going to take advantage of an error of that kind. I still do not think that the hon. gentleman from St. Thomas proposes to insist that this Bill shall be read the third time now. It is something I should not expect of him. I have a great deal of confidence in the members of the Railway Committee. I want to say this to the hon. gentlemen, that at the present moment I have no idea how I shall vote if this matter comes up in committee, but it ought to be allowed to go to the committee; and the hon. gentleman may trust the members of that committee and certainly can trust the House when the Bill is reported, to do justice to all parties, and that is all he ought to expect. I hope he will not insist upon his motion.

Hon. Mr. OWEN—I wish to confirm the statement made by the chairman of the Railway Committee, and also the statement made by the hon. senator from De Lorimier. The matter as stated by the hon. senator from De Lorimier is exactly in accordance with the facts that took place at that time.

Hon. Mr. WILSON—Well, then, I must by telling what is not true.

Hon. Mr. OWENS—No. The hon. gentleman's memory has evidently failed him. It was brought out that this company had filed plans with reference to certain properties in the city of Stratford. They had taken no action upon it. This cloud re-

mained over the property, and properties in that portion of Stratford increased in value, not because of the railway, but on account of a general increase in values in the town. The property increased to that extent, and being a residential portion of the town, there was very great objection to the railway being located there, and when the railway company ask for an extension of time the owners of the property came forward very fairly and wish to have that cloud removed from their property. They have appealed to the Railway Commission on the subject, and it was with a distinct understanding that the committee was to await the report of the Railway Commission that this Bill stood over. It was purely by accident in some way that the Bill was passed. Therefore, I will support the motion of the chairman to refer it back to the committee. If the case reported by the hon. gentleman from St. Thomas is such a straight one, why does he object to having it sent back and discussed before the Railway Committee?

Hon. Mr. WILSON—I wish to make a personal explanation. I am charged with making a misstatement, and I am contradicted, and it is stated that what I said was not a fact.

The SPEAKER—I did not understand that.

Hon. Mr. WILSON—I understood that distinctly——

The SPEAKER—The hon. gentleman said he thought the hon. member's memory was at fault.

Hon. Mr. WILSON—And as mover of this motion I suppose I have a right to reply?

Hon. Mr. GIBSON—I was going to suggest that as this Bill has already passed the Railway Committee, what harm can it do to my hon. friend from St. Thomas to agree to defer the second reading for ten days? That would get over the difficulty.

Hon. Mr. DANDURAND—Oh, no, send it back.

Hon. Mr. WILSON—It appears that this amendment——

Hon. Mr. POWER—The hon. gentleman has spoken once.

Hon. Mr. WILSON—I spoke for the second reading of the Bill.

Hon. Mr. DANDURAND—Oh, no.

Hon. Mr. WILSON—I have not spoken to this amendment.

The SPEAKER—I do not know what the hon. gentleman has spoken to, but I know that the amendment was before the House when he was speaking, and, therefore, I must correct him in regard to that. The question is on the amendment.

The amendment was carried.

THIRD READINGS.

Bill (No. 42) An Act respecting the Toronto, Niagara and Western Railway Company.—(Hon. Mr. Beith).

Bill (No. 53) An Act respecting the Walkerton and Lucknow Railway Company.—(Hon. Mr. McMullen).

Bill (No. 58) An Act respecting the Vancouver, Westminster and Yukon Railway Company.—(Hon. Mr. Bostock).

Bill (No. 25) An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Fort William, Ontario. —(Hon. Mr. Watson).

HUDSON BAY AND PACIFIC RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. WATSON moved the third reading of Bill (No. 43) An Act respecting the Hudson Bay and Pacific Railway Company.

Hon. Mr. WILSON—I would like the hon. gentleman to explain whether this is a fresh charter, or whether it has been renewed from time to time? If it has been renewed, have they filed their plans and specifications and located the lands along which the road is to be constructed? If they have done so and they are asking for a renewal of the charter, I would like to know from the hon. gentleman whether anybody on the line is objecting to the construction of the road, and whether the lands along the line have increased in value? If so, we had better let the Bill stand over until such time as the Railway Commission decides that it

is not prudent to grant an extension of time. We had better wait till the Railway Commission is fully seized of all the facts in connection with it.

Hon. Mr. WATSON—I think the members of the House, particularly the members of the Railway Committee, are aware of the fact that this is a renewal of a charter giving an extension of time. I am not aware that any plans have been filed or right of way acquired. I can assure the hon. gentleman that no property has been tied up by these people, as was the case with his charter. They do not run through any valuable property, and I have heard no complaints about the right of way.

Hon. Mr. WILSON—What was the date of the original charter?

Hon. Mr. WATSON—1896, I think.

Hon. Mr. WILSON—Then it must have been renewed?

Hon. Mr. WATSON—I said it was renewed.

The motion was agreed to.

GUELPH AND GODERICH RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. McMULLEN moved the third reading of Bill (No. 37) An Act respecting the Guelph and Goderich Railway Company.

Hon. Mr. WILSON—Would I be permitted to ask some questions with reference to the renewal, and whether plans and specifications have been filed, whether the lands have been increased in value on account of the natural increase in value of property, or whether the lands have been increased in value on account of the charter granted?

Hon. Mr. McMULLEN—The hon. Speaker shut me off by pronouncing the motion carried, and I do not wish to break the rules of the House by saying anything now.

The motion was agreed to.

CANADIAN, LIVERPOOL AND WESTERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. McHUGH (in absence of Hon. Mr. Mitchell) moved the second reading of Bill (No. 44) An Act to incorporate the Canadian, Liverpool and Western Railway Company.

Hon. Mr. DAVID—We do not affirm the principle of the Bill in adopting the second reading.

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

RAILWAY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself again into a Committee of the Whole on Bill (No. 21) An Act to amend the Railway Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—My hon. friend opposite wanted to say something about this Bill.

Hon. Mr. FERGUSON—It will be in the recollection of hon. gentlemen, that when we were in committee before on the two or three last sections of the Bill, that I raised some objection to the repeal of the schedule. Since that time, I have been favoured by the Deputy Minister of Railways, Mr. Butler, with very full and ample explanations with regard to this subject. He took the trouble of coming to my room, and brought with him the new schedules which the office intends to use for the purpose of procuring information that will appear annually in the railway statistics. Mr. Butler fully convinced me that the work he is doing is a very great improvement on what has been done in the past, and that under his skilful guidance, and that of his very efficient officer, Mr. Payne, we will in the near future be supplied with statistics that will be very much more valuable than those we have been using in the past. In that connection—and this is the best place and opportunity of making the explanation—I made some reflections upon the statistical report of last year, and went so far as to say I would have to use the returns with a great deal of caution hereafter, as I was not sure of their correctness, in consequence of inaccuracies which appeared in the report of last year, and which have been proved to be inaccuracies, and which have been quoted in parliament. Through the politeness of Mr. Payne, who

invited me over to the office, I have since seen the returns from the railways and fully satisfied myself that the statistician is not to blame in the slightest degree for the discrepancies that occurred. He faithfully followed the returns. The serious discrepancies appear to be in the report of the Canadian Pacific; and elsewhere, as well as in this House, I have had some observations to make upon that. These returns are sworn to by Mr. Ogden, one of the vice-presidents of the Canadian Pacific Railway. They appear to be incorrect. Nobody would assume for a moment that Mr. Ogden would make fallacious returns, much less swear to them, with any personal knowledge of the inaccuracy. I do not know him personally, but from the position he occupies, and the respectability of the company he is connected with, we would never, for a moment, suppose these errors were made intentionally. I deem it proper to make this statement in the House, in order that it will go abroad. It does not follow by any means, because the returns were inaccurate, that there was any intention to make erroneous returns.

Hon. Mr. ELLIS from the committee reported the Bill without amendment.

The Senate adjourned till three o'clock tomorrow.

THE SENATE.

OTTAWA, Friday, March 19, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (U) An Act for the relief of Victor Eccles Blackhall.—(Hon. Mr. Gibson).

Bill (V) An Act for the relief of Annie Louisa Coltman.—(Hon. Mr. Campbell).

Bill (W) An Act for the relief of John Grant Ridout.—(Hon. Mr. Gibson).

Hon. Mr. FERGUSON.

CONSTRUCTION OF DAM AT SCUGOG, ONT.

INQUIRY.

Hon. Mr. McHUGH inquired of the government:

1. Is there a dam on the River Scugog, at Lindsay, Ontario?
2. In or about what year was the said dam placed there?
3. By whom was it constructed?
4. What was the original height and length of the said dam?
5. Was there an agreement made at the time of the construction of the said dam between the board of works of Canada and the mill-owners at Lindsay, as to the mill-owners' right to the use of a certain portion of the water at said dam, and on what condition was this right given to said mill-owners?
6. Has the government at any time since its construction either reduced the length or increased the height of said dam?
7. Or have they permitted any other person or persons to do so?
8. To whom was such permission given and what representations were made as to why such a request should be granted?
9. What is the length and what is the height of the dam at the present time?
10. Are there on file in the department, petitions from the riparian land-owners complaining of the serious injury done to their land owing to the increased servitude caused by the additional penning back of the waters?
11. Are there on file in the department, memorials from the municipal councils of Cartwright, Manvers, Mariposa, and Ops, complaining of the additional burden placed on them in the maintenance of their highways, caused by the increased penning back of the water in consequence of addition to this dam?
12. In compliance with the prayer of the petitioners, was Mr. Gage, government engineer, sent to inspect the grievances complained of by the riparian land-owners, and the memoralyzing municipal councils?
13. Is this engineer's report on file in the department, what is the purport of this report, was it acted on, and if not, why not?
14. Was any compensation ever paid to any of these riparian land-owners on account of the damages caused to their lands by the shortening and raising of this dam?
15. Has the government taken steps to ascertain how many thousand acres of land are drowned by this dam, and for which no compensation has been paid, and this notwithstanding the patents to their land were prior to any dam on this river?
16. Are the plans and specifications now prepared for the construction of a new dam at this point?
17. Do these plans and specifications show an increase in the height of the proposed new dam from that of the old dam; if so, for how many feet along the apex of the new dam will the height be increased, and how much?

18. Has Mr. Geo. Smith, O.L.S., the engineer, acting for the municipality of the township of Ops, sent to the department a profile pointing out an increased height, as shown on the plan now prepared by the government engineer?

19. Has the municipal council of the township of Ops forwarded to the department a petition in which they point out the injurious effect that the raising of these waters will have on the municipal drains that have been constructed, and others that are under construction, the cost of which drains have been in the neighbourhood of one hundred thousand dollars?

20. Is the government aware that in or about the year 1900 a very full hearing was given as to any right the government or mill-owners had to impose on the lands of the riparian land-owners any greater servitude than that caused by the dam of 1843, that the hearing was before Hon. J. Israel Tarte, Minister of Public Works, Hon. David Mills, Minister of Justice, and Sir William Mulock, Postmaster General; that the mill-owners were represented by Thomas Stewart, Esq., barrister, Lindsay, Ont.; Hon. Mr. Belcourt, Ottawa, and S. H. Blake, Esq., K.C., and that Mr. G. McHugh, M.P., and R. J. McLaughlin, K.C., appeared for the land-owners? Is there on file in the department from these ministers of the Crown, or from any one or more of them, a statement of the conclusions they or he arrived at as a result of such hearing? If so, from whom, and what is the purport of such statement?

21. Is it the intention of the government to have their officers take charge and control the waters at this point, in such a manner as to give the mill-owners every right they are entitled to under their agreement with the government, bearing date the 8th December, 1843? And further, will the government see that no unauthorized injury is permitted to be inflicted on the said land-owners by any interference with the free flow of the water over this dam at and during all seasons of the year?

Hon. Sir RICHARD CARTWRIGHT—I would say in reply to my hon. friend that the Department of Railways informed me that they are preparing answers, and I hope to be able to give them in a few days.

LOAN TO THE GRAND TRUNK RAILWAY COMPANY.

INQUIRY.

Hon. Mr. PERLEY inquired:

Has the government of Canada ever loaned the Grand Trunk Railway Company a sum of money? If so, what was the amount and when and how was it to be paid; what interest was the loan to bear; has the whole or a part been paid, and if not paid, how much is now due, including accumulative interest, and what security has the government for the repayment of the loan?

He said: I have been prompted to ask this question on account of rumours I have heard for a number of years that the Grand Trunk Railway owed Canada a large amount of money and it never has been paid. Not having any accurate information on the point I thought I would ask the question embodied in this motion.

Hon. Sir RICHARD CARTWRIGHT—I have here a reply from the Department of Finance of some considerable length. Perhaps the hon. gentleman will allow me to place it on the table for him?

Hon. Mr. POWER—It seems to me that that document is of such a character that it should appear on our 'Debates.'

Hon. Sir RICHARD CARTWRIGHT—Yes. I will hand it to the reporters:

Finance Department,
Ottawa, Canada,
March 19, 1909.

(Encl.)

Dear Sir,—By direction of the deputy I inclose you herewith an answer to Honourable Senator Perley's question No. 2, standing for answer to-day, respecting aid to the Grand Trunk Railway Company by the old province of Canada. This answer is based upon the statutes governing the matter and correctly sets out the position of the liability, whatever it be, as settled by the legislature of the province.

Yours sincerely,
HENRY T. ROSS,
Assistant Deputy Minister of Finance.

The Right Honourable
Sir Richard Cartwright, G.C.M.G.,
Minister of Trade and Commerce,
Ottawa.

In the year 1862, five years prior to Confederation, a reorganization of the Grand Trunk Railway of Canada was effected under chapter 56 of the Statutes of Canada of that year.

Provincial debentures of the province of Canada to the amount of $15,142,633.34 had been issued, prior to the passing of this Act, in aid of the company. These debentures carried interest at the rate of six per cent per annum.

By section 19, of the chapter referred to, the province of Canada consented to allow its claim for interest due and accruing in respect of these debentures to be postponed to the payment of certain charges which were made prior by the statute. The section provided that after the payment of the working expenses of the railway the balance of earnings was to be appropriated and applied in payment:

(a) of interest on equipment mortgage bonds;

(b) of interest on first preferential bonds and the dividend due on first preference stock;

(c) of interest due on second preferential bonds and the dividend due on second preferential stock;

(d) of dividend due on third preference stock;

(e) of dividend due on fourth preference stock;

(f) of dividend of 3 per cent per annum for ten years on the ordinary stock of the company and thereafter at the rate of 5 per cent per annum;

(g) of further dividend of one per cent per annum on the third preference stock;

(h) of further dividend of one per cent per annum on the fourth preference stock;

(All the above were given priority over the government claim for interest) and then;

(i) in payment of the interest for the time being due and accruing, subsequent to January 1, 1862, on the provincial debentures issued in aid of the company, before the passing of the Act, at the rate of 6 per cent per annum.

The interest on the provincial debentures referred to amounted, at the time of confederation, to $10,457,458.01.

Amounts represented by these province of Canada debentures,—$15,142,633.34 and this interest of $10,457,458.01—were at confederation, taken over by the Dominion from the province of Canada, and have since been carried in the balance sheet without charge under the heading 'Railway Accounts,' but these amounts have not been included in the statement of assets.

As the net earnings of the company never met all the prior charges, as provided by the Act, no part of this interest has ever been payable.

There was also carried in the province of Canada accounts and taken over at confederation a special interest claim of $7,302.18, which has been continued in the balance sheet. This special interest claim arose from an adjusted balance of various accounts made between the province of Canada and the Grand Trunk Railway Company, which balance was confirmed by an order in council of October 18, 1866.

Besides the above, the province of Canada was, at the time of confederation, the holder of fourth preference stock of the company (converted by section 11, chapter 18, Act of 1873, into third preference stock), of the par value of $121,739.65. Dividends have been paid to the Dominion on this stock on several occasions as follows:

During the years—

1881	$ 608 70
1883	1,643 48
1884	1,978 26
1902	1,217 40
1903	2,434 80
1905	2,434 80
1906	3,652 20
1907	3,652 20

This fourth preference stock was accepted by the province of Canada in payment of a certain part of the accounts adjusted by the order in council referred to.

Hon. Sir RICHARD CARTWRIGHT.

Hon. Mr. LANDRY—I once tried to make a speech like that, and I asked an hon. gentleman to take it as read, but I could not have it done.

CONSTRUCTION OF HUDSON BAY RAILWAY.

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

Is it their intention to commence building the Hudson Bay Railway this spring and summer, and if there will be an amount of money voted to build the said railway this session of parliament?

He said: I am inspired to ask this question from the fact that, just prior to the last election, a large number of survey parties were sent out to survey the routes from the northern line of the already established provinces to Hudson bay, and the understanding was that this railway was to be built in the near future. It is this fact that prompts me to ask the question.

Hon. Sir RICHARD CARTWRIGHT—Until the reports from the engineers who are now making the surveys for the proposed railway are received, and an approximate estimate of the cost of the said railway is arrived at, it will be impossible to answer this question.

STATE OWNED CABLES.

MOTION.

Hon. Mr. Belcourt moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to be caused to be laid upon the table of the Senate copies of all correspondence and documents from the Pacific Cable Board on the working and revenue of the Pacific cable, and all information on the subject of a state-owned Atlantic cable and empire cables generally.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to the motion.

The motion was agreed to.

IRISH AFFAIRS.

MOTION.

Hon. Mr. CLORAN moved:

That the Senate of the Dominion of Canada on the occasion of the national anniversary of Ireland, extend to their fellow citizens of

the empire, the Irish people, its sincere congratulations on the progressive and hopeful condition of their national affairs under the reign of His Majesty King Edward VII. And that His Honour the Speaker of the Senate be instructed to forward immediately by cable the above resolution to the Rt. Hon. the Prime Minister of Great Britain and Ireland.

He said: In rising to deal with this rsolution, I wish to offer a few preliminary remarks before stating the conclusion to which I have come with regard to this matter. I regret very much that certain things happened a few days ago, when I brought up this subject, which was not at all necessary and which detracted largely from the merits of the resolution itself, and from the fair play and dignity that ought to characterize the conduct of certain members of this House. My intention was not to force this motion upon the Senate, but rather to secure from this House a unanimous expression of kindly feeling towards another section of the empire in regard to its internal and national affairs. My intention, if I had been allowed on that occasion to finish my remarks, which I was not, was to say that unless this expression came unanimously from the Senate I would not press it or ask for it. I knew I was not in order unless the unanimous consent of this House had been extended to me to put the resolution. Up to the very last moment I had no indication whatever that any one would object. My remarks, I must say, were received with kindly attention, and I think approved of by the vast majority, if not by all the members of the Senate. The remarks with which I accompanied the introduction of this resolution were not intended, as my hon. friend the ex-Prime Minister of this country (Hon. Sir Mackenzie Bowell) insinuated yesterday, to create racial or religious controversy. Nothing could have been further from my mind. I wanted to follow the example of King Edward and executives of foreign countries who entertain each other with messages of sympathy and congratulation on certain developments in their national affairs. The spirit displayed at the very last moment of that debate was calculated to make one tired. We have precedents where the colonies of Australia and South Africa interchange friendly messages of good-will, and yet this Senate was stopped on a very important day in the history of one of the most important parts of the empire on account of a rule. I knew the rule was there, but I never expected that there would be antagonism in the hearts or minds of any hon. senators against an expression of good will towards the King and the country he governs. Had the hon. gentlemen who opposed the introduction of this motion only thought for a moment, if they had only read between the lines of this resolution, they would have found that the Senate was asked to send a message of sympathy and good-will not only to the Irish people but to the King of England. It was asked to send a gracious tribute of admiration and respect for the way he has exercised his royal authority in conducting the affairs of the empire. It is the first time in the history of the Irish people in 300 years that we have been able to send to the British sovereign a message of peace, goodwill and amity. All former messages from every part of the English-speaking world have been messages of denunciation against the way the affairs of Ireland have been administered. To-day I undertake, as a pioneer, this noble work of expressing good will that ought to exist between the different parts of the empire, and yet I am debarred by a so-called rule, but more by a little stubbornness—I hope not any strong antagonism against the cause, though I believe there is a little of it—from sending a message of sympathy and good-will. We feel to-day that under the reign of King Edward our interests are better safeguarded and brighter hopes are held out for kindly feeling than ever before, yet one or two in this House tried to prevent this message being sent to His Majesty. I wish to be the means whereby this honourable body should express its opinion in regard to our fellow citizens of the empire and toward the sovereign, but I am not going to allow myself to be the instrument to permit any member of the Senate to vent his spleen against or his antagonism to the cause of the Irish people. I am not going to be the instrument whereby any member of this House will be enabled to say to His Majesty, we do not recognize the good you are doing in administering

the affairs of the empire! I will not be an instrument in that direction. I was prevented from being an instrument in enabling this House to express a kindly, friendly feeling. Now I will not be an instrument in allowing any man in this honourable House to vent opinions adverse to the cause of the Irish people or to the magnanimity of His Majesty King Edward, and it is, therefore, my intention to withdraw this resolution. That is one of the reasons, and the other is that the time is no longer opportune. The sentiments in this resolution will remain, and I hope that in the years to come the Irish people of this country and abroad will have still stronger reason to congratulate their fellow citizens at home and be able to lay at the foot of the throne a message of thanks and of recognition to His Majesty. I know that in the old country that sentiment of antagonism, what they call anti-Irish feeling, is dying out. It has died out largely in this Canada of ours. There are still embers glowing, I understand, under white hairs sometimes. I forgive the position assumed by the hon. ex-Prime Minister of this country. He has been the head of an organization which has been a fierce opponent of granting to the Irish people what has been granted to us and to the Boers. I appreciate his position; I have no quarrel with him. As he said the other day, you can sit down and talk this matter over in a friendly manner without pulling of our wigs and throwing them on the green, the same as some men would like to do with the aid of the sergeant-at-arms. We do not do that.

Hon. Sir MACKENZIE BOWELL—Not a bit of it.

Hon. Mr. CLORAN—And I fully appreciate the delicacy of his position; but what I cannot understand is this revulsion of feeling on our part so called and on his part. What is the difference? In the past we were always denouncing and condemning the conduct of affairs in Ireland. To-day when we find the British government in according at least a fair share of justice, we are prepared to acknowledge it and stand by the Crown. The others, our old foes and opponents, learn nothing and they forget nothing; and we have learned to forget, because we are always prepared to be governed by the dictates of fair-play and justice. I would appeal to my right hon. friend from Hastings to inculcate these principles in that organization which does a lot of good, as far as this House is concerned——

Hon. Sir MACKENZIE BOWELL—Do not give me any more titles than I am entitled to.

Hon. Mr. CLORAN—I hope you are right honourable; they do a lot of good among themselves, but never do much good for our part of the situation. I would like him to inculcate the same feelings which are animating us to-day and put them into the hearts of his friends. This resolution goes to show that the hostility and animosity that animated rightly and justly the heart of every Irishman against the ill-treatment that Ireland has been subjected to for two or three hundreds years is ceasing, and why? Because Irishmen are quick to recognize fair-play. But when you want to put me down, I won't be put down either here or elsewhere. My motives are before the House, and I hope will be equally before the country as well as the mixed up report that was given of the proceedings here the other day. Before resuming my seat, I must undertake to discuss a question of privilege which has been called to my attention by several of my colleagues on the floor of this honourable House. I was not aware of the fact that some of them said that the record contained a statement which they had not heard, and which they considered to be against the dignity of the Senate and the liberty of its members. I looked up the 'Debates' and found that their complaint was justified and based on an actual publication in the 'Debates.' I was present during all that discussion the other day in this House and I failed to hear, and I know that a large number of senators around me failed to hear, the following words which I find on page 191, in the first column:

> If the hon. gentleman from Victoria persists I think it will be in order for his honour the Speaker to call upon the proper officer to remove the hon. gentleman.

I never heard these words, and a large

number of senators in this honourable House did not hear them. If I had heard them, whoever made the remark would have got his answer fast, and probably furious. Certainly the retort would not have been feeble; but I can assure the hon. gentleman that the blow would not have been below the belt nor a cowardly one. So I looked up the 'Debates' again and discovered who made the remark. I find that the remark is attributed to an hon. senator, and I am not surprised at learning his name. I find it is the Hon. Mr. Power, the senior member from Halifax, who made these remarks. Well, if he takes the responsibility of these remarks——

Hon. Mr. POWER—I do fully.

Hon. Mr. LANDRY—Is the hon. gentleman an Orangeman?

Hon. Mr. CLORAN—Well, he ought to be. The hon. gentleman takes the responsibility of these words. All I have to say in reply to that is, that these words indicate in the attitude of the hon. gentleman a lack of moral courage. They indicate an element of meanness——

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman has no right to use that term.

Hon. Mr. CLORAN—I will take back the word 'meanness,' but lack of courage is all right.

The SPEAKER—I think the hon. gentleman is disregarding one of the rules of the Senate in which it is provided that vexing or harassing words are not to be used by a senator in the course of a debate, and no reference should be made to what occurred in a past debate. I hope the hon. gentleman will adhere to the rules with reference to these matters.

Hon. Mr. POWER—I rise to a question of order. The hon. Speaker has decided one question, and I propose to raise another. The hon. gentleman is quite out of order in referring to a past debate. That is common practice. I wish to say, however that if the other members of the Senate are willing to listen to the hon. gentleman I have no objection. I am not objecting to a reference to a past debate, but I wish to call attention to the fact that the hon. gentleman is quite out of order in referring to a past debate.

Hon. Mr. FERGUSON—I think the point taken by the hon. member from Halifax is scarcely correst. I have not the authority in my hand, but my hon. friend is well conversant with the rules of parliament, that in the different stages of the same question reference may be made to what has taken place. For instance, you can refer in the different stages of a Bill to what has taken place at a former stage. I think the hon. gentleman is not out of order.

The SPEAKER—This is not a Bill.

Hon. Mr. LANDRY—But the same principle applies.

Hon. Mr. POWER—I waive the objection as far as I am personally concerned.

Hon. Mr. CLORAN—I am quite in sympathy with the ruling of the Chair in regard to using adjectives that are too strong. I would like to get a soft word that would convey the entire substance of my meaning.

The SPEAKER—Allow me to read the rule, because it is definite and we should have it in our mind. It is as follows:

All personal, sharp or taxing speeches are forbidden.

Hon. Mr. CLORAN—I bow to that ruling, and I would ask what is more personal, what is more vexing, what is more insulting, what is more cowardly than to ask the hon. Speaker to do a thing he has no right to do, and the words are here.

The SPEAKER—I must say that I do not want to name the hon. gentleman, but certainly if there is one expression more than another which is in defiance of the rule, it is the word which was made use of just now—an intimation of cowardliness on the part of an hon. gentleman. I certainly think that is an infringement on the rule.

Hon. Mr. CLORAN—I bow to the ruling of the Chair on the matter; but there is the hon. gentleman using most vexing language. He has stated:

If the hon. gentleman from Victoria persists I think it will be in order for his honour the Speaker to call upon the proper officer to remove the hon. gentleman.

Hon. Mr. KIRCHHOFFER—Hear, hear.

Hon. Mr. CLORAN—Does not the hon. gentleman from Halifax know that the hon. Speaker has no such right?

Hon. Mr. POWER—I do not, nor does any other senator except the hon. gentleman who is speaking.

Hon. Mr. CLORAN—The procedure is to name the member, and if any hon. gentleman on the floor of this House has the courage to move for his expulsion, it can be moved, seconded and carried. Why hide oneself under the mantle of His honour the Speaker? It was the plain duty of the hon. gentleman from Halifax, if I had been so out of order to necessitate my explusion, to move for it, and not put the onous or the odium of doing so on the shoulders of the Speaker, and at the very time the hon. Speaker said: 'No, there is no necessity for such an action;' but the hon. gentleman from Halifax wished the hon. Speaker to take the responsibility of doing a thing that he was afraid or ashamed to do himself. There is the position. It is all that I have to say in regard to this matter, and I wish to say to the hon. gentleman from Halifax, before the country, that this is a kind of intimidation that does not go down with men of my stamp, and the hon. gentleman cannot silence me by a threat of calling in anybody, and I want him to understand it. It is the first time he has made such an allusion, and I hope it will be the last, and I want him to know before the country and this honourable House that his interjection of that remark was altogether uncalled for, insulting and objectionable in every form.

Hon. Mr. POWER—Perhaps the House will allow me to say a word or two with respect to the deliverance of the hon. gentleman from Victoria Division. The hon. gentleman has just said that he did not hear the words that I used on the occasion to which he refers. I thought I spoke in a fairly distinct way. I think most other hon. gentlemen heard my language quite distinctly. I noticed that the newspaper the next morning not only gave the substance of what I said, but stated that I spoke in a very emphatic and decided way, and that is my own recollection. Now, it may be the hon. gentleman, at that time, was not possessd to the full of all his faculties.

Hon. Mr. CLORAN—Order ! Order ! Order !

Hon. Mr. POWER—There is nothing improper in that remark.

Hon. Mr. CLORAN—I think it is very offensive. I wish the hon. gentleman to withdraw that word.

Hon. Mr. POWER—What word?

Hon. Mr. CLORAN—I rise to a point of order, and ask if any hon. gentleman can say to another that he is not in possession of his faculties? I want a ruling on the point.

The SPEAKER—I hope hon. gentlemen will observe the rules and not use persoal, sharp of taxing speeches.

Hon. Mr. CLORAN—Am I to understand it is parliamentary?

Hon. Mr. POWER—It is impossible to conduct the business of the House with an hon. gentleman of this disposition. I said, and I think I was perfectly justified in saying, that if the hon. gentleman did not hear what almost every other hon. gentleman in the House did hear, that some of his faculties must have been lacking—I assume the faculty of hearing. Is there anything out of order in that?

Hon. Mr. CLORAN—That is all right. I have not big ears; that is the reason.

Hon. Mr. POWER—Then the hon. gentleman, adopting a tone which I think would become some other place more than the Senate, talked about hitting below the belt. The hon. gentleman must imagine that he is a very terrible person indeed if he thinks that any member of this House would be afraid to raise a question of order with respect to him. He also seems to think that if the question of order is raised it is hitting below the belt. I fail to see where the hitting below the belt comes

in. There is in this matter that sort of confusion of ideas which has preaviled with him in respect to other matters. Then the hon. gentleman's final statement with regard to myself, I think, was that it was my duty to eject him from the Senate Chamber.

Hon. Mr. CLORAN—To move to eject me.

Hon. Mr. POWER— That is a most extraordinary contention.

Hon. Mr. CLORAN—That would be a hard job.

Hon. Mr. POWER—That is not the way in which we do business in this House. They may do business in that way in some other places, but not in legislative bodies. I do not know of any legislative body where it is held that when a member is out of order it is the duty of another member to eject him.

Hon. Mr. CLORAN—I did not say that; I said to move to eject him.

Hon. Mr. POWER—I did move practically. I wish to say just two or three words more as to what took place. It is not out of order to refer to a thing which took place several years ago; and I remember that when I had the honour to fill the Chair, which is now occupied by our hon. the Speaker, a similar condition of things arose. The hon. gentleman from Victoria was out of order, would not obey the order of the Speaker, and would not pay any heed to the wishes of the House, nor to the rules of the House; and on that occasion I intimated that if the hon. gentleman did not desist from his disorderly conduct, it would be my duty to give him in charge of the sergeant-at-arms, and I noticed that the hon. genlteman subsided at that time.

Hon. Mr. CLORAN—Oh, no.

Hon. Mr. POWER—Of course I have to take the hon. gentleman's statement that he did not hear what I said the other day, but I noticed that, when the same intimation was given that the proper officer might be asked to remove him the hon. gentleman subsided just as he had on the previous occasion. When an hon. gentleman of this House is disorderly, when he is called to order by other members, when his hon. the Speaker decides that the hon. gentleman is out of order, and when the hon. member refuses to obey the Speaker's order and continues to interrupt the business of the House, as was the case the other day when the hon. member called upon one of the clerks at the table to sit down, what is the remedy? When an hon. member pays no regard to the rules or to the orders of the Speaker, or the wishes of the House, the only thing to do is to remove that member. Fortunately, this House has in its hands the power to protect itself. If the hon. gentleman misconducts himself in the same way again, I shall be prepared to act again as I have done, and I shall try next time to make the hon. gentleman hear what I say. I thought I did the other day, but I will take good care that he shall not have any cause in future to take the ground that he did not hear what was said.

Hon. Mr. CLORAN—I am not the only one who did not hear. Lots of others did not hear.

PATENT OF THOMAS L. SMITH.

MESSAGE FROM THE COMMONS.

A message was received from the Commons asking the Senate to return Bill (No. 71) An Act respecting a patent of Thomas L. Smith, which had been sent to the Senate in error.

Hon. Mr. WATSON moved that the order of the day for the second reading of the said Bill be discharged, and that the Bill be returned to the House of Commons.

The motion was agreed to.

The SPEAKER—Order that a message be sent with the Bill——

Hon. Mr. POWER—We should not be too hasty in dealing with this matter. In what position is this Bill now?

The SPEAKER—It had been read the first time and is ordered for second reading but has not yet been read the second time.

BILL INTRODUCED.

Bill (No. 63) An Act to incorporate the Royal Canadian Accident Insurance Company.

THIRD READING.

Bill (No. 21) An Act to amend the Railway Act.—(Hon. Sir Richard Cartwright).

AMERICAN BAR-LOCK PATENT BILL.

SECOND READING.

Hon. Mr. McHUGH (in the absence of Hon. Mr. Campbell) moved the second reading of Bill (K) An Act respecting certain letters patent of the American Barlock Company. He said: My object in moving the second reading of this Bill today is to get it before the committee at its next meeting when the solicitors representing the company will be present. They are coming here on other business and will take this up at the same time. Some objection was raised to this Bill when it was brought up, but I have the petition before me now and can state why the company ask that the patent be revived. I understand from the hon. gentleman who opposed it the other day, that he will withdraw his objection and let the Bill go to the committee where it can be discussed. The patent was granted in May, 1905. The manufacture of the article was commenced some four or five months afterwards under an agreement with a firm in Montreal. Some disagreement took place between the company and the patentees, and they ceased the manufacture. The company then imported some goods from Philadelphia, not knowing that they were controvening the Patent Act of Canada. That nullified their patent. They now ask to be relieved of that. They made arrangements long ago to have the manufacture carried on in the city of Toronto. If there are any objections to the Bill, they can be met in the committee, or when the Bill is reported back to the House.

Hon. Sir MACKENZIE BOWELL—It is not my intention to oppose the second reading of the Bill. The reasons given in the petition would not satisfy me as to the propriety of renewing the patent. However, that is a question that can be considered in the committee. I may take a stronger view on this question than most senators do. In the past I have been opposed to the indiscriminate way in which patents have been extended from time to time. In this case is simply a question between the inventor and the party to whom he assigned the patent for the purpose of manufacturing the article for sale in this country. The excuse of those who are now asking for an extension of time is that the parties with whom they made the agreement in Canada to manufacture the article, failed to carry out their arrangement and to pay the royalty which they should have paid under the agreement. Really that is the only reason given in the petition. It will be for the committee to say whether they consider that a sufficiently good reason to grant the extension. My impression is that the petition also admits that other parties had, on the failure of the patentee to comply with the provisions of the Patent Act, commenced the manufacture of that article in Canada. Under the circumstances, I am satisfied that the rights of the parties who commenced the manufacture of the article will be respected. If so, the manufacture of the article itself will be confined to the party who has expended money in establishing a factory for the purpose of manufacturing and the patentee. That is the conclusion to which I have come from a cursory reading of the petition.

Hon. Mr. JONES—I do not rise to object to this Bill going to the committee, but merely to protest generally, as the hon. gentleman from Belleville has done, to the manner in which patents are extended, or, rather, reinstated in the case of foreigners who make such applications. The laws of Great Britain and the United States have become very much more rigid in the matter of the protection of patents than ever before in the history of either country. Quite recently the parliament of Great Britain has enacted that a Canadian taking out a patent there must manufacture under that patent within two years, and failing to do so, any resident of Great Britain may make application that the patent be declared void. Unless it can be shown that the patentee commenced manufacturing within the two years, and is continu-

ing to manufacture the article in Great Britain, he will forfeit his rights. A number of most important patents taken out in Great Britain have, under this new law, been declared void, thereby creating within their own country a demand for the manufacture of the articles, the object of the amendment to the Patent Act being to prevent foreigners from holding patents and importing the article into the country rather than manufacturing in Great Britain. The amendments to the Customs Act brought down in the United States Senate two days since are in the same direction, giving materially less protection to foreigners taking out patents in the United States than has heretofore obtained. Every session since I have been in this House we have had some four or five Bills before us for the purpose of reinstating patents, without any bona fide reason given than that the patentee was careless and had lost his rights in Canada because he did not take the trouble to protect them. Circumstances arise which make him feel that it is his interest to have his rights reinstated, and he applies to parliament for reinstatement. In almost every case since I have been in this House these applications have been granted. No member of the Senate can point to a single instance where the Parliament of Great Britain or the Congress of the United States has done anything of the kind. I know of my own knowledge that efforts have been made in that direction, but without success in either country where, through carelessness or otherwise, a patentee has lost his rights. I know nothing of the merits of this particular Bill. I am advised that the right to the control of the invention in Canada is lost to the patentees because they chose to import the articles and sell them in Canada rather than manufacture them in this country at the beginning.

Hon. Sir MACKENZIE BOWELL—They admit that in their petition.

Hon. Mr. JONES—I do not know the details of this case; but it has become such a simple matter to get a reinstatement by an Act of the parliament of Canada, that when any considerable order for an article is offered, they import before they are ready to manufacture it in Canada, and rely upon getting their patent rights reinstated if they happen to break the law in that regard. I say it is a condition that ought not to prevail. A negative condition is responsible, practically in every case, for the reinstatement of these rights. No one in the House is specially interested, and the Bills go through because, apparently, they interfere with nobody's rights. I claim that it should be the duty of parliament to grant reinstatement only when the strongest reasons are given why, in the interests of Canada, as well as in the interest of the individual, such reinstatement of rights should be made. Two or three years ago the period covered by letters patent was increased from 16 to 18 years. In Great Britain and the United States the life of a patent was 18 years, and our parliament decided to make the period the same in this country. I had occasion at that time to discuss with the minister the advisability of extending patents owned by Canadians, and which were being operated under rights from 16 to 18 years, giving to a Canadian the same protection that was given to patentees in Great Britain and the United States. I know personally of two or three cases in which that condition would have been of very great benefit indeed to Canadians, but the minister refused to comply with our request. I was directly interested in some of the cases, and I endeavoured to assist others who were interested, believing that it was a reasonable proposition. The minister, however, refused and the patents lapsed at the end of 16 years, and the patented article was open to competition, and the importation which took place. I am not going to discuss whether that was right or wrong, except to point out this, that if a Canadian takes out a patent in this country, parliament is not prepared to extend to him the same advantages that we are every session extending to foreigners. I say that the principle is absolutely wrong and the policy of the parliament of Canada ought to be revised. The onus should be placed on the applicant for reinstatement to show that from some cause not within his control, and that would result in a condition which would be in the interest of Canada also—that both should exist, before this House agrees to reinstate him in his

rights. No foreigner takes out a patent in Canada without the advice and help of his solicitors. They know what the law is. It is very simple, more simple in Canada than in most countries, and less expensive than in almost any other country in the world. These conditions are being lived up to in a careless manner that is not in the interests of the Dominion, because if foreign patentees knew that they could not get an extension for their patents what would the result be? If the patent is considered valuable, or he feels that in the near future it may become valuable, he asks for a reinstatement of his rights and gets it. If he knew he could not get it, and if we had not reinstated patents session after session, he would have commenced manufacturing in the Dominion years before, or some one else would have done it and Canada would have benefited. In every case where a reinstatement of a man's rights was asked for, there is a saving clause attached to protect innocent manufacturers or purchasers who may have gone to the patent office and got information to the effect that the law had not been complied with, and may have made arrangements to go on and manufacture the article. In this particular instance, although it is applied for and being looked after by one of the, if not the most expert patent solicitor in Canada, it has no saving clauses whatever. It is getting to be such an easy thing to get these measures through the House that we can even drop the saving clause and depend upon the Senate or the House of Commons, possibly on both, passing it without any protection to the people who may be innocent holders of rights or conditions that should be protected under this Act. I do not say that in this case it has not been an oversight, but I say that the ease with which we give relief to these applicants would indicate that if they knew that there were people using the article, it might be easily expected from the readiness with which we granted the relief that we would be prepared to do it even without such saving clauses as are, I hope, always attached. I venture to say that the records of the Congress of the United States for 25 years will not show a single instance in which a Canadian has succeeded in getting a reinstatement, and that in the history of the Patent Act there is not a case where the parliament of Great Britain has granted reinstatement, no matter what the conditions were. Why should we be prepared to grant reinstatements simply because they are asked for? That is practically the only reason given in such cases since I have been in this House.

Hon. Mr. McHUGH—Hon. gentlemen can easily understand the difficulty in which I am placed in having charge of this Bill by the absence of the Hon. Mr. Campbell, not having had instructions before hand; but I have been one of those who have always insisted when Bills of this kind came before us that saving clauses should be put into them in the committee, safeguarding the rights of any persons who had commenced to manufacture during the period in which the patent was invalid. I feel that this may be a case where it may be necessary for the committee to amend the Bill in that way, and the solicitor who, as the hon. gentleman who has just resumed his seat has said, has a very large business in this way——

Hon. Mr. GIBSON—What is his name?

Hon. Mr. McHUGH—Featherstonhaugh, of Toronto.

Hon. Mr. JONES—He has an office in Ottawa.

Hon. Mr. McHUGH—I did not know that. He says that this Bill is along the line of the patents that had been revived from time to time by the Senate. All he asks is that it should receive its second reading so that it could go before the committee on the 25th, which will be the day of meeting of that committee and that he would appear before them to explain the Bill and to meet any objections that might be raised.

Hon. Mr. McMULLEN—After the address that we have had from the hon. member from Toronto, and in view of the very limited information that has been given why the Bill is brought before us, and the fact that the Hon. Mr. Campbell, who is supposed to have charge of the Bill, is not

present to go into a detailed statement of the reasons why we are asked to consider this Bill, I think it would be better to leave the matter over. I do not see that we should pass this Bill and let it go to the committee. I move that the debate be adjourned until Wednesday next, with a view of obtaining that information, seconded by the Hon. Mr. McDonald, (Cape Breton).

Hon. Mr. POWER. I trust the hon. gentleman will not persist in that motion. It has not been the practice in this House to discuss the merits of private Bills in the Chamber. There has been a considerable discussion in connection with this particular measure. The hon. gentleman from Belleville had the Bill stand over until to-day on account of certain objectionable features which appeared in it, and then the hon. gentleman from Toronto has also pointed out certain objectionable features; but neither of these hon. gentlemen proposes to hold the Bill up here. It is not the practice of this House to consider private Bills in the House. What are our standing committees for, but just for the purpose of providing means for careful inquiry into the merits and details of these Bills, and if the hon. gentleman from Wellington or any other hon. gentleman after the Bill has been before the Committee on Private Bills and comes back here, does not think that that committee have done their duty, and that the Bill is still in an objectionable form, of course he can move against the third reading. But I, for one, protest against introducing the practice of discussing at length private Bills on their way to committee.

Hon. Mr. JONES—I should like to say a word in reply to what the hon. gentleman from Halifax has just said. The principle of the Bill is being discussed, not upon the merits of this particular Bill, but upon a principle that should more or less guide this House in legislation of this class. I submit to the consideration of this House, although I did not suggest or anticipate an amendment, that unless the principle of the Bill is more largely given to the House than is usually done, that unless the details are in possession of the members of this House more intelligently than they will be in this, as is the case with all private Bills practically that go to the committee, the members of this House are not in the position they ought to be to decide fully upon the principle which I urge this House to take into their consideration. Probably the Hon. Mr. Campbell would not be in a position if he were here to deal with it fully. The Bill itself tells practically all the story there is to tell in a matter of this kind. If it is, as nine-tenths, or practically all the other Bills that come to us; if there is any condition in it other than the ordinary ones in such Bills, I submit it would be to the general advantage of members to have that stated in the House, before the Bill goes to committee, and then the committee will look after the details, seeing that safeguards, etc., are incorporated in it. What information will the members have after it comes back from the committee that they have not now, in case the third reading is challenged, as to how they would vote? I submit the question is a wider one for this House to consider, than the one that the hon. gentleman from Halifax has indicated.

Hon. Sir MACKENZIE BOWELL—I was rising for the purpose of attacking the position taken by the hon. gentleman from Halifax. That is not my understanding of the practice either in this House or in the other House. I would ask the question, what is the Senate for? A Bill is introduced involving a certain principle, whether it be a private or public Bill, it makes no difference. The Senate should, in my opinion, discuss the merits of the Bill itself when it is introduced, and before it is sent to a committee. They may object to the general principle of the Bill, and that is the time to move for its rejection, or to take exception to the principle of the Bill but conceding the point of allowing it to go to the committee. I deem it to be the duty of the Senate to discuss every Bill that is laid before us. The question has arisen over and over again, particularly during the last two sessions, and the paucity of information we have had upon any and almost every Bill, except it be a government Bill, that is introduced into the Senate. And more than that, this Bill, as I pointed out when it was before the Senate

a few days ago, is an extraordinary Bill, that it does not contain the clauses which protect those who may have manufactured the article when the provisions of the law had not been carried out. There are only two provisions in this Bill. The first, is to revive the patent. The next is to declare that the unlawful act committed by the owners of the patent, who are the only persons set forth in the petition who have violated the conditions and provisions of the Patent Act by importing from Philadelphia into this country the article which they hold under patent in Canada, shall not cause the forfeiture of their rights. I repeat that is the allegation in the petition itself, which they present, that they themselves, owing to the failure of the party to whom they had assigned the right to manufacture in Canada having failed to do so, and they had imported it themselves, they ask under this Bill to be protected from the consequences of having violated the law.

Hon. Mr. McHUGH—I quite agree with what the hon. gentleman from Belleville has said as to the reviving of these patents, but I will read the communication I had from the solicitors of the company which might throw some light on it, and it might show how Bills of a similar character have been dealt with, and how the Patent Act deals with the matter. This company is not asking anything unreasonable, as some hon. gentlemen seem to think in the matter. If the Bill goes before the committee, the members will have an opportunity of examining into it more fully than this House can under the present circumstances. The petition sets forth a good deal of information as to why the lapse took place, and why they are asking for the reviving of the patent more than the Bill on the face of it does. The letter I have received this morning reads as follows:

Hon. Geo. McHugh,
The Senate, Ottawa.

Dear Sir,—

Re the American Bar Lock Co. Bill.

We note the objection, which has been raised. We sent copy of petition to Mr. Campbell, but undoubtedly he has not handed it to you. In the second, third, fourth and fifth clauses of this petition you will see that the manufacture of this invention has been carried on in Canada in Montreal and is still being carried on by the Luxfer Prism Company, but that a small period elapsed in which the trade had to be supplied by importation. However, the above mentioned clauses in the petition explain this.

We inclose you the patent deed itself and you will note that the patent is dated 9th May, 1905, and that manufacture commenced on the 14th August, or within four months from the date of the patent, so that every condition of the patent had been fulfilled. You will also note an endorsation on the patent deed inside of it by which the patent is ordered to be subject to paragraph a, b, c, d, of section 7 of 1903 instead of section 4. This section 7 is now section 44, and original section 4 is now section 38 of the Patent Act of the revised statutes of 1906. These sections are marked in the inclosed copy of the Patent Act. As these sections provide that a patent need not be manufactured but licenses may be granted thereunder, you will see that it was not necessary to manufacture under the patent. However, our clients did arrange a license to manufacture under the patent within four months as aforesaid, and that, therefore, the manufacture took place well within the two years in which it must take place by the Act, section 38.

With the petition and this information at hand you will undoubtedly be able to convince the Senate that everything has been done and is being done as to manufacture as is required by the Act.

Our Mr. Fetherstonhaugh will be very pleased when the Bill comes up before the committee after the second reading to make such further explanations as we think will be entirely satisfactory to the committee.

We trust you will be able to have a consideration of this Bill on the 25th inst. as formally intimated, and our Mr. Fetherstonhaugh will go down as stated in our former letter.

Kindly carefully preserve the patent deed so that our Mr. Fetherstonhaugh may have it when he comes down.

Yours faithfully,
FETHERSTONHAUGH & CO.

In the face of that, the hon. member for Wellington may possibly withdraw his motion.

The House divided on the amendment, which was lost on the following division.

Contents 9, non-contents 10. Names not recorded.

The motion for the second reading of the Bill was agreed to, and the Bill was then read a second time.

SECOND READINGS.

Bill (No. 29) An Act respecting the Winnipeg and Northwestern Railway.—(Hon. Mr. Young).

Bill (No. 37) An Act to incorporate the Western Canadian Life Assurance Company.—(Hon. Mr. Bostock).

Bill (No. 49) An Act respecting the Ottawa, Northern and Western Railway Company.—(Hon. Mr. Derbyshire).

Bill (No. 55) An Act to incorporate the British Columbia Life Assurance Company. —(Hon. Mr. Riley).

Bill (No. 61) An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.—(Hon. Mr. Bostock).

NIAGARA WELLAND POWER COMPANY BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (No. 33) An Act respecting the Niagara-Welland Power Company.

Hon. Mr. POWER—This is a matter about which there has been considerable difference of opinion in this House, and I think, a good deal of discussion out of doors, and it is probably due to the House that the hon. gentleman should explain at any rate briefly why we are called on to pass this measure.

Hon. Sir RICHARD CARTWRIGHT—I would suggest, looking at the state of the House, that if there is any question of importance to come before us, that we had better defer the consideration of this Bill.

Hon. Mr. McMULLEN—I move that the order of the day be discharged, and set down for Tuesday next.

The motion was agreed to and the order of the day was discharged.

PRINCE ALBERT AND HUDSON BAY RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. McHUGH (in absence of Mr. Talbot) moved the second reading of Bill (No. 62) An Act to incorporate the Prince Albert and Hudson Bay Railway Company. —(Hon. Mr. Talbot).

Hon. Mr. POWER—I do not think that motion should pass without some explanation. This proposed railway would appear to be intended to compete with the railway which the government are expected to subsidize, and the House should have an opportunity to consider it a little first. The government, on looking into the matter, may be disposed to think they should not encourage the building of railways to compete with the government road. If the Hon. Mr. Talbot were here himself, he could give us the explanation that is necessary; and I may say finally that the Bill has not been printed in French.

Hon. Mr. BOSTOCK—I will point out to the House that we passed a Bill for the Hudson Bay and Pacific Railway which would practically go over somewhat the same ground as this, and I do not think the country wants to grant a charter for that. I would point out to the hon. gentleman from Halifax that I have a copy of the Bill in French.

Hon. Mr. POWER—I waive that objection.

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

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, March 23, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (No. 52) An Act respecting the Bank of Vancouver.—(Hon. Mr. Bostock).

SECOND READINGS.

Bill (L) An Act respecting certain letters patent of Franklin Montgomery Grey.—(Hon. Mr. Talbot).

Bill (No. 76) An Act to incorporate the Imperial Fire Insurance Company.—(Hon. Mr. Chevrier).

Bill (No. 40) An Act to incorporate the Great West Permanent Loan Company.—(Hon. Mr. Chevrier).

SENATE REFORM.

DEBATE CONTINUED.

The order of the day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Scott that it be resolved:

1. That in the opinion of the Senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element applying it approximately to two-thirds of the number of senators would bring the Senate more into harmony with the principles of popular government than the present system of appointing the entire body of senators by the Crown for life

3. That the term for which a senator may be elected or appointed, be limited to seven years.

4. That the provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this Chamber. That the provinces of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the province of Prince Edward Island into two electoral districts for election to this Chamber; and that for the present, and until the four western provinces have been given increased representation in this Chamber, that Manitoba, Saskatchewan and Alberta be each one divided into three electoral districts, and that the province of British Columbia be divided into two electoral distrcts, all for the election of candidates for representation in the Senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience local interests and county boundaries.

5. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing Senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence. local interests or other reasons

6. That as vacancies hereafter arise in the representation of the said electoral districts, the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

7. That in order to diminish the expenses attending elections over wide areas, and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of election expenses. Provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising his franchise.

8. That the remaining eight senators in each of the provinces of Ontario and Quebec; the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining senator in each of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, who had not been allotted to any constituency, shall be classed as senators for the particular province at large, and as a vacancy arises in that class, it shall be filled by appointment, as at present by the Crown.

9. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the government, the principle laid down in sections 26 and 27 of the British North America Act shall apply; that is to say, the incoming administration may appoint an additional number of senators, not exceedng nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a reasonable one, but not more than one of the senators to be appointed, shall be taken from any one province; and that no more appointments of senators shall be made for that province until a second vacancy has arisen; thus reverting to the original number of senators allotted to the said province.

10. That the senators representing the several different provinces be requested to meet and suggest the best mode of dividing the province into Senate electoral districts and also the name of the senator who will represent each particular district.

11. That the House of Commons be asked to concur in the proposed changes in the constitution of the Senate.

12. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the union, be so amended as to conform to the foregoing resolution.

Hon. Mr. POIRIER—said: The hon. senator from Ottawa is to be commended for bringing this question fairly and squarely before us, as it has been brought in the other House and as it stands before the country. Not that it is a pleasant sensation for one to be amputated of some of his limbs, to commit suicide, or even to make a public confession of his shortcoming; but there is no denying that there is something wrong in the constitution of the upper House, and that a great many throughout the land shout for our scalps. If we are to be reformed at all, let it be done with a good grace, and, like Socrates, let us ourselves pour the hemlock. If chloroform is to be administered, let us administer it ourselves. Let us not be like the Bourbons of France, who would neither learn nor forget anything, until they were swept out of the land in disgrace. With the mode of reform propounded by the hon. senator from Ottawa I cannot, on the whole, agree. Possibly few among us agree, except my hon. friend from Wolseley (Hon. Mr. Perley), who seconded the motion without unsurpassed enthusiasm; but the scarcity of seconders simply shows the necessity that some other plan of reform be suggested which may prove more acceptable. Be it

what it may, I have a suggestion to make, a plan to propose, in which, I trust, some few practical and good points may be detected. At the outset, let me say that I absolutely concur in the conclusions of the hon. senator from Middlesex (Hon. Mr. Ross) that parliament is powerless to enact any change in the constitution of Canada unless and except the original parties to the compact be first consulted, and have declared themselves agreeable to the change. I will go one better; the imperial parliament itself may not, surely will not, alter the constitution of Canada, or any essential part thereof, whereby the status of the original self-governing provinces would be materially affected, unless the provinces as well as parliament concur in the alterations. Are we, because of these obstacles, to stand passive and allow the situation to become grave, nay, acute? We would be both unwise and unpatriotic in doing so. Ours is a case where an ounce of prevention is better than a pound of cure. But, without any more preface, let me immediately plunge into medias res. Many of you no doubt are anxious to see what sort of a child I am about to bring forth. I will first read the whole of my amendment and then take it seriatim clause by clause:

First. Senators to be chosen and appointed by their respective provinces; must have resided at least five years in the province immediately before their election or their appointment; three senators from each province shall be elected by their own orders, namely, one by universities and other educational institutions of higher standing, one by the boards of trade, and one by the newspaper fraternity; the mode, manner and time of election or appointment to be left in all cases entirely with the provinces.

Article second. Term of office, nine years, one-third of the Senate renewable every three years, beginning at a given date.

Three. No property qualification essential; intellectual and moral qualifications preferred.

Four. The Senate to elect its own Speaker.

Five. In case of a deadlock, and in some other specific cases, conferences of the two Houses.

Sixth. Power in the Crown to appoint, for a term not exceeding three years, two additional senators from each province.

Seven. Cabinet ministers to sit in either House, with power to vote in one only.

As for the rest, to stand, mutatis mutandis, as it is now. Senators chosen and appointed by their respective provinces. That, in my estimation, is the main thing. As constituted now, what do we represent? Is it not logical that the agent should be appointed by his principal, that the delegate should take his authority from the delegator? What had our provinces to do with our appointment? Nothing whatsoever. The constitution does not even provide that we should hail from the provinces we are appointed to represent. The government could take a Chinaman and appoint him for New Brunswick or Ontario or Quebec, provided he qualifies himself then and there. There is something radically illogical in that. The Senate is not for ornament; it is not intended as an asylum for political refugees. There would be no necessity for a Senate in a democracy like ours if it were not to represent the different provinces that constitute the confederacy. The people are amply represented in the other House. We have universal suffrage; the people elect whom they please for the House of Commons. The parliamentary term of their representatives is five years, practically four years. As far as the individual citizens are concerned, they are governed according to their own will; but in a confederation there is not only the citizen to be considered, there are the original provinces constituting the confederacy that agreed upon entering into the compact of confederation. Those provinces necessarily must be represented. Apparently they are in Canada, but actually they are not. There has been considerable discussion about the genesis of the Senate, how it came to be that senators are appointed as they are now, by the Crown and for life. If we refer to the early history of Canada, we can readily discover why. For a long period the provinces had no responsible government; the family compact, an appointed family, compact ruled. Then came the constitution of 1841. The pendulum swung the other way, and everything was elective until a deadlock occurred, and

then the pendulum again swung back its full sweep, and appointments by the Crown for life were restored. Appointments of legislators are made by the Crown—by the Crown which has not the power to make laws—behold, it appoints delegates possessing more power than itself. That is absolutely illogical. Appointment for life is an antiquated institution; a medieval system.

Look at the movement of democracy of modern ages? Life tenures have been universally abolished, not because it was not a good and proper thing at times when kings were omnipotent, when the lords were hereditary and for life, but because the movement of modern times is towards establishing governments on principles that are democratic. Even in England, the parent of all parliaments, you know as well as I do that the peers of Ireland and Scotland have become elective. We know that the report of the commission that was appointed to reform the House of Lords recommends an elective House of Peers, elected by their own orders for England itself. This is logical. England, in its House of Lords, has a second Chamber. Those lords were there by right co-existant with the King's, and representing special interests and castes; in fact, up to about one hundred years ago, the House of Commons even was indirectly the echo of the House of Lords, and a great many members of the lower House were elected by the influence of the upper House. But look at what has become of this perennial institution. It is becoming totally modernized As to our own Senate, let me read to you just a few opinions expressed by ex-Senator Mills, an authority on the constitution of Canada, when he brought that question up in the House of Commons in 1875. I will merely quote two or three sentences. He said:

> The present mode of constituting the Senate is inconsistent with the federal principle under our system of government.

The Senate should be organized on a federal basis; that is, whereby the provinces, which constitute the federal body, shall have the election, the appointment of their own agents or representatives. I quote from Mills:

> The Senate has no substantial basis whatsoever. There is no part of the community which it can be said to represent.

Now, for comparison, let us look at what is done in the other countries. Of course, where a country is homogeneous, such as France, Spain, Italy, the necessity of a second Chamber is not as great as in a confederacy; still each has its Senate, but it represents special interests, or rather a particular class of voters. It is not elected by the same electorate that elect the House of Commons. It is elected by an electorate of the second degree, as witness France, as witness Switzerland. These countries having studied the principles of self-government in other countries, and especially in England, have adopted what was thought by them to be the best and the most in accordance with democratic principles. In France, by the constitution of 1875, they had 75 senators for life, and the rest elected. They did amend that constitution, finding that a part of it did not work, and now all their senators are elected for a term of years, but not by the same electorate as the House of Representatives. In France, senators are elected by an electoral college, meeting in the chief town of the department, and composed first of parliamentary deputies, second, of the members of the departmental council; third, of the members of the district council (d'arrondissement); fourth, of delegates elected from among the electors of the commune by each municipal council. The upper House of France is a body indirectly representing the people, but directly appointed by a special electorate. That is proper and logical in a country which is a unit as France is.

The Commonwealth of Australia has had the advantage of the experience of all other countries. Australia would have no appointed senators. They have no senators appointed for life there. They make the whole province one electorate. That again is logical, although in my view it is not desirable, because it is the same electorate that elects both Houses; still it is logical in that the whole province constitutes one electorate. A remarkable feature of the debates, which were extensive, and in which the best and most cap-

able men of the different provinces took an active part, is the fact that there was not one suggestion or motion for an appointed Senate. One of the reasons why an appointed Senate was not even seriously taken into consideration was because in some of the provinces they have nominated upper Chambers, and those people, who are logical, said: 'How can a nominative upper Chamber appoint a Senate, and give it more power than it possesses itself?' Of course you know the situation that exists as to the South African confederacy? There are to be ten senators from each province, eight of them appointed by the legislatures and two specially representing particular interests.

Now, take the experience of the United States. It is alleged that the United States Senate is, in some respects, a failure. There has never been in the history of the world since the rise of the Roman empire a Senate so powerful, so enlightened, and, I might say, more patriotic than the Senate of the United States. So much is that the case, that it eclipses the House of Representatives almost to the same extent that our House of Commons eclipses the Canadian Senate. And why is this? Because the senators of the United States come there as plenipotentiaries from their respective provinces. It has been said they have become too powerful. They are to-day a plutocracy elected too often by intrigue and money. That is due to two causes. The reason why that House has grown so great is this: That the Senate of the United States has much greater power than the House of Representatives. The man that sways, is the man that holds the power. A tramp has the deed of the land and the house I live in; although I may be well dressed and educated, and put on airs, he is the master. The United States senators have powers executive, judicial and legislative, and many of them to the exclusion of the other House. The constitution lays it down that the President may conclude treaties with other nations by and with the advice of the Senate, a majority of two-thirds being necessary, and the same thing as regards the appointment of ambassadors, counsel, judges of the Supreme Court and higher officials of the United States; wherein the other House, I may say, is merely a spectator. That is certainly sufficient to give a status to the United States senators such as the members of the House of Representatives have not. The Senate controls the best patronage in the land.

Second, the Senate has sole power to try all impeachments, the accusing party being the House of Representatives. The Lower House, as it were, is simply coming before the bar of the Senate, which sits there as a tribunal. You at once see the defference between the two Houses, and why it is the Senate of the United States eclipse the other House.

Third. The Senate and House of Representatives are practically equal before the exchequer. All Bills for raising revenue originate in the House of Representatives, but are amended by the Senate, and do you know what that power of amendment means? It means practically that the Senate of the United States control the public expenditures. If one follows the history of the money Bills brought before Congress by the lower House and what became of them after they had been been handled by the other House, it will be seen that the Senate has in reality the control of the finances of the republic. You saw it lately in the matter of building ships. The Senate can, and they do, amend, and the other House, in order to pass their estimates, have usually to submit to the dictum of the Senate. That is one of the meats on which that god feeds and is becoming so great.

My next proposition: A senator must have resided at least five years in the province he represents immediately before election or appointment. That needs no explanation. Gentlemen can be appointed to represent in the Senate a province in which they have never lived; whose air they have never breathed, whose institutions and people they have never learned to love; whose history they ignore. In my proposition a senator, before he can be appointed to represent his province, must show that he is really from that province and has lived there for at least five years. In this I simply copy what obtains in other confederacies.

Three senators from each province shall

be elected by their own orders, namely, one by the universities and the other educational institutions of higher standing, one by the board of trade and one by the newspaper fraternity.

In England the mother of our parliaments, special interests have always been effectually guarded by the House of Lords. The trend of modern ideas is to have special interests guarded. For mutual development, to ascend to higher spheres, it is to education, to arts, to sciences, we have to look. Commerce will take care of itself. Agriculture will take care of itself. They can elect whom they like; but while these are the basis of material prosperity, special attention should be given to the institutions to which we owe principally our advancement in the higher arts, and these are our universities, colleges, normal schools and technical schools. Who will deny the higher intellectual institutions of the land, special representation in Canada which at present they have not? Why have they none? Because they cannot. I would go further and have the boards of trade to have the highest commercial interests in the land represented directly by one of their own nominees and elected by their own orders.

I would also have the newspapers represented. What the newspapers have done for spreading the best form of civilization over the world is possibly beyond comprehension. The one class that are free to-day in this Canada of ours and in all countries, free beyond any other class, without exception, to speak out their mind, and have the courage to speak it, are the newspaper men. They are at the head of all upward movements. They are the men who dare denounce crime and enlighten the people unselfishly. They are the fourth estate, and that fourth estate to-day for the betterment of humanity, barring religion, is the most potent—of course I bow my head before religion, which is divine. As the newspaper men are comparatively few in the land, they cannot elect one of their own except perhaps by chance. They should be represented as a body, as an institution. The newspaper men in each province should have a direct representative in this House, and that representative of journalism would most likely be among the best and the most valuable of all the representatives. But this is no noval idea. The Latin races which have copied in an eclectic spirit what they have seen in other countries have special representatives of the intellectual classes.

Hon. Mr. DANDURAND—We have them already.

Hon. Mr. CLORAN—Would the hon. gentleman make a distinction between worthy journalists and unworthy journalists?

Hon. Mr. POIRIER—The same distinction I would make between a trustworthy elector or senator and an unworthy element which will ultimately get on top and in control.

The eighteenth class of senators in Italy is taken from among the members of the Royal Academy of Sciences and of other literary and scientific institutions; the nineteenth class from members of the Superior Council of Education.

In Spain, the presidents of the six national academies are ipso facto senators. Who will deny that those people are not desirable in parliament? Who will question the propriety of having colleges and universities directly represented here by men who will not be elected to look after the patronage, the building of bridges or other similar pursuits, but will be specially here to enlighten the Senate upon questions of higher importance. I would have in my Senate, while each province has the election of all its senators, the three classes of senators mentioned at the end of my first article; but that the mode, manner and time of election or appointment be left in all cases entirely with the provinces. Now, that is one of the defects of the United States constitution. In the United States the appointment of the senators is made by, I may say, irresponsible persons. That is an anomaly. While the president is elected by delegates who have been appointed ad hoc, and who are not subject to be influenced by money, senators are chosen by the members of the legislatures who have no special mandate to that effect direct from the people, or from a responsible ministry. If it could be made a government measure, it would not be influenced,

or very little, by money. It is the individual members of the legislatures who elect senators in the United States, with the result that you know. They are trying all their best, but you know how difficult it is, to amend the American institution. They have resorted to a sort of referendum in many states for having the Senate elected by the people at large, but with no satisfactory results in most instances, there being nothing behind to sanction it. Let us have the provinces appoint their senators in the manner in which they think best; if one method does not suit they will alter it until they would reach the utmost perfection. On that score I would cite the freest, in my estimation, of all modern nations, Switzerland, where the members of the Upper House are elected by the canton. Each canton elects two senators. They are so jealous of their privileges and powers there that they make, as I suggest for ourselves, their own mode of election, choose their own time, and even pay their own elect senators so that they can be influenced by no other power. That, hon. gentlemen, is perfectly logical. I do not care by what mode of election a Canadian senator be appointed if he comes here to represent his province, duly delegated by his province. The province will see that he is properly appointed and well qualified.

The responsibility in each province to appoint its own senators, would ward off the monetary influences which have done so much to injure the reputation of the Senate in the United States. If on the other hand you have the senators elected by the whole province as a unit, minorities would likely be snowed under. By having two or three constituencies to elect one senator, it would be very difficult in the province of Quebec to elect an English speaking candidate. It would be very difficult in Ontario to elect a French speaking candidate, and it would be very difficult in the Dominion to elect a compatriot of my hon. friend who interrupted me a few minutes ago. I would trust each province as one entity to do justice to minorities as they do it now. To-day, Ontario an English speaking Protestant province, has given a portfolio of the first magnitude in its local government to a French Catholic (Mr. Rheaume). We the minority are willing to trust the English speaking majority for fair play. In the province of Quebec, the English population would be represented here as they are there in the cabinets, local and federal. The influences which would be brought to bear in each province would be adequately represented, and I, hailing from New Brunswick, would be willing to trust to the liberal or Conservative majority of my province to do justice to the French minority to give them two senators to which they are entitled by their numbers and, possibly, by other qualifications. That finishes article one, which is the main item in my programme. My second proposition is that the term of office should be nine years.

In the Australian Senate, the term is six years, and in the United States six years; in the French Upper House nine years, and it is proposed to make it ten years in the South African Confederation. I think nine years would be more workable if one third of the House were renewable every 3 years, all which could be easily arranged. Property qualification is not required. Can one of us think for a moment that when a province has the appointment or nomination of a senator they would not pick a man who is qualified? Property qualification smacks of a time when a representative meant a big man if he had a big revenue, or a little man or no man at all if he owned no property. Property is a good thing, but the man must be on top, be master of the property, and not the property master of the man. If the property were the only or the main qualification for representation in the eyes of the civilized world, none of the apostles would have been eligible to go out and spread the gospel. I need not expatiate on this; it is self-evident. In Australia, I believe, the same qualifications are demanded for either House.

The next item in my programme is that the Senate would have the power of electing its own speaker. Canada is possibly the only country in the world where a House having powers such as we possess cannot elect its own presiding officer. They have it in England, but the situation there is very different. There the speaker of the upper House is not necessarily a senator; he is often a member of the other

House. He is appointed to preside in the upper House, but he is not a member of it of necessity. Every House, in order to be free, needs must have the power of choosing its own president. Unless it has, it is an emasculated institution, under tutelage. In our reformed Senate, the speaker must be elected by the senators; otherwise it will be a Senate such as we have, a nominative Senate with borrowed powers, but with no proper powers.

The fifth clause is, in case of a deadlock, and in some other specified cases, conferences of the two Houses. Now notwithstanding all those shortcomings to which I have referred, we are in one way the most powerful body of all self-governing countries in the whole world. Go over the governments of the world and you will find that in time of crisis and deadlock a way is provided to get over it. Not so in Canada; the Senate, which is responsible to nobody, can check everything. In England, where the Lords are so powerful, and have been from time immemorial, a deadlock can be broken. The Crown is empowered to appoint a sufficient number of additional Lords to move on the car of state. It is so in all other countries. In France they provide for conferences of the two Houses. A similar provision exists in Australia, and they are going to have it in South Africa. Here we have nothing of the sort. In case of a deadlock, where is the remedy? None. The government may appoint six senators. That would not be sufficient if the rebellious party here had a majority of seven or more. There is a possibility, therefore, of an absolute deadlock. Now that should not be. Every country and every institution should have the means, under its own constitution, to break a deadlock that would not only paralyze, but put an end, I may say, to its existence. That point can be very easily arranged; we could adopt some provision that has proved to be valuable in other countries.

My sixth clause is power in the Crown to appoint for a term not exceeding three years two additional senators from each province. That is different from the provision existing now. In this I am keeping in view the principle of a confederacy. In case of a difficulty arising between the Senate and the House of Commons, the government now can appoint six men taking them from anywhere—taking them from the United States if they choose to, provided the members appointed would become British subjects. In the appointment of additional senators, I would rather make them unlimited, retaining the safeguard that each province should continue to be proportionally represented, and not all the senators taken from one of the provinces. Supposing it is one province, say one of the senatorial divisions in the west that would encroach upon some of the eastern provinces, the government could, if it choose, make their encroaching powers greater by appointing six additional senators from that province. The appointments should be distributed among all the provinces, and thereby the principle of a confederacy would be maintained.

The seventh item is, cabinet ministers to sit in either House, but with power to vote in one only. For that I do homage to the ex-Speaker of the Senate, who proposed it before me. Such a provision exists in other countries, and is working well. It is logical to. Of course this provision does not exist in England, No doubt if England were to write a new constitution to-day, ministers of the Crown would have the right to sit in both Houses. Why is it they do not sit in both Houses now in England? Every one familiar with the history of England knows why—the Lords would not have men from the other orders to sit with them. They are too exclusive for that. Therefore it is that ministers only sit in the House they belong to. But a minister should be empowered to sit in either House to press ministerial Bills and especially in a country like ours where ministerial responsibility prevails to its uttermost, almost to an abnormal extent. A minister should have power to sit in either House, but of course the privilege to vote only in the House to which he belongs. Now, I have given what I thought, and still think, would be an improvement upon our constitution. Some hon. gentlemen may remember that I brought up the question of

Senate reform in 1890, and I was sorry for it, because of the treatment I received then and there. I was then positively sat upon, but things have changed since. The Conservatives were in power then, and thought possibly, they might always be in power. To-day the Liberals hold office. The hon. gentleman from Ottawa (Hon. Mr. Scott) knows the difficulty of leading a Senate with an adverse majority. In four years more, when the Conservatives will be in power, they will find themselves confronted with a Senate almost exclusively composed of members of the Liberal party, many of whom may be less amenable to discipline than the Conservatives were in 1896. I dread some of my hon. colleagues from the wild and woolly west; it would be pretty difficult for any leader to get them into line and have them vote with the majority. Those possibilities are to be avoided.

As I said at the beginning of these remarks, it is good policy for us to take up this question of Senate reform; to grapple with it seriously; to show the country, our country, that we are here not merely as civil servants of a higher standing, not merely as a first-class political club, but that although not appointed by them, we are the guardians of the rights of our several provinces; that although not elected by them, we are the representatives of the Canadian people, that although we have come to life irregularly, with no parent to whom we can appeal for a mandate, we are not, as has been said, an excrescence on the constitution of Canada.

The question is a live issue, hon. gentlemen. Sir Wilfrid has it on his reform programme; Mr. Borden has made of it one plank of his election platform, and the country awaits for what is to be done next.

Just now there may be no pressing necessity for a reform. We may think it sufficient, as the hon. senator from Wellington thought it sufficient, for us to look over the Bills that come to us from the other House and make some few alterations of more or less importance, a work that specially trained clerks might make with equal efficiency in many instances. We may continue to think that we are a check on the other House, which we well-know, and the country feels that we are not in reality. There is not a measure however detestable, the government could not force on the Senate. I am sorry the doors are not closed; I would rather this would not go to the country. I am an old-timer here, hon. senators, and I remember when there was more pride in the Senate than there is now. We had at least then the nomination of our own officers. I have seen a Prime Minister trying to get a messenger appointed, and the motion was carried by one vote only, and the man was a splendid messenger. To-day we have not even the appointment of our own clerks. If Jupiter or some of the minor gods, some of the inferior busy gods, but nod, we bow to their dictation. We have lost the pride there once existed in our Senate, and are actually in the hands of the other House. That is logical again; we are the appointees, I of Sir John Macdonald, most of you hon. gentlemen of Sir Wilfrid Laurier. If Sir John Macdonald were to come and say: 'Poirier, I want you to vote for that Bill.' I would feel somewhat in the position of a delegate towards the delegator. It would be hard for me to say no. We emanate from the Prime Minister, the Senate to-day is a class of civil servants—by the word civil servants I mean appointees of a higher order simply, but in no wise a representative body.

But it is to the future we must look. This is a new country, immense in territory, unlimited in possibilities, now in its formative period. We are composed of nine provinces to-day, all living in peace, harmony and good-will one towards the other. Who can say what antagonism may develop in future years? What strain there may be in the unity of our country later on? It has been said that but for the Senate of the United States, a Senate representing in fact the several states of the union, the commonwealth of our neighbours to the south would stand to-day dismembered, rent asunder.

There is no doubt that we shall not endure eternally in universal harmony; future difficulties are sure to come, because the beginnings have been too harmonious. We shall have our trials as a confederation. What will keep the prov-

inces together if there is no proper, strong, trusted link to hold them? That link should be here as it is in the United States, as it is in Switzerland, as it is in Australia, as it is in Germany, a Senate appointed by and truly representing the several provinces of the Dominion. As it is now constituted, it would not be equal to the task, nor trusted to perform it. The modus operandi for amending our constitution is easy, especially compared with what prevails in the United States. Let there be a convention, just as there was in Quebec before laying the basis of confederation, a convention of delegates of the several provinces of the Dominion and of the House of Commons and of the Senate, say two delegates from each political entity, and let them meet to discuss what should be done in the way of reforming or rather reconstructing the Senate. On such a basis it will be possible to reach practical results; we could afterwards have the Imperial parliament alter the original charter it granted the Dominion of Canada in 1867—and make the Senate what it was intended to be, what it should be, a House composed of the delegates, the ambassadors, the plenipotentiaries of our several provinces, the Council of State of Canada.

Hon. Mr. LEGRIS—So many speeches have already been delivered on this subject, and we are likely to hear more from other members, I shall not extend my remarks to any great length. I must congratulate my hon. friend from Acadia upon the eloquent speech he has made. I do not intend to follow him. It would be for me a very hard task, but I wish to explain my own views very briefly. Before dealing with the proposition of the ex-Secretary of State, I wish to state, as was said so eloquently two weeks ago by my hon. friend from Middlesex, that I cannot see any good reason to justify such a move on the part of the hon. member from Ottawa, nor on the part of this Senate. I think there is no feeling in this country, no agitation outside of this House, for Senate reform except on the part of some politicians who, without having properly studied the question, raised it for the sake of popularity. For my part, I never heard, under any circumstances, a single opinion seriously expressed with regard to the question. I consider this Senate has been in the past, and it still is, in a position to discharge the duties devolving upon it in the best possible way, perhaps better than if its members were elected by the people or sent here by any other mode that could be devised. It has fulfilled the object for which it was created at confederation, that is to stand as a safeguard for the several provinces and nationalities, and also to revise the legislation passed by the House of Commons. I shall deal for a few minutes wtih the bearing of the main resolution now before this House for the reform of the Senate, which can be confined to two points, first to make it partly elected by the people, and partly appointed by the Crown, and second to fix the tenure at seven or eight years. To my mind both propositions are very objectionable. In the first place, the people of Canada have already as many elections to take care of as they can well manage, and we know also that frequent elections are always a cause of disturbance and demoralization in any community. But this is not all; in order to succeed in securing the votes of the electors, a candidate for the Senate would be compelled to do the same work and employ the same means as in other political elections. That would involve a loss of the independence which should characterize the position of a senator, and the Senate will become a committee or an annex of the House of Commons. Its members will be in about the same position as the members of the other House, compelled to do the same work and use the same ways and means to secure election and later on compelled also to try and secure their share of patronage for their friends. Then the Senate would no longer be an upper House; it would be a second House of Commons. At the same time, we should bear in mind the peculiar position of this country when confederation was established, which position is still more striking under present conditions, owing to our greater number of provinces and nationalities. To fulfil the mission for which the Canadian Senate was created, its members ought not to be elected by the people, for the reasons I have already stated, and, furthermore, because the electors are not always the best judges to select men possessing the necessary quali-

fications of ability, large experience, long training in political affairs and sagacity. If you make the Senate elective, or partly elective by the people, nine times out of ten you will fail to secure men possessing those qualifications. It is not correct to suppose that where an upper Chamber is elected by the people or otherwise, it gives entire satisfaction. My hon. friend has alluded very eloquently to the Senate of France. If I am permitted, I should like to quote a few lines from an article published a few weeks ago in 'L'Echo de Paris':

> The upper Chamber ought not to be elected. It has then to vary the methods of voting. From the moment there is a vote, the country votes the same whether its members concern the lower House or the upper House, and sooner or later you have what now exists, a single assembly, with two equipments and in two localities.

In the United States, the elected Senate, as it exists, has met with consideralbe inconvenience, and is far from being satisfactory. On the other hand, if I look around me, I question who among the hon. members holding seats in this House would venture to run an election over three or four ridings as they exist to-day for members of the House of Commons. I think they would be very few. The consequence would be that the best qualified and most experienced man for the position would be prevented from coming here. He would not spend sufficient time to give the country the benefit of his best services. It is alleged that the members of the Senate should be more representative and more in harmony with public opinion. For my part, I have never met any evidence that the Senate does not represent public opinion, nor do I believe the feeling against the Senate is as serious as some politicians seem to believe it is. The hon. member from Middlesex told us the other day in his own eloquent manner, how every class of the community is fairly well represented in the Senate, far better represented than in the Senate of the United States. Last week, my hon. friend from Wellington remembering, no doubt, the speeches he used to make against the Senate in years gone by, repeatedly affirmed that the country is demanding Senate reform, but his assertion was not accompanied by any proof whatever. I submit that the members of this House as it stands to-day know as well as any, perhaps better than many others, the feeling existing throughout the country generally, on any public question. Consequently, they can deliberate and judge properly according to the circumstances of what is for the best interests of Canada and the Canadian people. May I be allowed to show what is in my mind the weakest point in the Canadian Senate. It is that the members of this House are liable to become almost all Conservative or Liberals, the awful position which occurred in 1896.

History will be repeated in a few years. It can scarcely be said that there is no politics in the Senate. It is impossible to get rid of the party feeling in the Senate, just as the country at large, and on the other hand two parties are necessary in every discussing assembly. If the Senate is composed almost wholly of one party, it weakens it and provokes the criticism of political opponents, as Liberals did about the year 1896, and as Conservatives are doing now. To overcome it when it is considered so serious as to lead the government to endeavour to amend the British North America Act, I quite agree with the hon. gentleman from Mille Iles, who at the last sitting of this House gave notice of a motion to amend the motion of the hon. ex-Secretary of State. It sets forth in the motion he has given notice of, an amendment giving power to each local government to appoint half of the senators to represent the respective provinces. I must say I should prefer the mode of electing them by the legislature rather than have them appointed by the local government. This would secure to the provinces the protection they are entitled to have, and, at the same time, would relieve to a certain extent what I believe to be the cause of any present complaint against this Senate. Of course choose and try any mode you like, nothing is perfect in this world. After a few years of practice and experience, it will be met with some criticisms as we have to-day, but I am convinced that this mode, which is very simple indeed, is practical and would work satisfactorily.

Now I come to the second part of the resolution of the ex-Secretary of State, with

regard to the tenure of office, as well as to fix an age limit. There are some reasons for it, but there are also many against it. I think it is very hard to establish a rule upon that point. We have in this House a proof of the unsoundness of the proposition that we should have an age limit, because we have many senators over 80 years of age who are capable to discharge the duties involved upon them as well as they were twenty years ago. To be more particular, may I be allowed to mention the ex-leader of this House on one side, and the ex-leader of the opposition on the other side, who both are among the brightest and most active members of the Senate and who would grace any Senate in the world.

Hon. Mr. LANDRY—And they are not fit to be chloroformed yet.

Hon. Mr. LEGRIS—To conclude, I will only repeat what I have already said: If Canada is to maintain a Senate at all, I should be afraid of a change requiring its members to be elected by the people, but I should fancy that any system, and the more simple the better, that would secure to both parties a fair representation, would be beneficial. The most important change would be the adoption of a measure to maintain a certain equilibrium between both political parties in this Senate. I think also the proposition, of which my hon. friend from Mille Iles has given notice, is the most acceptable. It would work easily and satisfactorily, and to my mind is in the direction of all that can be desired and contemplated.

Hon. Mr. PERLEY—Ordinarily, I think a man would be justified in offering an apology for attempting to speak on this question, but I do not propose to do that to-day for the short time I propose to crave the indulgence of the House. I probably would not have said anything on this question, had the motion been seconded by one of those hon. members who, I think, should have seconded it. When the hon. the senior member for Ottawa, moved his motion the other day and could get nobody to second it, I felt that it was but right that somebody should do so, and if he had no friend on his own side of the House to assist him in bringing the matter before parliament, I was willing to do it, and I offer no apology for having done it, because there is no one act to which I have been party since I have had the honour of a seat in this Chamber that I am more pleased with than the seconding of this motion, or other motions of the hon. member for Ottawa. I have had the pleasure of his acquaintance 22 sessions in the Senate, and I am sure I have never seen or heard anything derogatory to that hon. gentleman, He has discharged the onerous and heavy duties devolving on him as leader with credit to himself, and in a way that was satisfactory to this House. I think it was but right and fair for any man, particularly hon. members on his own side of the Chamber, to second the motion, and if I have any apology to make it is because I did not rise to second the motion sooner than I did; I did not rise sooner, however, because I expected some of his own friends would do so, and I did not want to rob them of the glory or honour that they might claim in regard to it. Senate reform has become a kind of football with the Reform party. It has been on their brain for a great number of years. I find that three of the hon. gentlemen who have taken an active part in discussing the question of Senate reform, had this subject on the brain in the House of Commons. In that chamber they thought the abolition of the Senate was the best possible solution of the problem; but now that they have reached the Senate, they think it should simply be reformed. They have that conviction well impressed on their mind, and others have got so far on that they say it should neither be reformed nor abolished, but should contine for ever. The word reform has a meaning in my judgment. Why do you want to reform the Senate? The question is answered in this way: that it must be faulty. If the Senate requires reforming it must be because there is some fault, and all hon. gentlemen who have spoken, not only those who have moved in the matter, but all members who have spoken on the question, have dealt with some system of reform showing that, in their judgment, the Senate as it is constituted to-day is not up to the standing it was expected to be. Now it is a well known fact that the fathers of confederation were very wise,

able, and competent men. When they framed the Confederation Act, which was no doubt a difficult Act to frame, because of the conflicting interests of the different provinces that were to be confederated, they provided for an upper House as it exists to-day. They considered it was necessary for the safeguarding of all the provinces that there should be a Senate, and it was also agreed that the Senate was not to be loaded up one way or the other with party politicians. It was not to be all Conservative as the country happened to be Conservative and all Liberal as the country happened to be Liberal ; but it should be as nearly equal as possible, and in looking over the record of the Senate of Canada, in sizing up their politics the best way I could, I found that the Tories and Liberals were very nearly equalled. If there was any difference, I think the Conservative party had two or three majority, and it was an understood fact, at the time of confederation, if I am rightly informed, that the Senate was to be a fair and impartial body of men as regards the two great parties in Canada. It was not to be a partisan body, nor a place of refuge for politicians. It was a place to which honourable and high minded men were to be appointed, who would have no politics and that they should ajudicate upon all matters which came before them in a fair and impartial manner and not from a partisan standpoint. If the Senate carries out that pinciple, it is a useful body of representatives. If it is to be a party machine, it is not worth the paper you would write the word Senate on. It is not hard for gentlemen to see whether the Senate is partisan or not, and that is the reason why the country is finding fault—that it is a party machine and does not serve the purpose it was originally intended to serve. The hon. member from Middlesex was at one time very strongly opposed to the Senate. He wanted to see it abolished. I am glad to see that the hon. gentleman has changed his ideas, and is not now in favour of the abolition, but desires the perpetuation of the Senate. If the Senate is properly constituted and fairly divided as regards politics—because it would be impossible to get a Senate without some political feeling in it—you would destroy the strong party feeling, because every man would realize that he would have a responsibility on his shoulders which he would not feel if the Senate were not evenly divided. I observe that there is a disposition on the part of a good many senators not to discuss this question, that we are fouling our own nest, and their advice is to keep quiet and not say anything. I tell these hon. gentlemen that the country is thinking about the Senate. It is an object of derision all through the country, because through the medium of the newspapers the people are becoming educated and begining to inquire what the Senate is really doing, and how far we are discharging the duties that we are expected to perform. The hon. gentleman from Middlesex, in his recent speech, set forth the argument which, to my mind, would have a tendency the very opposite to that which he intended, because he states that the Senate had only rejected during the time of Sir John A. Macdonald's government two per cent of the Bills from the House of Commons, while the House of Commons had rejected ten per cent of the Senate Bills. If that is the case, it shows that the House of Commons is the more able body, and more competent to enact legislation, and that the Senate is not as competent as it is supposed or expected to be. The hon. gentleman pointed out in his speech a year ago that he had made a discovery in looking over the records of the Senate for a number of years. He found that the Conservative senators were a high class and an impartial body of legislators; that they had rejected more Bills sent by the Conservative government than they had of the Bills submitted by the Reform government when they were in power, showing that they were a fair and impartial body of men. The hon. gentleman from Wellington said distinctly when he came here that they were an entirely different body of men from what he had expected to meet. The Senate was then Conservative, and the result was that there never was a Conservative moving for the reform of the Senate; the demand has come from government supporters. They have found fault with the Senate since the government has had a majority in this House. So long as the Conservatives were in power, they found no fault. The hon. gentleman says he found the Senate to be

a fair, able and impartial body of men, but when the Senate became largely composed of government supporters they said 'Now the Senate is not up to the standard, it ought to be abolished, or we must have Senate reform.' The hon. gentleman made an argument the other day in which he stated we could not abolish the Senate because it would interfere with the confederation compact. The government has already broken the terms of confederation, because there are two vacancies in Nova Scotia which have not been filled up. The maritime provinces have not had the quota of representation in the Senate that they are entitled to. If it were necessary to have the full 24 senators from the maritime provinces, why have they not been appointed? There are two vacant seats in Nova Scotia, there being only eight members in the Senate from that province. This shows conclusively that the Senate can be reformed, and I want to say to hon. gentlemen that they should not run away with the idea that the Senate cannot be abolished. Whenever the people of the country say 'abolish the Senate,' it will go, and the only way to keep it right is to show ourselves a body of men capable of doing what is right, and not a political machine, as I regret to say it is, largely, at the present time.

Hon. MEMBERS—Oh, Oh.

Hon. Mr. PERLEY—Hon. gentlemen need not say 'oh, oh.' It is true to the letter. I am speaking of facts. I remember when I was a candidate in 1887 for the House of Commons. I was speaking at Carlyle, in the month of February, at an open-air meeting. I stood in a farmer's sleigh, and the farmers were perched on the wood-pile listening to me, and there were two gentlemen standing in a porch. The house was not large enough for the meeting and we held it outside. A gentleman peeped round the corner of the house and said: 'Mr. Perley what is your opinion about the Senate?' I was after votes. He was a Grit and I knew that he wanted to abolish the Senate, and I answered him in a way that I thought would catch a vote. 'The Senate is the home for the aged, infirm and played-out politicians, and is about as useful as a fifth wheel on a coach.' About two years later I was appointed to the Senate, and I may say I never felt more ashamed in my life when I found myself associated with such a class of distinguished gentlemen. That answer no doubt caught a vote, because that was the policy of the party—to catch votes. If I made that remark now, I would not be so far out; this House has since then been filled up with defeated candidates at elections, and when the hon. gentleman suggested the filling of vacancies by election, I say that policy could not be carried out in the Senate at all. Take those large constituencies, such as you would require to have in electing members, where there are ten members in the House of Commons and four senators in the constituency. If you divide the ten ridings into four, the senators would not know a quarter of the people. The people would not be able to judge of them and cast their vote intelligently. The elective system would, therefore, as applied to the Senate, be an utter impossibility. It would be the very opposite of what my hon. friend said a while ago; it would debar a poor man from being a candidate. It would be only the rich who could contend for seats in this House, and I say with all due respect to the wealthy men in the Chamber, that the wealthy men are not the best class of senators. They do not attend to the business of the Senate. They attend to fewest committees and draw the greatest pay. It is not an advantage to the country to have the richest men. The best men are those who take an interest in the affairs of the country. We want men who will sacrifice enough of their time to attend to the business of the country. There is, to my mind, a way of reforming the Senate. It is in the power of the government to adopt it. We do not want an election at all. We have enough elections as it is. If the government would do what is right in the matter of appointing senators, there would be no trouble. It was not intended that this should be a place where the government could shelter their party friends, to house them, to give them a little patronage, or to use it for patronage purposes. It was the intention to have a fair body of men here to adjust the legislation from the

other House. We have little or no power. We can dot the I's and cross the T's of the Bills sent up to us and that is the extent of it. To show there is some justification in the motion of the hon. gentleman, I may say that every year the Conservative government was in power, there were more or less Bills from the other House defeated in the Senate, while in the last five years there has been only one government Bill that came from the other House defeated here. It shows the party spirit that prevails.

Hon. Mr. CAMPBELL—It shows that they are all good Bills.

Hon. Mr. PERLEY—I think an ordinary man would blush if he made that statement, because the people do not think that all the Bills are good ones, nor do they think that all the acts of the government are proper. When the Senate was created, the wise men, the fathers of confederation, adjusted the representation fairly; but to-day we have 19 Liberals in Ontario and five Conservatives; Quebec, 16 Liberals and 8 Conservatives; Nova Scotia, 4 Liberals and 4 Conservatives, with two vacancies which makes 10; New Brunswick, 7 Liberals and 3 Conservatives. Prince Edward Island is the only province in the whole Dominion that has an equal number, namely, 2 to 2. British Columbia, 2 Liberals and 1 Conservative; Manitoba, 3 Liberals and 1 Conservative; Saskatchewan, 3 Liberals and 1 Conservative; Alberta, 3 Liberals and 1 Conservative. That makes 87 all told, 59 Liberals and 26 Conservatives. This shows that the Senate is already loaded up. I am going to find fault, but I am not going to exonerate the Conservative party or Mr. Mackenzie. Sir John Macdonald and Mr. Mackenzie did the same thing; but we are living in an age of progress, when the government should be equal to the occasion and not follow in the steps of their predecessors, when their steps were wrong, and nothing would redound more to the credit of Sir Wilfrid Laurier than a change of policy in appointing senators so that the representation would be divided and make it equal from all the provinces, and the result would be that we would have a fair Senate, such as we had at confederation. There are two vacancies in Nova Scotia at the present time. I would suggest that Sir Wilfrid should fill one of those vacancies and then ask Mr. Borden to recommend a competent and proper man for the other. Then, as vacancies occurred, he should let the leader of the opposition nominate to fill vacancies, until the representation became equal on both sides and in that way we would have a fair Senate not loaded to one side or the other. The hon. gentleman who has just spoken, referred to the Senate being swung this way and the other way. That does not destroy its usefulness. If this government went out and Mr. Borden came in, he might be in power long enough to load the Senate up the other way, and that would not be right. In order to serve the purposes for which the Senate was created, you should have it as nearly even as possible, and senators should feel that they occupied responsible positions. The government would be more particular to appoint the very best men that they could get, and the opposition leader would be very particular to recommend the very best men he could of his party, so that one party would fairly balance the other in point of intelligence and ability. The hon. gentleman spoke about the Senate as it is constituted to-day. Different nationalities, different professions, and different industries are represented. I do not see how we could change the complexion of the Senate by having men appointed from colleges and other such institutions. I think it is in the power of the leader of the opposition to recommend men who would be competent to fill the position, and if that course were adopted it would require no amendment to the constitution, and in a few years we would have a Senate of high-class men. People want the Senate reformed. That implies some defect in the character of the men. Reform of the Senate has been advocated and supported by the members of the Reform party. No Conservatives have started the cry; we have only heard of it since the Reform party obtained a majority in this House, and it is because of the mortification among themselves, that men they appoint cannot be up to the standard. Otherwise we would not have heard of this motion. I vote for the principle of the hon. gentleman's motion; I do not vote

for it in detail. I presume if the motion should carry, the government would have the power and authority to suggest what kind of reform we should have. I may differ as to the method of reform, though we agree upon the principle that the Senate should be reformed.

Hon. Mr. DAVID—I move that the debate be adjourned until to-morrow. I have given notice of an amendment. It was not in the proper form, and I was obliged to change it.

The motion was agreed to.

BILLS INTRODUCED.

Bill (No. 18)—An Act respecting the Montreal Terminal Railway Company.—(Hon. Mr. Casgrain).

Bill (No. 66). An Act respecting the Abitibi and Hudson Bay Railway Company.—(Hon. Mr. Watson.)

Bill (No. 67). An Act respecting the Alaska and Yukon Railway Company.—(Hon. Mr. De Veber).

Bill (No. 69)—An Act respecting the Athabaska Railway Company.—(Hon. Mr. Talbot).

Bill (No. 70)—An Act respecting the Mary's and Western Ontario Railway Company.—(Hon. Mr. Ratz).

THE PATENT OF THOMAS L. SMITH BILL.

FIRST READING.

Hon. Mr. POWER moved that Bill (No. 71) An Act respecting a patent of Thomas L. Smith be placed on the Orders of the Day for second reading to-morrow.

Hon. Mr. LANDRY. I understand that Bill has been read the first time here and returned to the House of Commons. If it has come back in another form we should read it the first time, because it is a new Bill altogether.

Hon. Mr. POWER. I concur with the hon. gentleman, but as a matter of convenience I moved it in the way I have stated. The Bill got really no stage here, because the first reading goes as a matter of course. The House of Commons found that they had sent us the Bill before it had been read the third time there, and asked us to send it back. We returned it, and the Bill is here again. I think the proper procedure would have been to send the Bill up with a message, and that it should be read the first time here now.

Sir MACKENZIE BOWELL. Would the hon. gentleman inform us where the irregularity occurred, and in what way?

Hon. Mr. DANDURAND. I understand the third reading had not been taken in the House of Commons. It was sent here by error, and was read the first time in the Senate, and then, at the request of the Commons, was returned to the other House, but this first reading of the Bill was not rescinded. I am not sure that the first reading is not nullified, by inference, under the circumstances.

Hon. Mr. POWER—With the consent of the House I withdraw my motion.

The Bill was read the first time.

Hon. Mr. LANDRY—Do we take it for granted that this Bill which is read the first time to-day has been sent to us by message from the House of Commons? I understand it has not been, and it should be sent back for a message.

Hon. Mr. POWER—Everything which took place here before was a nullity, and the House of Commons should have sent us a message to tell us that they had passed the Bill. Suppose the Bill had come here without having been read the 3rd time, it could not be contended that there should not be a message. The Commons should send us a message.

The SPEAKER—Perhaps hon. gentlemen will let the whole matter stand over as if nothing had occurred. I would assume that the Senate could have given that first reading of its own motion.

Hon. Mr. LANDRY—The first time the Bill came here it came on a message.

The SPEAKER—Yes, by mistake.

Hon. Mr. LANDRY—Then another message came from the House of Commons asking us to return the Bill and we returned it. Now we want another message

to make things regular, so we can be convinced it has come back in regular form.

The Bill was allowed to stand over until to-morrow.

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

THE SENATE.

OTTAWA, Wednesday, March 24, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CLASSIFICATION OF SENATE EMPLOYEES.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to inquire if the classification of our employees is to be laid on the table soon. I observe that it has been done in the House of Commons. On the 11th March a double report was made, one on the classification of the employees of the House of Commons, and another on the organization of the staff, and I suppose that the production of that double report in the House of Commons means that the Senate will be soon favoured with a similar report from the head of this department. The Speaker is the head of the department in this case, and I beg to inquire when we may expect that report?

The SPEAKER—I may say for the information of the hon. gentleman that it is practically ready, and has been for some time. I felt that, until the two reports which are made with reference to two new appointments, which will be classified, were disposed of, this report should not be presented. It is expedient that that should be done before the classification, because after the adoption of the classification I would have no control over it.

DELAYED RETURNS.

Hon. Mr. BOSTOCK—When will the hon. minister be able to lay on the table the papers called for in my motion of the 11th inst.?

Hon. Sir RICHARD CARTWRIGHT—I am not able at the moment to answer my hon. friend. He is aware that the Minister of Justice has been temporarily indisposed, but I hope in a day or two that I shall be able to lay the papers moved for on the table.

EVILS OF DIVORCE RESTRICTION BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading of Bill (T) An Act to restrict the evils of Divorce.

Hon. Mr. CLORAN said: When I introduced this Bill some ten days ago I asked permission to postpone the second reading until to-day so as to give the different institutions that are more or less concerned with the morals of the country an opportunity to investigate the matter and give expression to their views. I have submitted the Bill to nearly every religious institution in the country represented in the capital, and have received in reply a number of letters from the dignataries of the different sections of the Christian church. In some instances they ask for a delay to enable them to communicate with their head authorities. I therefore ask permission to postpone this order.

Hon. Mr. LANDRY—Until after the adjournment?

Hon. Mr. CLORAN—I find on the orders of the day some divorce Bills, two of which are the foundation for this Bill. I find so far only one religious community which favours divorce on the ground that there should be divorce where the woman is proved to be unworthy of being a married woman. Two Bills to which I have objection are coming up for second reading. I would ask the chairman of the Divorce Committee not to press these Bills to a final decision until this Bill of mine is settled one way or the other. If necessary, I will feel myself compelled very reluctantly to move amendments to each of these Bills as they come up. If my suggestion is accepted, I shall not find it necessary to do so. Under the circumstances, I move that the order of the day be discharged and placed on the order paper for the 16th of

April. I should like very much to have a full expression of opinion. I do not wish to rush this thing through.

Hon. Mr. KIRCHHOFFER—There is no danger of that.

Hon. Mr. CLORAN—There was a majority of only one against it last year. I hope there will be a majority in favour of it this year.

The motion was agreed to.

THE KELLER DIVORCE BILL.

CONSIDERATION OF REPORT POSTPONED.

The order of the day being called:

Consideration of the 6th report of the Standing Committee on Divorce to whom was referred the petition of Eveline Martha Keller, together with the evidence.

Hon. Mr. KIRCHHOFFER said: The evidence in this case has only been distributed to-day, and I therefore move that the order of the day be discharged and set down for to-morrow.

Hon. Sir RICHARD CARTWRIGHT—I called the attention of the hon. Secretary of State to my hon. friend's complaint as to delays in having the evidence in these cases printed. The deputy minister writes that on inquiry he finds that from three to four days would be saved were the proofs read at the Bureau instead of being sent out. When the proofs are sent out, of course it is in consequence of an order to do it, and if that were changed he could effect a material saving in the time now occupied. I am not certain whether that is under the control of the committee over which my hon. friend presides or not.

Hon. Mr. KIRCHHOFFER—No, we have nothing to do with that at all.

Hon. Sir RICHARD CARTWRIGHT—Then I suppose the Joint Committee on Printing would be concerned in it. Perhaps my hon. friend might arrange with the proper authorities to have Mr. Parmelee's suggestion complied with.

Hon. Mr. KIRCHHOFFER—I will. Since my right hon. friend has given instructions we have not had the same difficulty getting the evidence printed. It comes more promptly than when I first called attention to the matter. After this, as far as I can gather, we shall have the evidence distributed with greater regularity and dispatch than heretofore.

The motion was agreed to.

SECRET COMMISSIONS BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 31) An Act to prevent the payment or acceptance of illicit or secret commissions or other like practices.

(In the Committee).

On clause 2,

2. In this Act, unless the context otherwise requires,—
(a) 'consideration' includes valuable consideration of any kind;
(b) 'agent' means any person employed by or acting for another, and includes a person serving under the Crown or under any municipal or other corporation;
(c) 'principal' includes an employer.

Hon. Sir MACKENZIE BOWELL—Would subclause (b) of this clause include private individuals?

Hon. Sir RICHARD CARTWRIGHT—Yes.

The clause was adopted.

On clause 3, subclause (a),

3. Every one is guilty of an offence and liable, upon conviction on indictment, to two years' imprisonment, or to a fine not exceeding two thousand five hundred dollars, or to both, and, upon summary conviction, to imprisonment for six months, with or without hard labour, or to a fine not exceeding one hundred dollars, or to both, who,—
(a) being an agent, corruptly accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gift or consideration as an inducement, or reward for doing or forbearing to do, or for having after the passing of this Act done, or forborne to do, any act relating to his principal's affairs or business, or for showing or forbearing to show favour or disfavour to any person with relation to his principal's affairs or business; or

Hon. Sir MACKENZIE BOWELL—Might I ask the minister whether he has considered the suggestion I made at the second reading as to the word 'corrupt,' or whether

he proposes to make any amendment to any portion of the Bill? I presume he is aware that a number of merchants memorialized, I think the Minister of Justice, on this matter, and pointed out that they thought it would prevent them, in dealing with their customers, from making any rebates or rather making any discounts. I confess I read the memorial, a copy of which I received, and I presume many others did also, with a good deal of attention; but I cannot understand this Bill to apply in any way to the cases which were cited by these wholesale merchants. We all know very well that wholesalers make different discounts to their customers. I take it this Bill would not interfere in any way with that.

Hon. Sir RICHARD CARTWRIGHT—I understand not.

Hon. Sir MACKENZIE BOWELL—In proportion to the amount of goods sold to their customers, just so in proportion is the discount regulated in ordinary business transactions. If I understand the Bill, it does not in any way interfere with that.

Hon. Sir RICHARD CARTWRIGHT—I think my hon. friend is right, that it does not interfere in any way.

Hon. Sir MACKENZIE BOWELL—Did the hon. gentleman consider the other question I raised, as to the difficulty in proving that the act of giving or accepting a consideration in such cases would be a corrupt one? I remember distinctly the answer that the hon. gentleman gave me, that he would consider it such. I am quite sure he would, and so would I if I were the acting magistrate under such circumstances; but the question is whether others would put as rigid an interpretation, if I may use that expression, upon the word 'corrupt' as the hon. gentleman and myself would in the case to which I have referrred.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend, that the Department of Justice are of the impression that the words are efficiently expressed; but my hon. friend from De Salaberry is going to propose an amendment in which, I believe, the Minister of Justice concurs that may possibly affect to some extent the question raised by the hon. senator from Hastings. That will be proposed after the last subclause.

The subclause was adopted.

On clause (c),

(c) knowingly gives to any agent, or, being an agent, knowingly uses with intent to deceive his principal, any receipt, account, or other document in respect of which the principal is interested, and which contains any statement which is false or erroneous or defective in any material particular, and which, to his knowledge, is intended to mislead the principal.

Hon. Mr. BEIQUE—I beg to move that the following be added as subclause (d).

Every person who is a party to or knowingly privy to any offence under this Act shall be guilty of such offence, and shall be liable upon conviction to the punishment herein provided for by this section.

The object of the addition is this: there is an apprehension that the meaning of the word 'agent' being defined in clause 2 of the Act, it might be interpreted as excluding other provisions of the Criminal Code which already covers subsection 2, because under the Criminal Code any party who is privy to any crime is liable for the crime the same as the other party. It is for the purpose of removing this doubt that this subsection has been suggested. I must say that the subsection was not suggested or drafted by me, but I have no hesitation in taking the responsibility for it. It cannot do any harm, and it will remove a possible doubt.

Hon. Mr. SCOTT—It a very proper amendment. It enlarges the section and gives it a wider meaning.

Hon. Mr. LANDRY—Is there no other amendment proposed?

Hon. Mr. BEIQUE—No.

Hon. Sir MACKENZIE BOWELL—I would suggest that we should not be in too great a hurry. Every one will admit that this is an important Bill. I have no doubt the amendment, as far as I can understand it, will meet the case to which the hon. gentleman refers; that is, it is not to interfere with the Criminal Code. The hon. gentleman did not answer the

question I asked him as to the point which I raised with reference to the word 'corruptly.' I presume he does not propose to change that?

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that I understand from the Department of Justice that they think the phraseology they have used is sufficient to cover the case which he suggested, and that it would bear the interpretation that he and I would individually put upon it.

Hon. Mr. FERGUSON—I would suggest that my hon. friend's motion might be allowed to stand as a notice, and that we should go into committee again when we see the effect of it. I think it is going very far. It would compel a person to become a prosecutor or informer, or otherwise become amenable to a criminal suit. I think we should have time to consider it more carefully than we are able to do it now.

Hon. Sir RICHARD CARTWRIGHT—I think that is quite proper. It is an important measure, very decidedly called for from circumstances with which the House is only too well acquainted, and I am quite willing that the measure should be placed on our records, but I would make this suggestion to my hon. friend: We might pass the Bill in committee now and bring this matter up on the third reading. That will meet his views and give him an opportunity to study the full meaning of the clause.

Hon. Mr. KERR—Why not pass the Bill now and let the third reading stand till hon. members have an opportunity of considering the point?

Hon. Sir RICHARD CARTWRIGHT—It is a matter of indifference to me. I quite agree with the hon. gentleman that where an important amendment of this kind is introduced into a Bill, every hon. member should have full opportunity to consider it, and we are debating now as to the best method of accomplishing that object.

Hon. Mr. LANDRY—We are taken by surprise.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. FERGUSON—I have noticed that there is always a great deal of reluctance to refer a Bill back to the committee unless it is something of primary importance. Although not a matter of primary importance sufficient to justify us in making the change when we are in committee, just suppose a case, to make my meaning clear, of a person who has transactions with the government, and one of its employees may have a keen insight into the fact that something of this kind is going on, it would be pretty hard to make that employee liable to criminal prosecution unless he communicated to the government the information that his employer was doing something of this kind. Being a party to it, of course, would be another matter, but if he happened in an incidental way to come into possession of such information, it might be considered extreme to make him liable.

Hon. Sir RICHARD CARTWRIGHT—Possibly, but these subterranean commissions, and this practice of giving commissions, for corrupt purposes has come to such a head that pretty stringent legislation is necessary to put a stop to it. We have had too many cases in which parties with guilty knowledge, and, in all probability, participation in the profits, have held their tongues and have allowed private employers and the public to be defrauded, not to make us desirous when we do put a law in the statute-book to make it effective. I do not think any innocent party can suffer, but I am quite satisfied that the clause shall be fully considered, and we can adjourn the third reading or adopt the other course, which ever the hon. gentleman prefers.

Hon. Mr. BEIQUE—I would refer the hon. gentleman to section 69 of the Criminal Code, which says:

> Every one is a party to and guilty to an offence who
> (a) actually commits, or
> (b) does or omits an act for the purpose of aiding any person to commit the offence, or
> (c) abets any person in commission of the offence,
> (d) counsels or procures any person to commit the offence.

So that it will be seen that the sub-amendment which is suggested is merely carrying

out the principle which is to be found in section 69 of the Code. I am of opinion that it would be not strictly necessary. It has been submitted to an eminent counsel in criminal matters, who is of the opinion that although the Criminal Code would cover it, it would be better to have a subsection added for the purpose of removing the doubt which may exist, and avoid having the question raised before a criminal court.

Hon. Mr. POWER—I do not see how it could be raised in a criminal court, because the next clause says that this is to be read as if its provisions formed part of the Criminal Code.

Hon. Mr. CHOQUETTE—The words used here are 'Who is a party to or knowingly accepts.' What would be the position of a merchant under the following circumstances; suppose a wholesale merchant in Montreal has an agent here who has a free hand to do business with the government, and the agent gives a commission to a government employee. A week or two afterwards his principal learns of that and says nothing about it. Later on the whole thing is discovered. What then will be the position of the principal?

Hon. Sir RICHARD CARTWRIGHT—I think he would be liable to be punished.

Hon. Mr. CHOQUETTE—That is what I should like to know.

Hon. Mr. FERGUSON—He would know all about it; but it might happen that some other employee of his would get this information and it would be pushing it very far to say that he should be made criminally liable.

Hon. Sir RICHARD CARTWRIGHT—I think my hon. friend will find that this clause which is suggested by my hon. friend from De Salaberry practically reaffirms a well established principle contained in the code already, in section 69; and I think in the next place he will find that in such a case as he supposes the jury—and these cases will go before juries—will be sufficiently lenient in dealing with offences of that class.

The amendment was agreed to.

Hon. Mr. WOOD, from the committee, reported the Bill with an amendment, which was concurred in.

BILLS OF EXCHANGE BILL.

SECOND READING.

Hon. Mr. CHOQUETTE moved the second reading of Bill (G) An Act to amend the law relating to Bills of Exchange, Cheques and Promissory Notes. He said: This Bill speaks for itself. It consists of two short clauses which read as follows:

1. Section 109 of the Bills of Exchange Act, chapter 119 of the Revised Statutes of Canada, 1906, is hereby repealed and the following is substituted therefor:—

109. In order to render liable the acceptor, endorser or any party to a bill of exchange, cheque or promissory note, it is not necessary to protest the bill, cheque or note.

2. Any law to the contrary, as respects bills of exchange, cheques or promissory notes, is hereby repealed.

Until now, especially in Quebec, all dishonoured notes have to be protested, imposing a fine on the endorser or maker of the note of some $3. They should be liable for the legal life of a note, which in Quebec is five years without protest. I do not see any necessity for that. Parties have spoken and written to me about it, but the objections to dispense with this costly protest always come from the same source, from the notaries in the province of Quebec and lawyers from other provinces. They object because it will deprive them of the $3 which they receive now for the protest. A member of the House, a notary, said to me, 'You are not going to push this Bill I hope?' I asked why, what is the necessity to protest?' He said, 'There are two banks in my place and if the Bill is passed I will lose the protest fees.' If there is one good public reason for maintaining the present provision in the law, I could understand why there should be an objection to the passing of this Bill, but so far the only objection I have heard is the one which I have mentioned. In the first place, if the maker of a note is not good, the endorser is obliged to pay, and the protest only adds two or three dollars more to his liability. If the maker of the note is good, he has only to pay it and it is unnecessary to saddle him with the cost of a protest. I am not alone in thinking

that there is no public necessity for continuing the present provision in the law. I have in my hands here a resolution, passed unanimously by the Board of Trade of Quebec, asking the Minister of Trade and Commerce to amend the law in the manner proposed by this Bill. The resolution was passed after an expression of opinion on the subject from a meeting of the retail merchants of the Dominion held in St. John. They passed a resolution unanimously, asking the government to abolish the necessity of protesting a note. Since giving notice of the Bill, not later than two or three days ago, an article on the subject was published by 'La Presse' of Montreal, one of the leading French papers, and having the greatest circulation. It said:—

L'abolition des protêts notariés.

L'honorable sénateur Choquette propose trois lignes en amendement à l'"Acte des Lettres de change" qui en disent long. En voici le texte:

1. Est abrogé l'article 109 de de la "Loi des lettres de change", chapitre 119 des statuts revisés du Canada, 1906, et remplacé par le suivant:

109. Pour lier l'accepteur, l'endosseur d'une lettre change, d'un chèque ou d'un billet à ordre, ou toute partie à iceux, il n'est pas nécessaire de protester a lettre le chèque ou le billet.

Les protêts ont toujours été une source de déboursés inutiles pour les hommes d'affaires ou autres, et, même, une source de pertes pour les prêteurs imprévoyants ou oublieux. Nous croyons préférable en effet, que l'endossement reste toujours bon durant la vie légale du billet ou de la lettre de change.

It shows that it is unnecessary to protest a note. In the Montreal 'Star,' some days ago, I read the following from a merchant of St. John, N. B., under the heading 'protest charges.' It is as follows:—

Protest charges.

To the Editor of the Montreal 'Star':

Sir,—I have had the pleasure of having a business cheque to-day drawn by a customer dishonoured for the lack of funds to provide for same. The cheque amounted to $12.50, and I am called upon to pay $3.65 protest charges, or almost 25 per cent of the principal. What an outrage! Can any reasonable, fair-minded individual consider $3.65 a reasonable charge for protesting a cheque of this size or of any amount? I think not. The whole system of cheque and note protest with exorbitant fees for lawyers attached is wholly unnecessary, and the laws that permit such an outrage and hold up should be amended.

This letter is signed 'A merchant.'

Hon. Mr. CHOQUETTE.

So you see not only the Board of Trade of Quebec, the Retail Association of the Dominion, and the public press of Montreal and New Brunswick are discussing the question, but it is attracting attention throughout the country. I am pressing this Bill in the public interest. I have not spoken to a member of either House about it. If the only reason which can be shown for opposing this Bill is that it would deprive our good friends the notaries of their fees, I do not think the Bill should be opposed. When a man puts his name on a note, or accepts a draft, he ought to know he is responsible for the payment of it, and that is all a protest can tell him.

Hon. Mr. FERGUSON—Is he not responsible even though there is no protest?

Hon. Mr. CHOQUETTE—Not in our province.

Hon. Mr. SCOTT—The acceptor or maker is responsible.

Hon. Mr. CHOQUETTE—Under sections 113 and 114 of the Revised Statutes in the province of Quebec the parties other than the acceptor are in default of protest for non-acceptance or non-payment discharge. I remember when the Act relating to bills of exchange was passed. Sir John Thompson had charge of the Bill. Somebody tried to do away with protests, but for one reason or another it was left over for future consideration and allowed to drop, but ever since then the public have agitated the question.

I have said enough to show that this Bill is necessary; now I will show what is the cost of it to the business men of the country. I have a memorandum here showing that in the Dominion there are about two thousand banks, including branches. The calculations were given to me by a retail merchant in Quebec, who was president for some time of the Retail Association of the Dominion, and he took special care to have his figures as correct as possible. He went around the banks, and from the information he gathered he found that in each Bank there are on an average three protests per day. In support of this, I may say I went myself a few days ago to a bank in Quebec and learned that this average is about right. Three pro-

tests a day for two thousand banks would give eighteen thousand dollars a day. If you calculate 300 days in the year as business days, it gives us the enormous sum of $5,400,000, which is paid by the public annually in protest fees. Why should not the maker or endorser of a note be held responsible without a protest? Now, an other point; take the case of a man who has no credit, he gets some responsible party to endorse his note.

Hon. Mr. SCOTT--Lower the fees. They are lower in other provinces.

Hon. Mr. CHOQUETTE—We can discuss details in committee. Last week a number of cases were cited for me, showing that this legislation is desirable. Take the case of a man in a country place who does not know that a protest is necessary to preserve his recourse against the endorser or maker. A man who has no credit wants to borrow, say $100. He gets an endorser for his note, and a farmer or some poor widow who has a little money lends on the note, not knowing that a protest is necessary in case of non-payment to hold the endorser. The note is unpaid, and no protest being served on endorser he goes free. Why not say that the endorser is responsible for the legal life of the note, and do away with these unnecessary protests which cost the country such an immense sum every year. If the Bill goes to committee, I shall be quite willing to have it amended to provide that if the manager of a bank or the holder of a note gives notice to the endorser within eight days after the maturity of the note, by registered letter, it would be equivalent to a protest, or accept some amendment in that direction. With these few remarks I leave the Bill in the hands of this honourable House.

Hon. Mr. BOLDUC—I have listened very attentively to the remarks of the hon. gentleman, and am somewhat surprised that instead of speaking of the Bill before the House he speaks of the commercial law of the province of Quebec, which has nothing to do with the Bill now before us. The object of this Biil is to strike out section 109 of the commerical law which provides that in order to render the acceptor of a bill liable it is not necessary to protest it. He proposes to substitute for that the clause contained in his Bill. That is the law for the general public, but section 114 in the Revised Statutes makes provision specially for the province of Quebec. So that even if the Bill now presented by my hon. friend were adopted, it would do away with the protest only of foreign bills and bills of exchange. It would not touch at all bills of exchange and notes in the province of Quebec, and according to the calculations made by my hon. friend, we are spending in the province of Quebec over $5,000,000 in paying notarial fees.

Hon. Mr. CHOQUETTE—No, in the whole Dominion.

Hon. Mr. BOLDUC—Even admitting it is the whole Dominion, outside of Quebec there are no protests at all except for foreign bills of exchange and notes. It is only necessary to protest foreign bills. In Quebec inland bills have to be presented, and I am at a loss to understand how the hon. gentleman can find fees to the amount of $5,000,000 for the whole Dominion. How is it that no banker, no important board of trade, no important merchants have sent us petitions to have the law passed? My hon. friend says that in Quebec the chamber of commerce passed a resolution ordering the protest to be repealed. Was there a notice given to all the members of the board of trade that such a question would be considered at the meeting of the board of trade? I doubt it very much. What was the number of gentlemen who attended that particular meeting? Was there a large number? The board of trade at Quebec is composed of several hundred members. How many attended? Were there 50, 25 or 10? We know how easy it is to pass a resolution at the end of a meeting, when everybody believes that the business of the day is completed, for a man to rise and say: 'I want to have such a resolution passed,' when there are only a few members attending and when no notice has been given of the intention to pass such a resolution. Are we going to amend so important a law as the commercial law, the result of the study of the ablest men of England and France? We know that in

England the commercial laws, which are considered to be perfect, and the commercial laws of France, which are also considered to be perfect, do not dispense with the protest. We know that in order to hold the endorser responsible after the maturity of a bill of exchange or note it must be protested; you must tell the endorser that the bill has not been honoured, that the note has not been paid, so that the endorser if he wants to protect himself can say to the debtor: 'You must pay it now.' My hon. friend says, why not hold the endorser responsible for five years? Why should we bind a man to be obliged to pay a certain amount, $100 or $500, in five years, when the party who made the note is to-day able to pay it, and he may not be in three or four years. If you do not force the holder of a note to give notice to an endorser that the note has not been paid, you place the endorser in a very false position indeed.

Hon. Mr. CHOQUETTE—What would my hon. friend say if the manager of a bank was obliged to give notice by a registered letter that a note is due without any costs. Would that be satisfactory to the hon. gentleman?

Hon. Mr. BOLDUC—No, I will reply to that. Suppose a case where a note would be endorsed by a man by a false endorsement, by a man who had no right to sign the name of his employer, a forged endorsement, if there is a protest, the thing is detected at once. The name which appears on the note is seen at once and the party who receives the notice can repudiate the endorsement as a false one; but where there is no protest required, the endorser is held liable to pay the amount in five years, and by that time it might be impossible to prove that it was a false endorsement. The great complaint of my hon. friend is that protest costs too much, that it is only in the interest of the notaries that protests are kept in existence in Quebec. If the hon. gentleman consults the boards of trade, the merchants, bankers and judges, in nine cases out of ten he will find that these men are in favour of retaining the protest. Why? Because instead of incurring expense it is curtailing expense. As the law stands at present, a protest made by a notary is sufficient to prove that the notice has been served. In the case mentioned by the hon. gentleman, in which you would have to give a notice one way or another, if you have the case before the court you must establish the endorsation by witnesses, and you have sometimes to keep those witnesses in court two or three days before they can be heard, and the expenses, instead of being $1.50, as is generally the case for a protest, will be $10 or $15. More than that, if a man who endorses a note wants to present a protest, he has a perfect right to do it as it stands now. There is a special provision in the law which says—I think it is clause 34 in the Revised Statutes:

> The drawer of a bill and any endorser may insert therein an express stipulation,
> (a) negativing or limiting his own liability to the holder (b) waving as regards himself some or all of the holders' duties.

So that according to the law as it stands now, any person endorsing has the right, by placing the words above his name, to prevent any protest. For these considerations, I propose to vote against the Bill, and I hope the decision of the great majority of this House will be to permit the law to remain as it is and reject this measure.

Hon. Mr. BEIQUE—I hope the hon. gentleman from Grandville will not insist upon this Bill. I have a great deal of respect for the board of trade of Quebec, but we must bear in mind that this Bill is intended to make away with the provision which obtains in every civilized country, and that we, before adopting such a radical change in the law, would require to be moved by more than one chamber of commerce or one board of trade of any city. I am not aware that there has been any expression of opinion in that sense, apart from the board of trade of the city of Quebec, and, as far as I am concerned, I believe the existing law is a safeguard in the interests of trade and in the interests of endorsers of bills or notes.

Hon. Mr. CHOQUETTE—Allow me one question. I am informed—although I have received no official communication—that the Banker's Association is in favour of the Bill. They have done nothing so far

against it. I am told that, among themselves, they favour the Bill, although they do not like to be mixed up in a matter of this kind.

Hon. Mr. LANDRY—Is that reliable information?

Hon. Mr. BEIQUE—If the members of the Banker's Association are in favour of the Bill, there is an easy way to ascertain that fact. So far as we know, they have not expressed any such opinion, and I would be very much surprised if they did express that opinion. I call the attention of the hon. gentlemen to section 180 of the Bills of Exchange Act as it reads now in the Revised Statutes.

Where a note payable on demand has been endorsed it must be presented for payment within a reasonable time of the endorsement.

Section 181 reads:

If a promissory note payable on demand which has been endorsed is not presented for payment within a reasonable time the endorser is discharged.

If the Bill now before us were passed, what would be the consequence? A promissory note would be endorsed, and the party would remain liable for 30 years in the province of Quebec.

Hon. Mr. CHOQUETTE—Oh, no.

Hon. Mr. BEIQUE—Would it be in the interests of commerce; would it be in harmony with commerce to introduce such a state of things? As was very well said by the hon. gentleman (Hon. Mr. Bolduc) I think it is very important for the purpose of detecting forgery. A promissory note might be forged, and there would be no means of detecting the forgery. The party might be in collusion with the forger, and we know perfectly well, especially in the case of parties lending at a very high rate of interest, and sometimes closing their eyes to things of that kind, they would allow a promissory note to run for a period of time, and there would be no means of detecting the forgery.

Hon. Mr. CHOQUETTE—On this very point, to show that this argument does not amount to anything, with due respect to my hon. friend, I refer to the Aitkinson case in Quebec, where it was proved that forged notes had been in the bank for two years, and they were not discovered until the inspector examined the books, and still the law of protest exists. So that it would make no difference whether a note was presented or not.

Hon. Mr. BEIQUE—I do not think that would prove anything.

Hon. Mr. DANDURAND—No.

Hon. Mr. CHOQUETTE—Forgeries cannot be discovered any sooner.

Hon. Mr. BEIQUE—I think it is in the interests of all parties concerned that promissory notes be protested as far as the endorser is concerned, and it is the same way with bills. This law obtains not only for Quebec but for the whole Dominion. The only difference is as regards inland bills, where a protest must be made in Quebec; but it need not be made so in other provinces. With regard to promissory notes the law is the same. In my opinion it would be inadvisable to change the law, and we would not be justified in doing so without having an expression of opinion from the commercial bodies generally. I might call the attention of the hon. gentleman to the wording of the Bill. It says:

In order to render liable the acceptor, endorser or any party to a bill of exchange, cheque or promissory note, it is not necessary to protest the bill, cheque or note.

It is not the protest that renders him liable. It is the endorsing of the note, and the protest is merely necessary for the purpose of preserving his liability, but the liability exists.

Hon. Mr. CHOQUETTE—But if there is no protest the endorser of the note or draft is not liable.

Hon. Mr. BEIQUE—The hon. gentleman stated that another provision might be substituted, a letter by the bank. We know very well that the provision is not made simply for notes which go through banks, it is for all kinds of notes, and the notes do not all go through the banks, and they are not necessarily payable at banks, and therefore, we must adopt a general rule that will apply to all cases. For those reasons, I think the law should remain as it is.

Hon. Mr. DANDURAND—If we ponder a moment over the obligation that some notice must be given to the endorser, of the non-payment of the note, we must agree that the notification should remain as it is inscribed in the law. The endorser has no means of knowing at the date of maturity if the note has been taken up, other than by the notification? The maker may tell him he has taken up the note, and if the note remains somewhere—and very often the endorser has not the means of knowing where that note is, the only way of protecting himself, and the only way of knowing if that note has been taken up is by notification. If we are all agreed that the endorser is entitled to the elementary protection of a notification, if the note is not paid, then the only grievance that remains is the amount that is collected or charged against him if he should ultimately be obliged to pay the note. If that is the only grievance, I would then urge my hon. friend to withdraw his Bill, and to see, as far as the province of Quebec is concerned, that the legislature of Quebec should regulate the amount to be collected upon those protests.

Hon. Mr. CHOQUETTE—There is no jurisdiction in Quebec in regard to bills of exchange, notes, &c. That belongs to the Dominion parliament.

Hon. Mr. CASGRAIN—I do not see the object of this Bill. The hon. gentleman from Grandville knows perfectly well that it is not necessary to bring in a Bill at all to do away with protests. Anybody can go to the bank and say: 'I waive protest,' and if it is such a good provision, why do the people not avail themselves of it without a Bill? There is no more need of a Bill than the fifth wheel on a coach. The Quebec Board of Trade need not congratulate my hon. friend upon introducing a Bill of this sort at all, because they know very well that every member, from the president down, can waive protest in the city of Quebec or any other city. My hon. friend from Grandville refers to the notaries. Let the notaries remain out of the question altogether. We are not considering the notaries. I think protest is a necessary thing, because it aids collection. Speaking for the province of Quebec, it is the last thing a country or city merchant desires to see—a note protested. They are afraid of it. It is a sort of dishonour, and they strain every point sooner than have a protest, and when the day arrives that they have to pay a bill they will go to their endorser and pay something on account to avoid a protest. If the provision in regard to protest did not exist at the present time, I think we would all be very anxious to make it. Law makers before us enacted that law of protest, and I think it is a good enactment, and I for one will cheerfully vote against this Bill because I think it is unnecessary in the first place, and I think the system is quite sufficient as it is.

Hon. Mr. LANDRY—What I desired to say a minute ago has just been said by my hon. friend. I wished to speak of the waiver of notice.

Hon. Mr. CHOQUETTE—In reply, I may say I should like to have heard from members from other provinces on this question. I am sorry to see it is only Quebec members who deal with it. I have not spoken to anybody about it because it is a public question. I have no personal animus in the matter, nothing against the notaries. I should like to hear from the members representing other provinces. I presume that they are all in favour of the Bill, as they have not said a word against it. In answer to the hon. gentleman from De Salaberry, I had it this morning from a most reliable source that the Bankers' Association are in favour of this Bill.

Hon. Mr. DANDURAND—Allow me to draw attention to the fact that once the bankers have notes in their hands, they are not interested at all in freeing the endorser, and will keep the notes as long as they can.

Hon. Mr. CHOQUETTE—Certainly, but the opinion of the Bankers' Association is worth more than the opinion of some other parties who have spoken on the Bill, so I should like to know if my information is correct or not. I should like to know the opinion of the Montreal Board of Trade, and I will take the trouble to write to this important association to ascertain their opinion. I therefore, move that the order

of the day be postponed till after the Easter adjournment, to ascertain the opinion of these bodies, and if they are against it, I am quite willing to withdraw the Bill, with the feeling that I have done my duty. If the Bankers' Association, and the Montreal and Toronto Boards of Trade are opposed to it, I shall be quite willing to withdraw the Bill. I ask the House to allow me to discharge the order and place it on the Order Paper for second reading after the adjournment.

Some hon. MEMBERS—Oh, no.

The SPEAKER—You can only do that with the leave of the House, which is quite evidently against you.

Hon. Mr. CHOQUETTE—I don't see why it should be refused.

Hon. Mr. FERGUSON—I think it is a very reasonable suggestion. that we may have more light on it.

The SPEAKER—Shall the hon gentleman have leave to withdraw his motion?

Hon. Mr. DANDURAND—The Senate must be quite unanimous, but I do not see any objection to giving the hon. gentleman a month if he thinks he can shed more light on the subject.

Hon. Mr. LANDRY—I move that the Bill be read a second time this day six months, which will give the hon. gentleman ample time.

Hon. Mr. CASGRAIN—I will second that motion.

The amendment was declared carried.

SECOND READINGS.

Bill (No. 50) An Act to incorporate La Compagnie du Chemin de fer International de Rimouski.—(Hon. Mr. Fiset).

Bill (No. 57) An Act respecting the Vancouver, Fraser Valley and Southern Railway Company.—(Hon. Mr. Riley).

Bill (U) An Act for the relief of Victor Eccles Blackhall.—(Hon. Mr. Campbell).

Bill (V) An Act for the relief of Annie Louisa Coltman.—(Hon. Mr. Campbell).

RIDOUT DIVORCE BILL.

SECOND READING POSTPONED.

The order of the day being called, second reading Bill (W) An Act for the relief of John Grant Ridout.

Hon. Mr. GIBSON moved the second reading of the Bill.

Hon. Mr. FERGUSON—Before this Bill is read the second time, I should like to be able to direct the attention of the House to the evidence on which it is proposed to grant this divorce. I see the chairman of the committee is not present, and perhaps it were better that it be postponed until another day, and then hon. gentlemen who have not read the evidence will have time to examine it, and the House will be better prepared to come to a conclusion. For my part I think the evidence is very slender indeed on which it is proposed to grant this divorce.

Hon. Mr. GIBSON—I accept the suggestion of the hon. gentleman, and move that the order of the day be discharged, and that it be fixed for Friday next.

The motion was agreed to.

BRITISH COLONIAL FIRE INSURANCE COMPANY'S BILL.

AMENDMENTS CONCURRED IN.

The order of the day being read:

Consideration of the amendments made by the Standing Committee on Banking and Commerce to (Bill D) an Act to incorporate the British Colonial Fire Insurance Company.—(Hon. Mr. Choquette.)

Hon. Mr. CHOQUETTE moved that the amendments be concurred in.

Hon. Mr. ROSS (Middlesex)—Explain.

Hon. Mr. CHOQUETTE—These are amendments proposed by Mr. Fitzgerald, who appeared before the committee. He asked the promoters to accept some amendments concerning the capital, and the amount to be paid before the company should go into business. The promoters accepted the amendments, some of which are in accordance with the standard clauses in the proposed Insurance Bill.

The motion was agreed to.

APPOINTMENT OF BYRON NICHOLSON.

MOTION.

The order of the day being called:

Consideration of the memorandum from His Honour the Speaker recommending the appointment of Mr. Byron Nicholson to the staff of the Senate, &c.

Hon. Mr. WATSON moved that the recommendation be concurred in.

Hon. Mr. POWER—I do not know whether the motion is altogether in order; but I have the honour to move that this m morandum be referred to the Standing Committee on Internal Economy and Contingent Accounts to be considered and reported on.

Hon. Mr. WATSON—I have no objection to the amendment, and am willing to accept it in lieu of my motion.

Hon. Sir MACKENZIE BOWELL—May I ask why that course is adopted? I was under the impression that the Civil Service Act placed the power in the hands of the Speaker to recommend appointments to the Senate. Does the law require that these recommendations made by the Speaker shall be referred to the Committee on Internal Economy, or is it done for some other purpose? If so, it would be well that the Senate should be acquainted with the reasons why the law is departed from.

Hon. Mr. POWER—I am, on the whole, rather glad that the hon. member from Belleville has asked the question which he has because there has been some misapprehension as to the effect of the law. It will be noticed that pains were taken in drafting the Bill which passed last year, amending the Civil Service Act, to preserve the rights and privileges to both Houses with regard to their staffs. The Act provides that in dealing with employees of the Senate, the Clerk of the Senate is substituted for the deputy minister, the speaker of the Senate for the minister, and the Senate for the cabinet. The course of procedure in a department is this: the deputy minister recommends a classification to his minister. The minister approves or amends that classification. Then he submits it to the cabinet, and the usual practice of the cabinet, in cases where detail is to be dealt with, is to refer that report to a committee of the Privy Council. The committee report to the whole council, and the whole council deal with the matter. That is just the course that is proposed to be taken here. The Clerk reported to his honour the Speaker; the Speaker taking the place of a minister reported the matter to the House. The Senate then refers the matter to its standing committee, a committee appointed to deal with questions respecting its officers, and that is the regular course. The gentleman who is named in this recommendation of His Honour the Speaker will be a permanent officer if he is appointed, and the members of the Senate, as a rule, have not at hand the information which I assume His Honour the Speaker had. But I think the members of the Senate have a right to be informed as to all the essential qualifications of the gentleman whom they propose to appoint to an important office. That is reasonable, and, naturally, the place where the information is to be got is in the committee. We cannot bring the gentleman up here and examine him at the bar, and it would not be seemly to discuss his qualifications here. I have no doubt he is a very admirable man. I assume that from the fact that he has been recommended, but we must have some fuller and more complete information than that. I think the course I have proposed is the natural and proper course.

Hon. Mr. ROSS (Middlesex)—This looks to me very much like a vote of want of confidence in the Speaker.

Hon. Mr. POWER—No. Would my hon. friend contend that when the recommendation of a minister comes before his colleagues and is referred to a committee of the council, that that is a vote of want of confidence in the minister?

Hon. Mr. ROSS (Middlesex)—No. The Speaker is acting as a minister. Without the concurrence of the Speaker in this reference it would be a vote of want of confidence. Suppose this committee recommends a different person from the one recommended by the minister, where are you? The Speaker acts as a minister; many hon. members know what that responsibility involves. A minister says: 'I recommend John Smith.' His colleagues say: ' No, let us refer that to a committee.'

The minister says: 'No, I stand by my recommendation.' In that case, either the recommendation of the minister goes or somebody else has to go. I do not think my hon. friend meant his motion as a reflection on the Speaker, but unless you get the Speaker's concurrence, you may get him in conflict with the House. That ought to be avoided. The Speaker is the official to bring the matter before the House. If he makes the recommendation, it ought to go; if he does not, he can say to the House, I make that recommendation, and you can accept or reject it without reference to the committee. I mention this to prevent the establishment of a precedent, which might lead to collision between the Speaker and the House.

Hon. Mr. DANDURAND—Does not the laying down of that doctrine entail this consequence, that the recommendation of the Speaker must always be confirmed by the Senate?

Hon. Mr. POWER—In the other House the classification was referred to the Commission on Internal Economy.

Hon. Mr. ROSS (Middlesex)—It is a matter of practice.

Hon. Sir MACKENZIE BOWELL—As I understand it, in the House of Commons it went to half a dozen—first from the Speaker to the Internal Economy Committee, then to the Privy Council, then to the Treasury Board, and so on until it got around again. But apart from that, the circumlocution to which the hon. gentleman referred in the appointment of an officer on the recommendation of a minister is not always carried out in the manner that he has intimated. If the rejection of a recommendation of one minister by his colleagues and the appointment of somebody else would be taken as want of confidence in his administration of his department, his duty, I fancy, would be to resign. If that were the case, I doubt if many ministers who have been long in office would not have resigned a good many times. That has been my experience, and I think the hon. gentleman's colleagues who sit beside him would confirm it as theirs also. I do not object to the course suggested by the hon. senator from Halifax. On the contrary, I think it is well that it should be taken. You may have every confidence in the Speaker, but somebody should investigate the qualifications of the party recommended, unless the Speaker adds in his recommendation to the Senate the fact that he had investigated and knows that the party recommended is fitted for the position. Supposing, for instance, either of the gentlemen recommended for appointment now had not passed the necessary qualification examination before the Civil Service Commission, in what position would the Senate be if it confirmed the appointments? Whether these gentlemen have passed the necessary examinations or not I do not know, but I have heard that the commission has not held any examination; if not would we be justified in making these appointments? The Internal Economy Committee, I suppose, can report that fact.

Hon. Mr. ROSS (Middlesex)—Supposing this committee reports another person than the one recommended by the Speaker, in what position would the Speaker stand then? That is my difficulty. I can understand a Speaker strong-bitted and self-willed, saying, 'This is within my privilege; it is my right to make this recommendation. The committee has rejected my recommendation and I am put in a very anomalous position. What am I to do?' Of course a minister does not necessarily resign because his colleagues overrule him, but he has that right. It would not be well for him to exercise it on all occasions; there may be occasions on which it is his duty to exercise it. This is a case where the Speaker is Prime Minister of the House so far as these appointments are concerned. The Prime Minister's recommendation is rejected. I think if I were Speaker I would feel under such circumstances that I was occupying a very humiliating position.

Hon. Mr. CHOQUETTE—The very fact that the Speaker's report is referred to us, means that we have something to say on it. Now we can delegate that duty to the Committee on Internal Economy. Supposing the Internal Economy Committee should report against the recommendation of the Speaker and say he has recommended the

wrong person, and suggest another person, it would simply be because they were better informed, and were asking him to make a better appointment. It is no more a want of confidence in the Speaker than an appeal from the decision of the Chair. I do not know what the committee will report in this case; perhaps they will say that the recommendation of the Speaker is a good one, and recommend the House to adopt it; but I protest against saying that the reference of this recommendation to the Internal Economy Committee is a want of confidence in the Speaker. We send it to the committee because we will be in a better position to get information as to the qualifications of the person recommended than in any other way. How can I, as a member of the Senate, say whether it is a good recommendation or not? I can not. I know the man personally and on the spur of the moment was against his appointment. After an explanation, I was no longer opposed to the recommendation, but I did think it should go to the Committee on Internal Economy where information can be had, and when the report comes back we will be in a better position to judge whether the appointment is a good one or not. I cannot say whether I shall vote for or against the report, but before I am asked to accept the recommendation, I should know something about it. The Speaker may be mistaken; we are all liable to error, and I am sure his honour will abide by the decision of the Senate.

Hon. Mr. SCOTT—The effect of that rule would be to defeat the administration under the Act, because it would place the whole control in the Internal Economy Committee. It would give them power to turn down one man after another and approve of none except those recommended by themselves.

Hon. Mr. LANDRY—The hon. gentleman forgets that the report of the committee must be adopted by this House. The report of the committee is not final. It comes here, and this House will be in the same position that it is now. If the report of the committee is adverse to the Speaker's recommendation we have to accept either the report or the Speaker's recommendation, so the House will be in a position to give an answer.

Hon. Mr. WATSON—I am inclined to think if the Senate had understood the exact provisions of the Civil Service Act when it was passed a year ago, they would not have concurred in this particular provision. From the time I have been in the Senate, I have had something to do with the Internal Economy Committee and I am strongly of the opinion that so far as the staff of the House is concerned, the appointments should be made through that committee. We have opportunities there as some hon. gentlemen have said, of examining those who apply for positions, and we can report to the House. As a rule, but not always, the reports of the committee have been adopted by the Senate. I believe the committee should originate those recommendations for appointments of officers. I understand that the Act provides to the contrary; but I have no objection to the mode suggested of referring this report. I do not regard it as a reflection on the Speaker. So far as the staff of the House is concerned, it would relieve the speaker of a good deal of trouble if he had the assistance of the Internal Economy Committee to endorse his recommendation. It would be infra dig. for the Speaker of this House to have to select all the officials around this building. I do not think it is proper that we should have to discuss his recommendations on the floor of the House. These are better discussed in committee. I do not expect there will be any controversy or trouble with regard to recommendations of the Speaker. I am inclined to think from what I know of the committee, that they will report favourably on them. As this is the first time the matter has come up, and we are establishing a precedent, it ought to be understood that there is no reflection on Mr. Speaker, if the recommendations he makes to the House have to be referred to a committee for consideration. It is simply unfortunate that the provision of the Act should have been so worded as to make it apparently obligatory on the Speaker to make the recommendations in the first place.

Hon. Mr. ROSS (Middlesex)—I hold this is an irregular procedure. It is contrary

to the statute. The Speaker makes the recommendations. As I understand the law, the nominations must come from the Speaker. If so, how can you send the report of the Speaker to a committee? That committee has to make a report, and the report has to be endorsed by the House. I am speaking on it now as a matter of procedure. We are laying down a precedent. We are divesting the Speaker of the autthority conferred on him under the statute. Rightly or wrongly, I understand he has that authority. I do not care whether the recommendation comes from the Speaker or from the committee; but what is the proper course to pursue? What is the course to pursue? If this applies in one case, it may apply in a number of cases. I hold, as I understand the law, that the Speaker would be at perfect liberty to recommend to the House, notwithstanding the report of the committee, his own nominee, and it would be for the House to decide between the recommendation of the Speaker and that of the committee. Is it wise to put ourselves in a position to come into collision with the presiding officer of the House? We have liberty to do so if we choose. We may reverse his decision on points of order, or any matter. We have that authority, but we are taking a step now which may invite a collision between the Speaker and the committee of this House. That is not a wise position to take. I think the matter requires a little more consideration before we should take action.

Hon. Mr. DANDURAND—I would like to express my dissent from the views of the hon. gentleman from Middlesex. The statute says that the Senate shall appoint upon the recommendation of his hon. the Speaker——

Hon. Mr. ROSS—Not a committee.

Hon. Mr. DANRURAND—Well, the Senate. The Senate has a right to ask any of its committees for a report upon any matter.

Hon. Mr. ROSS—The statute does not say so in this case.

Hon. Mr. DANDURAND—But those are the powers and privileges of the Senate.

Hon. Mr. ROSS—Oh, no.

Hon. Mr. DANDURAND—The Senate does not divest itself of its powers. It confers limited powers to a committee, with instructions to report. Then the Senate is fully seized of the question.

Hon. Mr. ROSS—But it takes a power which the statute does not give it.

Hon. Mr. DANDURAND—It takes power that is given to it by its constitution, and when the Senate is seized of a report of a committee it adopts whatever decision it pleases. As to the danger of the Senate or committee coming in collision with the Speaker, I again beg to dissent from the hon. gentleman. I feel that it would be unseemly; it would be against the traditions of this Chamber that it should engage in a debate with its own Speaker on a matter of domestic economy, because if this matter or any similar matter was not referred to the committee, then the report would be discussed with open doors—I trust it would be then with closed doors—as the hon. gentleman from Portage La Prairie has just said.

Hon. Mr. LANDRY—Why?

Hon. Mr. DANDURAND—Say that we sit with open doors, then there would be a conflict of opinion, a dissent in some cases by some of the members as to the propriety of the report or the qualifications of the party. We must not forget that in this present Act which we have to examine there are two actions that have to be taken, a declaration by the Clerk of the Senate that the Senate needs a certain official. Then his hon. the Speaker acts upon that declaration and recommends a name. The Senate is entitled to review those two actions, and I claim it is not in the body of the Senate, in the general committee of the Senate, that that can be best done. It can be best done by a small committee, and on that committee reporting, it is the Senate that discusses the work of that committee and not the work of his hon. the Speaker, so that there is a buffer between the Senate and his hon. the Speaker when we are discussing the report of one of the committees of the House.

Hon. Mr. CHOQUETTE—I may be permitted to add something to show the ne-

cessity for sending a report like that to a committee. Take the case of the gentleman now recommended. I consider him absolutely qualified, but another hon. gentleman may have personal reasons for opposing him. How can we place those reasons in the 'Hansard,' to cast a slur on his reputation? When a man is a candidate for a position we do not generally like to give reasons against his appointment. One member may say: 'I know that man in Quebec. He is an honourable man.' Suppose that I am opposed to him, and say that he is not an honourable man. I may have good reason to say that he is not fit to sit in the Senate, but should I have that reason published in the 'Debates' and perhaps prejudice his chances of securing any position. I think we should take the report of the Speaker, with all due respect to him, and send it to a small committee to report to us.

Hon. Mr. ROSS—Supposing the committee recommends some person you do not approve, would you not then in open Senate discuss the character of that man just as much as if the name were submitted by the Speaker?

Hon. Mr. CHOQUETTE—That is a personal question. If the matter were discussed in the Senate, I should be compelled to place all my reasons in the 'Debates,' if I have reasons. I might go before the committee and be satisfied that I was wrong —that what I had heard about the man was not true. In the committee I have a place where I can give my reasons against an applicant without hurting his reputation before the public and satisfy my own conscience. I can put my views on record without injustice to him. If we have a right to discuss this question, we have a right to refer it to the committee, and then we can discuss it there with a knowledge of what we are doing.

The SPEAKER—Perhaps I might be permitted to make a statement. This duty which is cast upon the Speaker is a very unpleasant one, and I do not think that I or any other hon. gentleman in this House would care to exercise it any longer than is absolutely necessary. As far as I am concerned personally, any action which the Senate sees fit to take, either by reference to a committee or otherwise, will be entirely approved of by me personally; at the same time I have to do what each one of you has to do, protect whatever is the privilege and responsibility of the member who may at any time hereafter occupy this Chair. I say in all sincerity that personally I will be pleased to welcome any suggestion the Senate may make as to these appointments, either by making them through me or otherwise, and any assistance that can be given I shall be glad to welcome in every way. But one must look at what is the scope of the Act. The Senate had its own appointments absolutely in its own hands prior to the passage of the Civil Service Act. That Act has made a change, and a change by which that appointment still remains in the Senate in a qualified way, and that qualification is that they can appoint upon the recommendation of the Speaker. Now, under these circumstances, how are we to arrive at a solution? It does not seem to contemplate that old methods of appointing are to be resorted to. It rather seems to contemplate that the old methods should be departed from. It does seem to contemplate throwing a responsibility on some person who is put in a position in which he can speak directly to the Senate and make such a recommendation as he thinks, at all events they can approve of. While I have said that, I am saying it rather as explaining the position of the Speaker, not the individual position at all. Under those circumstances the question is, what should be done? Personally, if I were at liberty to do it, and had a committee, I would consult that committee, and would ascertain whether I was or was not in accord with it before the matter came to this House. That I am at liberty to do under the statute. I should be pleased if the Senate will appoint a Consulting Committee to whom I may refer when the necessity arises, and who will support the recommendations that will be made from time to time, so that there would be some persons responsible for the recommendations made by me instead of my being made solely responsible, so that there would be gentlemen on the floor of the House ready to defend

the action of that committee and its recommendation. As I interpret the Act—and I think I am right—the responsibility is on me to make the recommendations whatever view the committee may take. I am taking the abstract duty under the Act. If, on the other hand, the Senate shall express to me a wish or if its committee shall express a wish before I make a report, I would be only too glad to adopt it. Otherwise it puts the Speaker in the position of being subject to an appeal before a committee of the House who may have no more information than he has, nor as much. That is the difficulty of the situation. It seems to me, therefore, that as the statute stands, it is for the Senate to say that they do not see their way to confirm the appointment, or to say that they confirm it. Any information they may want they are entitled to get. How they are to get it I am not at liberty to say. They may inform themselves by information obtained from the man who makes the recommendation. I do not say they cannot do it by putting a Committee of Inquiry on it, but the definite position is a change from the old position to one which in the words of the statute vests in the Senate an appointment, but that appointment is qualified and can obtain only on the recommendation of the Speaker. With that before you, what could I do but bring the matter up in the way I have done, by making the recommendation, and this is very different from the other duties of classification. On the other hand, the classification is practically delayed, because if these appointments are, as I believe them to be, necessary and the persons named or any other persons substituted for them to be appointed, they should be in our classification. There is a reason for that, because once we send in that classification the Civil Service has control of the appointments.

Hon. Mr. BEIQUE—My only excuse to say a word or two is the importance of the question. What I desire to say is subject to correction, because I have not the Civil Service Act before me, but if I am not mistaken, the change is to this effect: that the Speaker of this House becomes the head of a department. He occupies the position of a minister as regards the staff of the Senate, and the Senate occupies the position of the Privy Council. The recommendation comes from the Speaker to the Senate, and the Senate occupies the position of the Privy Council. The Cabinet takes such action as it deems advisable to take, and the action which is usually taken in such cases, I understand, is to refer it to a committee of its own members—a committee of the Privy Council. The course suggested here, was, as I understand it, the very same. There are two facts upon which the Senate has to deal, first of all, and may be the most important fact, is as to whether a new employee is necessary. It is on that fact that the hon. Speaker has acted. The Senate may come to a conclusion adverse to the opinion of the Clerk of the House. But it seems to me the Act contemplates that the recommendation shall be made by the hon. Speaker, but that the Senate shall deal with it as it deems proper. It may deal with it of its own motion immediately or by referring it to a subcommittee of its own, whether a standing or special committee, and which committee may be invited to confer with the hon. Speaker about it or with the Clerk of the House for the purpose of obtaining the proper information and reporting to this honourable House. It is possible that some other course could be adopted to carry out the requirements of the law, but this seems to me to be perfectly clear and logical.

Hon. Sir MACKENZIE BOWELL—Are there not cases, when appointments are required for the Senate or in the Civil Service, where the matter is referred to the Civil Service Commission to ascertain their qualifications, whether it requires a clerk or an officer who possesses a technical knowledge, or a knowledge that is not generally possessed. Is it not better that that should be referred to the Civil Service Commissioners or some provision of that kind? I am not sure upon that point.

Hon. Mr. BEIQUE—I do not think it applies to the staff of either House.

Hon. Sir MACKENZIE BOWELL—I should like to ask whether the classification should be delayed on account of the

non-appointment of these two gentlemen recommended. After the adoption of the classification of the different servants of the House, in the future it will be necessary to make appointments where vacancies occur or necessity for additional appointments arises. Then they would be appointed and placed in some one class. Why should not the classification of the present officials of the Senate be adopted upon the recommendation of the Speaker, and then, if necessary, to appoint these two gentlemen; afterwards they can be placed in their proper class. I frankly confess, it is a question I have not studied very closely, but when the Speaker was addressing the House that point suggested itself to me. Hereafter necessity will arise for the appointment of additional clerks either on account of extra work or some of the other positions being vacated by resignation or death. Then the same course will have to be pursued by the Speaker, making the recommendation to be approved by the Senate. Why cannot the classification be adopted at once, and if these gentlemen are not appointed for a month hence, they can then be allotted to their different classes.

Hon. Mr. LANDRY—I think the law answers the question put by my hon. friend. Clause 8 says:

As soon as practicable after the coming into force of the Act the head of each department shall cause the organization of his department to be determined and defined by order in council, due regard being had to the status of each officer, or clerk as the case may may be.

2. The order in council shall give the names of the several branches of the department with the number and character of the officers, clerkships and other positions in each and the duties, titles and salaries thereafter to pertain thereto.

3. After being so determined and defined the organization of the department shall not be changed except by order in council.

4. Copies of such orders in council shall be sent to the commission.

That is clause 8 of the law, but clause 8 is governed by clause 45, which says:

Whenever under section 5, 8 or 10, &c., of this Act or under the Civil Service Act any action is authorized or directed to be taken by the Governor in Council such action, with respect to the officers, clerks and employees of the House of Commons or the Senate shall be taken by the House of Commons or Senate, as the case may be, by resolution and with respect to the officers, clerks and employees of the Library of Parliament and to such other officers, clerks and employees as are under the joint control of both Houses of parliament, shall be taken by both Houses of parliament by resolution, or, if such action is required during the recess of parliament, by the Governor in Council, subject to ratification by the two Houses at the next ensuing session.

The particular case aimed at by my hon. friend is clause 21:

If the deputy head reports that the knowledge and ability requisite for the position are wholly or in part professional, technical, or otherwise peculiar, the Governor in Council, upon the recommendation of the head of the department, based on the report in writing of the deputy head, may appoint a person to the position without competitive examination, and without reference to the age limit, provided the said person obtains from the commission a certificate to be given with or without examination, as is determined by the regulations of the commission that he possesses the requisite knowledge and ability and is duly qualified as to health, character and habits.

This clause 21 is governed also by 45. It falls under the scope of clause 45.

Hon. Mr. ROSS (Middlesex)—I rise to suggest that the hon. member from Halifax should withdraw his amendment. I do think, in view of what has been said, there is no other course. This is a motion really. The motion was made by the hon. member from Portage la Prairie, that the report of the Speaker be adopted. I think that was withdrawn, so that the motion of the hon. gentleman from Halifax is an original motion, and I think it ought to be withdrawn. I do not want to invoke the Speaker's judgment, owing to the delicacy of the position he occupies, and raise it to a point of order, that would put the Speaker in a rather embarrassing position; but in view of the decisive reading of the Act, and in view of the difficulties already raised, I think the motion should be withdrawn. Just let me point out, although I may not be in order myself, we assume that the Speaker, before he made the recommendation, made due inquiries and ascertained that the person recommended was suitable for the position for which he recommended him. This motion presupposes, possibly, that the Speaker made a mistake, and we want to examine into the fitness of the person so recommended

to see whether we approve of the recommendation of the Speaker. I say that is a most humiliating position to be placed in, and if I were in that position I do not know what I would do if such action were taken. True, the Senate has a right by its committees to do it, and it has a right by statute and by its own rules to refer the matter to a committee, but you cannot refer a matter for which there is not provision in the rules of the House or the statute, and there is not provision in the rules or in the statute in regard to this. Then are we going to refer to the Committee on Internal Economy to do over again what the Speaker has already done and recommend to the House, and possibly reverse his decision? No person can occupy the responsible position which the Speaker holds and have his decisions reviewed contrary to law. He assumes the Speakership subject to the fact that if his rulings are not agreeable to the House they may over-rule him, and he knows what that means. It would be very humiliating to be over-ruled, but he assumes the position in reference to the staff of the House, that he had a right to his recommendation, and that recommendation had to be over-ruled by this House, not by a committee of the House. I would vote against a recommendation of the Speaker if I did not approve of the same as I would on a point of order. He has assumed the Speakership knowing his decisions may be set aside, both as to appointments and rulings; but he did not assume the position knowing that his decisions might be adversely commented on by the committee. We put ourselves doubly in the wrong. First, this House is, so-called, a committee to do that. I think it has no right to do it, and we may over-rule the Committee of the House and the Committee of the Speaker. We may over-rule them both. We are being tempted to transgress the statute, and act contrary to the report of a committee, which we have no authority to do. I hope the hon. gentleman from Halifax will withdraw his resolution. The hon. gentleman's knowledge of parliamentary law is, perhaps better than mine, but I hope he will accept the view which I think is a sound and strictly constitutional view.

Hon. Mr. POWER—I regret that under the circumstances, I do not feel myself able to comply with the request of the hon. gentleman from Middlesex. I am satisfied that the course which is now being taken is the proper and seemly course to take; and it is for the Senate to decide.

The SPEAKER—The question is on the motion of the hon. senator from Halifax, seconded by the hon. Senator Landry.

The motion was agreed to.

APPOINTMENT OF MR. ARTHUR HINDS.

The order of the day being called:

Consideration of the memorandum from His Honour the Speaker recommending that Mr. Arthur Hinds be appointed a permanent officer of the Senate instead of sessional.

Hon. Mr. POWER—I make the same motion in regard to this report.

Hon. Mr. WATSON—I move that this memorandum be referred to the Committee on Internal Economy and Contingent Accounts.

The motion was agreed to.

SECOND READING.

Bill (No. 33) An Act respecting the Niagara-Welland Power Company.—(Hon. Mr. McMullen).

BILLS INTRODUCED.

Bill (X) An Act respecting the Joliette and Lake Manuan Colonization Company. --(Hon. Mr. Tessier).

Bill (No. 79) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young).

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

THE SENATE.

OTTAWA, Thursday, March 25, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (Y) An Act respecting the Central Railway of Canada.—(Hon. Mr. Gibson).

Bill (Z) An Act respecting the Bank of Winnipeg.—(Hon. Mr. Chevrier).

Bill (AA) An Act to incorporate the Prairie Province Trust Company.—(Hon. Mr. Coffee).

Bill (BB) An Act to incorporate the Canadian District of the Northern Province of the Moravian Church in America.—(Hon. Mr. De Veber).

RETIREMENT OF JUDGES AND CIVIL SERVANTS.

INQUIRY.

Hon. Mr. POWER rose:

To call attention to the unsatisfactory condition of the law respecting the retirement of judges, civil servants and others employed in the public service of Canada, and to ask the right hon. the Minister of Trade and Commerce if it is the intention of the government to take steps at an early day to remedy this condition?

He said: The desirability of having a proper system of superannuation and pension is, I think, generally recognized, and this recognition is well founded. A proper system for the retirement of employees has several advantages. One is that it enables the employer to dispense with the services of an employee when his services have ceased to be a fair return for his salary or wages. I think that is a very important consideration. The absence of a provision for the satisfactory retirement of employees tends to retain in the service (I am not now speaking specially of the public service), through motives of sympathy those who, as a matter of business, should be retired; and a result of that, of which we see a great many examples, is the undue increase in the number of the staff which is required to do the business, because new men have to be taken on to do the work of those men who either have always been incapable or have become incapable. A proper system for retirement binds the employee and the employer together, and gives permanency and steadiness to the business or undertaking wherein it operates. I do not think one need elaborate that; and where an employee feels that by continuing in the service he is sure of a respectable retiring allowance when he is past his labour, and when he knows that those who remain behind him, if he happens to die, will, after his death, be protected from want, he is naturally more happy and contented than when that is not the case; and, as a result of this, there is by no means the same temptation on the part of the employee to strike or to quit the service in which he is engaged. When an employee feels that by striking or quitting the service he forfeits his retiring allowance and the provision for his widow and children, he is likely to hesitate long before taking such a step as that. As I have already said, this system has been adopted by many, perhaps most of the large corporations of a permanent character. I hope the House will not think me tedious if I refer to some of the provisions which are contained in the regulations of some of our great corporations. The Bank of Montreal has a regularly incorporated pension fund society for the benefit of its officers. I shall give the provisions briefly:

1st. All officers and clerks are from the date of their entrance obliged to contribute to the fund at the rate of 3 per cent per annum upon the amount of their salaries—deducted monthly from the salaries pay-lists.

2nd. The scale of pensions is one-fiftieth of the salary for each year's service up to the thirty-fifth year—which (35-50ths) is the limit attainable. No pension shall exceed $5,000.

3rd. Any officer on the attainment of his 60th year of age can demand his pension and retire from the service—or any officer (after ten years' service) before he has attained 60 years of age, whose health incapacitates him permanently from further service, is entitled to a pension on the above scale of one-fiftieth of his salary for each year he has served.

The widow of any officer is entitled, so long as she lives and remains unmarried, to a pension of half the amount to which her husband would have been entitled at the time of his decease—which descends in case of the widow's decease or remarriage to the children until the youngest child reaches the age of 21 years.

The Bank of Commerce has a pension fund administered under regulations similar to those of the Bank of Montreal:

When an officer enjoys use of free house, fuel and light or other privileges, these are to be valued by the directors and treated as part of his salary.

No officer who resigns, or is dismissed, because of misconduct shall receive a pension.

Under exceptional circumstances, the directors may add not more than 10 years to the term of service of any officer, provided he makes payment under the fund in one sum, or in such instalments as the directors authorize, of the equivalent of the contributions he would have made had he been actually in

the service of the bank from the age of 25.

A pension may be given to an officer before he has completed his 60th year, on it being shown to the satisfaction of the directors that he is mentally or physically incapable; but if he recovers he shall again enter the service of the bank, if the directors so require. If he refuse, his pension shall be forfeited.

The pension is forfeited if the pensioner enters the service of another bank, but the pensioner may obtain the authority of the directors to engage in other business.

The Canadian Pacific Railway Company:

All officers and employees who have attained the age of 65 shall be retired; those who have been 10 years or longer in the company's service shall be pensioned.

Six months previous notice to be given to employees who are compulsorily retired between the ages of 60 and 65.

The pension allowance is for each year of service, 1 per cent of the average pay received for the ten years preceding retirement.

Grand Trunk Railway Company:

The pension to be at the rate of 1 per cent for each year of continuous service on the highest average rate of his pay during any 10 consecutive years of service.

Thus, an employee in continuous service from the age of 30 years to 70, with highest average rate of wages in any ten years of $1,000 a year, would receive 40-100ths of $1,000, or $400 per annum.

No pension to be less than $200 a year.

Bank of Ottawa:

To the 'Officers' Pension Fund' of this bank the officers contribute 3 per cent annually on their salaries. No assessments on any one salary to be more than $215 per annum.

No rule is fixed as to when a pension shall be begun but it is to be decided by the directors. As a general rule, however, an officer must have completed 15 years of service and have attained the age of 60.

If an officer resigns or is dismissed, all payments made by him to the pension fund, less any sum he may be in default to the bank, shall be returned with interest at 4 per cent.

If an officer dies before he has completed 15 years of service, all payments made by him to the pension fund will be returned to the legal representatives with interest at 4 per cent.

On reaching the age of 65 an officer shall retire, unless the directors wish him to continue in service and he consents.

The widow of deceased officer to be entitled to half the pension to which her husband could have been entitled; but in no case for a longer period than her husband's term of service. The pension to cease on her remarriage and at her death, if she leave any children, pension to be paid to them, or to trustees for them, until the youngest shall have attained the age of 18.

The children of a deceased officer whose wife has predeceased him, shall until the youngest reaches the age of 18, receive half the pension to which their father would have been entitled.

If a clerk marries without the consent of the board before he has a salary of $1,000 a year, he incurs the penalty of dismissal and forfeiture of all rights to this fund.

Hon. Mr. GIBSON—Do you approve of that?

Hon. Mr. POWER—I do not think an officer should marry on less than $1,000 a year.

Hon. Mr. GIBSON—I did.

Hon. Mr. POWER—My hon. friend did not have to look to any bank for a pension; he took care of himself in that respect. I have given these selections as showing what is the practice of great corporations. There are other corporations which have similar provisions, but I thought it well to quote only these I have given to the House.

Now, I wish to call attention to the provision which our law makes in the case of judges. It will be found in chapter 138 of the Revised Statutes, known as the Judges Act. Section 19 of that Act has been in operation substantially ever since confederation. It is as follows:

19. If any judge of the Supreme Court of Canada, or of the Exchequer Court or of any Superior Court in Canada who has continued in the office of judge of a Superior Court in Canada, or in any of the provinces, for fifteen years or upwards, or who becomes afflicted with some permanent infirmity, disabling him from the due execution of his office, resigns his office, His Majesty may, by letters patent, under the Great Seal of Canada, reciting such period of office or such permanent infirmity, grant unto such judge an annuity equal to two-thirds of the salary annexed to the office he held at the time of his resignation and to continue thenceforth during his natural life.

2. Courts of Vice Admiralty shall be deemed to have been superior courts, and local judges in Admiralty of the Exchequer Court to be judges of a Superior Court, within the meaning of the section.

Under this provision it is a fact that judges who are really no longer qualified to exercise judicial functions continue on the bench. It is supposed to be a difficult thing for a judge to get a retiring allowance until he has served fifteen years; the consequence is we have judges who really ought to have retired remaining on the

bench in order to fill up their fifteen years to become entitled to their two-third retiring allowance. I cannot myself see any reason why the same system should not be adopted with respect to judges that was adopted with reference to civil service employees, and is adopted by the great corporations. Inasmuch as a judge is generally a man of mature years when he gets the position, I do not think he should be compelled to serve twenty-five or fifteen years. When he has served, say five years, he should be entitled to receive, say ten fiftieths or whatever proportion may be thought proper, of his salary as a retiring allowance; and if the law were framed in that way a judge who had been on the bench for ten years, and who felt that he was not able to give to the country the service that he ought to give and the best of his power would be probably willing to retire on the smaller pension and not hold on for five years longer for the purpose of getting two-thirds. The section which I have read gives the law with respect to judges of superior courts. The provision as to county court judges was similar. In the year 1903 an Act was passed which altered the case very considerably. The principle provisions of that Act are to be found in section 20 of the Judges Act which reads:

20. If any judge of the Supreme Court of Canada, or of the Exchequer Court of Canada, or of any Superior Court in Canada, resigns his office, His Majesty may, by letters patent under the great seal of Canada, reciting such judge's age and the period of service, grant to him an annuity equal to the salary of the office held by him at the time of his resignation, to commence immediately after his resignation, and to continue thenceforth during his natural life if such judge has,—

(a) attained the age of seventy-five years, and continued in office as judge of one or more of the said courts, for twenty years and upwards; or

(b) attained the age of seventy years, and continued in office as judge of one or more of the said courts for twenty-five years or upwards; or

(c) continued in office as judge of one or more of the said courts for thirty years or upwards.

I venture to assert that no such law as that will be found on the statute-book of any country except Canada. I have underderstood that the reason of the passing of that provision was that there were a certain number of very old judges on the bench who protested that they could not afford to retire because they could not live on two-thirds of their salaries, and this Act of 1903 was passed in order to get those judges off the bench and to improve th administration of justice. A number of those gentlemen did retire, and it does seem to me that the time has come when that Act should be repealed; because it works this way now—I speak from knowledge of the matter: A judge who has served for more than fifteen years, who has perhaps become disqualified, who is unable to hear the evidence which witnesses give before him, who does not even hear the addresses before him, whose intellect has become very seriously impaired, will remain on the bench just in order that he may come under section 20, that he may put in either the twenty years' service or the twenty-five years' service, as the case may be, and be in a position to retire on full pay. The Act of 1903, which proved a temporary remedy is now responsible for the evil in perhaps an aggravated form, and it does seem to me that this provision should be repealed. In the province of Nova Scotia there are now three gentlemen drawing the pay of chief justice. One is drawing only two-thirds. He retired before the Act of 1903 came into operation. Then there is another ex-chief justice drawing his $7,000 a year and not doing anything, and there is the chief justice who is now acting and drawing $7,000 a year. It does not seem to me that it is right that such large sums should be charged against the treasury, nor is it necessary, because, for one thing, when a gentleman who has been prosperous all his life attains the age of 70 or 75, two-thirds of his salary ought to be quite enough for him to live on. His children have grown up and his tastes are naturally not very extravagant. This is a matter I have thought about for some time. I know it has been said: 'Oh, well, it would not be fair to the judge to alter his position; when he was appointed a judge he was entitled to retire on full pay after a certain length of time.' I do not think there is very much force in that objection. Take the other side of the question: When all these judges

who have retired within the last few years were appointed to the bench, they were appointed with the understanding that after fifteen years they could retire on two-thirds of their salary and no more. The change in the law bettered their position, and I do not think that a change made in this law would seriously injure the position of the existing judges. If a judge is fifteen years on the bench, and retires on two-thirds salary, I think that is a very reasonable provision. I desire to call attention to another fact, that since this Act of 1903 was passed the salaries of the judges have been largely increased. In the province of Nova Scotia—and the same is true in New Brunswick and some of the other provinces—the salaries have been increased by 50 per cent; so that to-day a two-thirds retiring allowance is the same as retiring on full pay was in 1903; consequently no judge who has retired on a two-thirds salary after this, and who was appointed under the old scheme, could complain. He is really getting as much as he would have got under the Act of 1903. Judges who have retired on full pay should not be eligible to membership in the Senate or the other House and continue to draw their pensions. They should not draw pensions and indemnities both. I do not think I shall say much about the county court judges, because, on the whole, the law with respect to them is very much the same as that with respect to other judges. There is one point in connection with the county court judges to which attention might be called. Section 25 of the Act provides:

> Every judge of a county court who has attained the age of 80 years shall be compulsorily retired; and to any judge who is so retired, or who, having attained the age of seventy-five years, resigns his office, and in the latter case has continued in office for a period of twenty-five years or upwards, His Majesty may grant an annuity equal to the salary of the office held by him at the time of his retirement or resignation.

Now, the Dominion parliament has the right to compulsorily retire a county court judge, but it has not the right to compulsorily retire a judge of a Superior court, However, parliament has the right to make the pension contingent on the judge retiring at the age fixed by law. Parliament has the right to say: 'When you attain the age of 70 years or 80 years, or whatever age limit may be fixed, you shall retire or forfeit the pension provided by parliament,' and I do not think many judges would remain on the bench under these circumstances. I know it has not been the practice to treat the judges as civil servants, but after all they are public servants. The members of the civil service are also public servants, and there is no reason why the law which is fair and equitable as to one class should not be as fair and equitable as to the other.

The provision with respect to the retirement of civil servants falls under two heads. First there are the civil servants who were appointed previous to the 1st July, 1908, and then there are those who were appointed after that time. As to the former class, this is the general provision:

> The Governor in Council may grant a superannuation allowance not exceeding the allowance hereinafter authorized to any person who has served in an established capacity in the civil service for ten years or upwards, and who has attained the age of sixty years or become incapacitated by bodily infirmity from properly performing his duties.

That is section 6 of the old Superannuation Act, chapter 17 of the Revised Statutes. Section 9 says:

> The superannuation of every civil servant shall be preceded by an inquiry by the Treasury Board,—
>
> (a) whether the person it is proposed to superannuate is eligible within the meaning of this Act; and
>
> (b) whether the superannuation of such person will result in benefit to the service, and is therefore in the public interest; or
>
> (c) whether superannuation has become necessary in consequence of the mental or physical infirmity of such person.

The superannuation allowance, which is one-fiftieth of the salary enjoyed during the last three years of service for each year of service, cannot exceed thirty-five-fiftieths—something over two-thirds—of the salary. The old Act contains a provision that:

> If any person to whom this Act applies is removed from office in consequence of the abolition of his office for the purpose of improving the organization of the department to which he belongs, or is removed or reired from office to promote efficiency or economy in the Civil Service, the Governor in Council may grant him such gratuity or superannua-

tion allowance as will fairly compensate him for his loss of office, not exceeding such as he would have been entitled to if he had retired in consequence of permanent infirmity of body or mind, after adding ten years to his actual term of service.

There is a deduction of two per cent from the salary of every person appointed previous to the 1st of April, 1893, and from the salary of every person appointed between the 1st of April, 1893, and the 1st of July, 1898, there is a deduction of 3½ per cent. That was the law down to 1898, and the senior officers in the service are under that law. I wish to call attention to the most serious defect in that old law. If a civil servant retired in fairly good health from the service, after serving twenty years, he received twenty-fiftieths of his salary as a retiring allowance. That retired servant might live twenty or twenty-five years afterwards and continue to draw that allowance; whereas in the case of a civil servant who had served for perhaps thirty or thirty-five years, and happened to die at his post, there was nothing for the family. But the Governor in Council was authorized to grant to his widow a gratuity which, as a rule, was fixed at two or three months' salary. That clearly was a most stupid and inequitable thing. I have never been able to understand how the parliament which passed the old Superannuation Act could have passed it subject to these conditions. While the man is alive and able to work, he really does not need much consideration, but after he is dead, leaving perhaps a widow and several small children, they need it very much indeed, and it seems to me, as in the case of all these great private corporations to which I have referred, the servant of the public should be able to look forward to a protection for his widow and children in case of his death. In any provision that may be made hereafter for the retirement of civil servants, I trust that will form a feature. In 1898 an Act was passed creating what was called a retirement fund, and this fund was formed by the reservation out of the salary of each civil servant appointed after that date of 5 per cent of such salary. It contained also a provision enabling those who were in the civil service before to come under it, being credited with the amounts which they had paid into the superannuation fund. On the retirement or dismissal of the civil servant, the amount to his credit in the retirement fund should be paid to him with interest, and:

If a person dies while in the Civil Service, the amount to his credit in the Retirement Fund shall be paid to his legal representatives, or to such person as the Treasury Board determines

That, of course, makes some slight provision for those who remain behind the departed civil servant; but it will be observed that the country, under that Act, does not contribute to the fund at all. In the case of all those corporations which have been referred to, the company contributes as a rule half of the amount, and this provision in the Act of 1898 is not sufficient or satisfactory. It is not sufficient to retain the civil servant in the public service. If there had been a really satisfactory and liberal system of superannuation and pensions a number of very valuable public servants who have gone into the service of other bodies would be still in the service of the government. Incidentally, in discussing the existing condition of things, I have given my own impressions as to what ought to be. To summarize: I think, as to judges, you should begin at five years, and afterwards allow a judge, say two-fiftieths, for each year until he has put in seventeen years. He would then have thirty-four-fiftieths, and I think that ought to be the end of it. I do not see any reason why a judge should not contribute a percentage of his salary in the same way that other public servants do. Then as to the civil servants, they should be put on the same footing as the employees of the big corporations; there should be a proper system of superannuation. The civil servants should contribute perhaps 5 per cent and the government should put in a reasonable proportion, so that there would be no risk of a man who had served the public faithfully for many years dying with the feeling that there was no provision made for his widow and children. I am satisfied that if some such system as that were adopted it would not cost the country a very large sum, and it would enable the

government to dispense with the services of some officers who are really not performing any efficient or satisfactory service. I assume that it is not the intention of the government to move in the matter this session, but I trust it is their intention to do something about it at an early day. The form in which I have put this notice opens the subject for general discussion.

Hon. Mr. CHOQUETTE—There is only one point in the hon. gentleman's speech with which I agree; that is about the retired judges who draw pensions. Such retired judges have no right to become candidates for parliament, or for appointment to the Senate, or to practice their profession and at the same time draw their pensions. If the government does not move in the matter of amending the law in order to suspend the pension of retired judges who become members of either House of parliament or practice their profession, I shall take steps in that direction myself next session. It is nothing less than a scandal to see a judge who has been retired on a pension because of ill-health going on the hustings and running as a candidate for election to parliament. I do not go so far as to say that a retired judge should be debarred from sitting as a member of parliament, but if he chooses to do so his pension should be suspended so long as he is a member of parliament.

Hon. Mr. POWER—That is really what I intended to say.

Hon. Mr. CHOQUETTE—When a judge has left the bench with his pension, it is neither fair nor just to young men in the profession to find themselves in competition with ex-judges, as we find in Montreal and Quebec. I admire a man like Judge Angers who retired from the bench, dropping his salary in order to fight for a position in parliament. It may have been a foolish thing in the interest of his family, but he takes his chances. It is another matter when a man who was Chief Justice of the Court of Appeals retired and took his pension, and then became the organizer of a party. It was derogatory to the honour of the bench. It was unfair and unjust. Again, when we see a judge who has been on the bench six or seven years producing a certificate from a doctor that he is too sick to be on the bench and retires with a pension of two-thirds of his salary of $7,000, and as soon as he has retired with his parchment giving him his pension, he enters an election contest and fights for a position in the House of Commons. If elected he would draw an indemnity of $2,500 in addition to his pension. I do not think that is right. As to the pensions the judges get now, I do not think they are too large. Certainly they are not in the province of Quebec. I understood my hon. friend to say that in the maritime provinces salaries had been increased 50 per cent, but in the province of Quebec the increase was only from $4,000 to $5,000 for judges in rural districts, for Montreal and Quebec $5,000 to $7,000. I do not think the increase is sufficient. I know the salary is not enough, because a man on the bench with a salary of $7,000 does not get enough to live on properly in a big city and even in some country districts. They are slaves to their duties, and are obliged to deprive themselves of many good things because of their position. I know of judges who have resigned because their salaries were too low. In conclusion, let me repeat that if a judge wants to enter public life I have no objection, but he should not draw a pension and an indemnity at the same time. He should be on the same footing as other members of the House and not fight for a party while he is drawing a pension from the government.

Hon. Sir RICHARD CARTWRIGHT—I do not propose to follow my hon. friend into a discussion on superannuation at present. There are many things that he has said which, in my opinion, deserves attention. However, I do not feel called upon to review that important question, although I have no doubt his remarks will receive proper attention in due time. The point made by my hon. friend opposite (Hon. Mr. Choquette) does certainly seem to require consideration at the hands of the government and of the House. He has cited the case of a judge retiring after he had been a very few years on the bench, on the plea of ill-health, and drawing a pension of two-thirds of his salary, not

on the ground that he had performed the requisite length of service, but that he was too ill to remain on the bench, and then having effected, by some miraculous process, a cure so complete that he was able to undergo the fatigue of a contest for the House of Commons. That is a state of things that I must say does require redress and may require an amendment to the statute. That is an abuse, I think, of the pension retirement, and was never contemplated or intended when the pensions were granted to judges. So far, I am in entire accord with my hon. friend opposite. As to the question which my hon. friend has put to me, I can only say that the government do not intend this present session to make any alteration in the Acts that he has alluded to. What may be done hereafter is, of course, quite another matter. That will be considered in due course; but they will not be prepared to act during the present session.

Hon. Mr. LANDRY—I presume my right hon. friend the leader of this House does not take it for granted that what my hon. friend on my left said is true?

Hon. Mr. CHOQUETTE—It is true.

Hon. Mr. LANDRY—I challenge the statement made by my hon. friend. A man may be very sick and unable to sit on the bench, but he may be able to walk, and the fact that he has the certificate of a doctor that he was unable to perform his duties as judge at the time he got the certificate does not prove that he is condemned to eternal fire. He may recuperate; he may become young again, and he may be able to fight. My hon. friend was at one time on the bench, but he got off it.

Hon. Mr. CHOQUETTE—I have no pension.

Hon. Mr. LANDRY—He has no pension. Why did he get off the bench? Perhaps to make a little more money.

Hon. Mr. CHOQUETTE—That is right.

Hon. Mr. LANDRY—Perhaps to make more money in politics. He must not forget that a law was passed in Quebec forbidding judges to do anything more than their duties on the bench. A judge cannot now see to his own affairs.

Hon. Mr. WATSON—Oh, yes.

Hon. Mr. LANDRY—He must devote his time entirely to the bench, and to the particular duties he has to fulfil upon the bench, except in the case of the chief justice of the province of Quebec; he is allowed to conduct political inquiries.

Hon. Mr. CHOQUETTE—Not political.

Hon. Mr. LANDRY—Inquiries. He may be on the bench as a royal commissioner on political matters; but if he is a good Liberal there is no fault to find. If he is a Conservative he is put on the left hand side and he is a——

Hon. Mr. WATSON—Bad man.

Hon. Mr. LANDRY—He is in a very bad place.

Hon. Mr. FERGUSON—He must remain sick. He has no right to get well at all.

Hon. Mr. LANDRY—I think my hon. friend will not take it entirely for granted what the hon. gentleman from Grandville has said. Let him hear the other side also. If my hon. friend from Grandville has an attack to direct against any one of the judges or the ex-judges of the province of Quebec, let him stand up and formulate an accusation, ask for an inquiry and give a chance to the accused party to defend himself. It would be a little more manly than the procedure he has adopted to-day. I think my hon. friend will not act prematurely in this case, that he will, if he has something to say, give the accused parties an opportunity to defend themselves and to make good the position they have thought convenient to take in the circumstances. I will call attention while we are on this subject to a grave injustice which I think has been done in regard to the salaries paid to the judges. In the province of Quebec you will find there are sixteen puisne judges of the court whose residences are fixed within districts that receive $5,000 other than Bonaventure and Gaspé and Saguenay but when you come to the two puisne judges of the said court whose residences

are fixed within the districts of Bonaventure, Gaspé and Saguenay, they receive only $4,500.

Hon. Mr. CHOQUETTE—That is true.

Hon. Mr. LANDRY—That is an error.

Hon. Mr. CHOQUETTE—Yes.

Hon. Mr. LANDRY—When the government brought down that measure a few years ago, I think it was the Chief Justice of the Supreme Court who was at that time Minister of Justice, he brought down the resolutions, and those resolutions put the judges on the same footing as the others. They have more work to do than most of the other puisne judges, and they receive five hundred less per annum. I call the attention of the government to this fact in order that they may correct the error and remedy the injustice. It is really an error that occurred, and I think the government in justice to these two judges should make this correction. I do not know what their politics are, and I care not. They may be equally divided.

Hon. Mr. CHOQUETTE—A judge has no politics.

Hon. Mr. LANDRY—There is no politics in the judges except when they come down from the bench.

Hon. Mr. CHOQUETTE—Without pension.

Hon. Mr. LANDRY—I hope the Minister of Justice will be in a position to correct the error that has been made in the past.

Hon. Mr. CHOQUETTE—I may be allowed to say just one word on that. What the hon. gentleman has just stated in regard to the difference in salary is absolutely true. As to the other matter, I will simply leave it in the hands of the House. I saw the resolution introduced by the Minister of Justice at the time, Mr. Fitzpatrick, and the salary was the same. It was promised to be the same, and by a mistake when the Bill was brought in there was that difference. I therefore appeal to the government, and if it cannot be corrected now, I would suggest that next session they ought to remove that injustice.

THIRD READINGS.

Bill (No. 29) An Act respecting the Winnipeg and Northwestern Railway Company. —(Hon. Mr. Young).

Bill (No. 61) An Act respecting the Burrard, Westminster Boundary Railway and Navigation Company.—(Hon. Mr. Bostock).

Bill (D) An Act to incorporate the British Colonial Fire Insurance Company.—(Hon. Mr. Choquette).

SECOND READING.

Bill (No. 59) An Act to incorporate the Victoria and Barkley Sound Railway Company.—(Hon. Mr. Riley).

THOMAS L. SMITH PATENT BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 71) An Act respecting a patent of Thomas L. Smith.

Hon. Mr. WILSON—Would it not be well that we should have some explanation with respect to the Bill? I understand that it is with regard to a patent, and the proprietor is in Chicago and he is desirous of having the time extended. It would be as well if we were informed whether anything has been done during the time he has held the patent up to the present to secure the rights of the patent. We are granting too many renewals of patents. If there is to be any advantage in a patent to the general public, after the patentee has had six or eight years to proceed with the manufacture of the article that is the subject of the patent and has failed to do so, the right should be thrown open to the public. We have no explanation why it is that this patentee has not availed himself of the privileges we have granted him some six years ago ; he has treated it with indifference, and he now asks us to extend to him the rights for another six or eight years so that he may hold his patent against the general benefit of the public. If there be any just cause why this patent should be renewed, or if there are any good grounds shown why they have not gone on with the patent up to the present time, I hope the hon. member who has charge of the Bill will be able to give us that information that we may be

in a position to vote intelligently upon the second reading of the Bill.

Hon. Mr. WATSON—I must admit that I know very little about the Bill. I observe from the Bill that it is just about what my hon. friend has explained. A gentleman from Milwaukee is asking a renewal of a patent, which, I see, is for new and useful improvements on mixing machines. I think the title ought to commend itself to the hon. gentleman, and probably he can get more information when the Bill is before the Committee on Private Bills than I can possibly give to the House.

Hon. Sir MACKENZIE BOWELL—The fact that it is a mixing machine may be a reason why a doctor should be in favour of it, but I have the same complaint to make of this Bill that I had of the last that we considered. There is no reason given why this Bill should be passed, other than the fact that the six years have expired, during which time the owner of the patent might have commenced the manufacture under it, but he did not. There is nothing stated in the Bill, so far as I can see, setting forth any reason other than the one of which I have called the attention of the Senate. It simply says that he has not complied with the law, and he desires, though six years have expired, an extension of it for another six or seven years in order to prevent other people from manufacturing the article. It is true the last clause has a proviso which protects any manufacturer who may have commenced during that period to manufacture, but it shuts off the right of any one else to enter into the manufacture or to establish a factory for the purpose. I do think that when an extension of this character is asked for an explanation ought at least to be contained in the Bill before we adopt the principle of it. The patentee may have considered that the market was not sufficiently large to justify the manufacturing of the article in Canada, or he may have come to the conclusion that the article was not required. There must be some reason why they did not manufacture. I do not think we ought to hamper our laws by granting extensions of patents in the manner in which we have been constantly doing.

Hon. Mr. WILSON.

Hon. Mr. WATSON—I fully agree with the remarks made by the hon. gentleman, and I will try and get a brief on the subject and find out some better explanation than I am possibly able to give at the present time, and if it is the wish of the House that some further explanation be given rather than refer it to the committee, where the explanation might be made, I will move that the order of the day be discharged and that it be placed on the orders of the day for Tuesday next. If the hon. gentleman will withdraw the objection and allow the Bill to go to the committee, I have no doubt that the counsel for the company will be there to explain.

Hon. Mr. CAMPBELL—I do not think this course should be taken in regard to this Bill. This is one of many such Bills that have come before the House for a number of years. Full explanations were given before the committee in the House of Commons and the Agricultural Department, and the Commissioner of Patents, who had special charge over these Bills, was satisfied with the explanations that were given. I understand that we are not extending the time of the patent. The law provides than an inventor or a patentee has a certain time allowed as the life of a patent, but he may every six years renew his patent by paying the usual fee. It seems that this party, through some oversight on the part of some of his officials, neglected to pay his usual fee, and he simply asks, not for any greater privilege than the law allows, but simply that he may be allowed to pay now the fees he should have paid before and get the extension that the law allows him. As the hon. gentleman from Belleville has stated, the latter part of this clause protects every one who has made any progress towards manufacturing this machine since the patent elapsed. All their rights and privileges are guarded, and nobody is going to suffer by the extension.

Hon. Sir MACKENZIE BOWELL—I mentioned that fact.

Hon. Mr. CAMPBELL—Yes. So I think the proper course would be to let this Bill go to committee.

Hon. Mr. CLORAN—I think the hon. gentleman who made the objection in the first place is quite willing, after the explanations given, to have the Bill referred to the committee, in view of the fact that it has been threshed out in the Commons.

Hon. Mr. WILSON—I certainly withdraw any objection, with the understanding that, after it goes to the Private Bills Committee, and is reported to the House, if we should then feel that we have not received the full information to which we are entitled in order to vote intelligently upon the measure, we should have the right to raise a question. I therefore, with that understanding, withdraw my objection to the second reading of the Bill.

Hon. Mr. JONES—I do not wish to object further than to enter my protest against this class of legislation, as I have from time to time protested heretofore. I am advised that the patent in this particular case was taken out in 1902. According to the laws of Canada, it would be necessary, the owner of the patent being a foreigner, to manufacture the article in Canada within two years. If I am correctly advised, there was no manufacturing done on account of this patent in Canada within the two years. The patent has been absolutely void or of no effect since August, 1904. I do not know whether I am correctly advised or not as to the kind of mixer it is, but I think it is for the purpose of mixing cements. It is well known to hon. gentlemen in this House that the use of cement in Canada has become greatly increased in the last few years. Probably no industry in Canada has grown with such rapidity. The rapid development of the cement industry and the necessity for various styles of mixing machines, which are great labour saving devices, enabling persons to use cement without skilled labour, makes it an important part of the manufacturing interests of Canada. Let us suppose that no one is making this mixer or is using devices that would interfere with this patent—and if they are, they are amply protected—I ask this House what reason there is why we should impose upon the people of Canada a patent that has existed for the purpose of enabling a foreigner to come in here and manufacture or control, or get a higher price for it than would be the case if it were open to the public and there were no patent? If it is in the general interests of Canada that these machines should be obtained as cheaply as possible, the owner of this patent, having absolutely no right for a considerable period before this, unless parliament re-enacts that right, why should we impose upon the country a condition that would be more or less onerous, and which, I think it goes without saying, we would be better without? The principle involved does not lie in submitting to the committee a question as to whether this man forgot, or whether he did not forget. He had no business to forget. If a Canadian forgets in the country where this inventor comes from and asks for a reinstatement of his patent, I challenge any member of this House to refer to a single instance in 25 years where such a reinstatement has been granted. I am advised it has not been done. I would like to refer, for the information of the House, to some working requirements as indicated by solicitors who devote time and thought to the taking out and protection of patents. I happen to have a slip in my hand headed: 'Working requirements not a hardship,' issued by a prominent firm of solicitors. The last clause gives a number of details with reference to what is required of a foreigner or a Canadian in taking out a patent and the protection of invention and so forth. It says:

> It will therefore be understood that the working requirements of the Canada Patent Act appear at first to be much more onerous than they really are, and this false impression, conveyed by many unscrupulous advertisements, has been the means of deterring many patentees in the United States from obtaining patents in Canada, and it should be remembered that all the government of Canada require as set forth in the conditions of the patent, is good faith as regards the manufacture of the patented invention in this country, and this can be done with comparatively little expense in most instances

It is quite true that provisions respecting manufacture, if they are not complied with, can be gotten over with very little expense. The solicitor gets a reasonable fee, and the parliament of Canada reinstates a man who has had no rights for years without much question as to whether there is any bona fide reason why parliament should do

so. I submit it is a condition which exists in no other country than Canada, and I challenge any one to name any other parliament, whether in Great Britain, France, Germany or the United States—and I know the conditions intimately in those countries—that has granted a single reinstatement of a patent. You must protect yourself and your patent from the beginning, or you shall lose it for the benefit of the country which has granted patent rights in the first place. For that reason, I claim that the principle to be laid down by this parliament should be a different one entirely from what we act upon, and we ought not to reinstate this applicant in rights to which he is not entitled.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman who gave a partial explanation, whether any of the articles mentioned in this mixer had been imported during the last six years into this country, whether the article covered by this patent is now in use by the different cement manufacturers in the province, and in the province of Quebec.

Hon. Mr. WATSON—I have no information on the matter at all.

Hon. Sir MACKENZIE BOWELL—I should like to ask whether the committee to which this Bill is to be referred will investigate these points to which attention has been called?

Hon. Mr. WATSON—I should say so.

Hon. Sir MACKENZIE BOWELL—First, as to whether there has been any importation of the article, and secondly, as to whether there has been any manufacture established in this country, or whether there are any machines in process of manufacture. My hon. friend knows that in all parts of the Dominion at the present moment cement factories are being established. It has become a very important industry, and the object, it seems to me, of asking for an extension of this patent is to meet a demand which is increasing in the country for mixers. Whether we should give a monopoly to a foreigner under such circumstances, when machines could be manufactured cheaply in this country, is a question which we ought to consider. Unless those points are investigated before the Private Bills Committee, we would have no information when we are asked to pass the Bill.

Hon. Mr. CLORAN—I have a suggestion to make to the promoter of the Bill. We have had considerable to do, as the hon. gentleman has just stated, in regard to patent legislation. It would be advisable for the promoter of the Bill to have a full statement of the facts from the Patent Department in regard to this measure. The deputy of the department would know whether the provisions of the Patent Act had been violated.

Hon. Mr. JONES—The Patent Office would not know whether manufacturing had been continued or not. They do not pretend to look after that feature of the law. The only thing the department would be able to advise would be the dates of payments and of renewals. It may go without saying that they did not pay for a renewal. In Canada you can pay for the eighteen years in three payments every six years, or you can pay the whole amount at once. In Great Britain you can pay once every year, but if you fail to pay you have lost your rights.

Hon. Mr. CLORAN—We have made it a point with the Deputy Minister of Agriculture to secure the information which the hon. gentleman says is not supposed to be given. He makes it a point to ascertain the fact as to the real cause of the lapsing of the patent. I do not suppose he gets all the facts, but he gets sufficient from affidavits of the company. In recommending the renewal of the patent he would be justified in doing so. At any rate I am sure the Deputy Minister of Agriculture will be only too glad, if he has not all the information required, to get it in regard to this or any other patent.

Hon. Mr. WATSON—There can be no objection to discussing the principle whether we should renew patents or not; but discussion on the merits of this Bill in the House is out of place. The Committee on Private Bills is appointed for the purpose of considering such Bills as this, where investigation is necessary. They will not report the Bill back unless it is one which they can recommend the House to pass. The best place to get information

required is before the Private Bills Committee.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman know what this mixer is used for?

Hon. Mr. WATSON—I do not.

Hon. Sir MACKENZIE BOWELL—There are machines used in cities and towns for mixing the material required for the construction of sidewalks.

Hon. Mr. WATSON—I am informed it may be used for mixing flour.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend from Portage la Prairie is right in saying that this particular Bill can be very well discussed in the Private Bills Committee, but I am bound to say that the House and the Private Bills Committee also would do very well to lay to heart the remarks made by the hon. senator from Toronto. My own impression is that there is a very considerable laxity in the matter of renewing patents. I make that remark in my individual capacity as a senator and not as Minister of Trade and Commerce. I understand that according to our custom it is quite open to any hon. gentleman to attend any committee of this House and take part in discussions, though he may not vote unless he is a member of the committee. Such points as the hon. gentleman from Toronto has raised can and ought to be discussed, and would be very proper things for investigation in our committees, more especially as our work is largely and necessarily revisory in character, and it is possible for us to give much greater attention to details of a private Bill than, so far as my experience goes, is usually given in the Committee on Private Bills in the House of Commons. Although this is not the time to consider the question of public policy, it may be that, especially in view of the practice which prevails, as I have heard, elsewhere, and as my hon. friend has stated in other countries, and notably in the United States, that we should be a good deal more careful than we have been in granting renewals of patents where the parties have neglected to manufacture in this country. There is no doubt that a good deal of injury has been done to Canadian interests by an indiscriminate renewal of patents, and that should be borne in mind.

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

MONTREAL TERMINAL RAILWAY COMPANY'S BILL.

SECOND READING.

Hon. Mr. ELLIS (in the absence of Hon. Mr. Casgrain) moved the second reading of Bill (No. 48) An Act respecting the Montreal Terminal Railway Company.

Hon. Mr. CLORAN—This Bill is one of importance, and I should like very much to have an explanation of it from the promoter. I do not suppose that the hon. member who has moved it by courtesy is in a position to explain it.

Hon. Mr. ELLIS—The Bill is to grant an extension of time for two years. That is the whole object I understand.

Hon. Mr. CLORAN—No other powers?

Hon. Mr. ELLIS—I think not.

Hon. Mr. CLORAN—As I am not a member of the Railway Committee, I would call attention to this fact, that it is the sixth renewal this company has asked for, so it will be time for the committee to see that a final renewal is granted.

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

SECOND READINGS.

Bill (No. 66) An Act respecting the Abitibi and Hudson Bay Railway Company.—(Hon. Mr. Watson).

Bill (No. 67) An Act respecting the Alsek and Yukon Railway Company.—(Hon. Mr. De Veber).

Bill (No. 68) An Act respecting the Athabaska Railway Company.—(Hon. Mr. Talbot).

Bill (No. 70) An Act respecting the St. Marys and Western Ontario Railway Company.—(Hon. Mr. Ratz).

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

THE SENATE.

OTTAWA, Friday, March 26, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (CC) An Act to incorporate the Canadian Medical Association.—(Hon. Mr. McMillan).

THE EASTER ADJOURNMENT.

Hon. Sir RICHARD CARTWRIGHT—I would like to mention to my hon. friends opposite, and to the House generally, that I hope still we may be able to adjourn on the 1st or 2nd of April; still I cannot positively arrange that, inasmuch as it is possible we may be asked to concur in granting Supply to His Majesty within the first two or three days of the following week. However, we shall endeavour to see if the matter can be arranged as previously stated.

THE STRATHCONA GRANT.

Hon. Mr. CHOQUETTE—Before the orders of the day are called, I should like to call the attention of the right hon. leader of the House to part of a letter that was published in the press during the last few days, and then published in another place, from Lord Strathcona, from which I read the following sentence:

> I will only add that I should prefer, for the present at least, the whole of the money grant should be devoted to those educational establishments which are maintained entirely out of public funds.

This is part of a letter sent from Lord Strathcona to the Minister of Militia, offering a quarter of a million dollars, or an income of $10,000 a year, to be devoted to military training in schools. I should like to ask the right hon. leader of the House his interpretation of the words 'maintained entirely out of public funds?' If the words are interpreted literally, as far as I know, the provision will act in such a way that all schools, colleges and academies, in the province of Quebec at least, and I think all over the Dominion, will be excluded, because I do not think there is any school or house of education in the whole Dominion—I am sure of Quebec—which is maintained out of public funds. I should like to know if schools in Quebec, either French or English, Protestant or Catholic, which are under the control of the school commissioners with school instructors, paid out of the tax on property, would be what we call public schools, as distinguished from schools that are not maintained entirely out of public funds? Take, for instance, St. Hyacinthe college, where there is only a small sum paid by the local government every year, which is maintained out of the amount paid for board by the students each year, which I believe is about $150 for each student. The local government grants about $3,000 or $4,000 a year. Can we say that is a school maintained entirely by public funds? If so, I think the reading of the letter is all right, but if not, I do not see what we can do with that amount of money granted by Lord Strathcona.

Hon. Sir RICHARD CARTWRIGHT—I would ask my hon. friend to put his question on the order paper, and I will obtain an answer for him. I am not prepared to answer the question at the moment. If he will be kind enough to give notice of an inquiry on the order paper I will obtain the answer for him.

Hon. Mr. FERGUSON—Before this question is passed over, I wish to point out to my right hon. friend the extraordinary manner this House has been dealt with in regard to this subject. Why should not this letter of Lord Strathcona's be laid before the Senate as well as before the House of Commons? This is not an isolated instance, but every day we are treated in the same way. That was an important document, and it was laid before the House of Commons, and my hon. friend has had to resort to the newspapers to get information with reference to it. Should not the members of this House be treated with the same courtesy as are the members of the House of Commons?

Hon. Sir RICHARD CARTWRIGHT—I am quite sure that Sir Frederick Borden had no intention whatever of slighting the Senate, but the letter which he read to the

House of Commons appeared to have been addressed to him simply as Sir Frederick Borden. It was rather in the nature of a private, or, at least, an unofficial communication from Lord Strathcona to him. I am not quite certain that under such circumstances we could very well call upon him to communicate such a document to the Senate. If it had been addressed to him in his official capacity, then I think it should have come to us; but I observe that it was, in the first instance, simply a communication from one gentleman to another, offering a very generous and munificent contribution to a particular object. The House of Commons, it is true, at once acknowledge it by a vote of thanks; but I apprehend that that does not necessarily make the letter a public document in the sense to which my hon. friend refers.

Hon. Mr. FERGUSON—When the hon. Minister of Militia received it and determined to use it as a public document in the House of Commons, and presented it to that body, he should have given a copy of it to my right hon. friend so that he could treat his colleagues in the Senate in the same manner that the Minister of Militia treated his colleagues in the House of Commons.

Hon. Sir RICHARD CARTWRIGHT—It is a somewhat nice point; I do not know that it has arisen before. My hon. friend knows that when a minister quotes a document he is bound to lay it on the table, and it is on that ground, no doubt, that Sir Frederick Borden laid Lord Strathcona's letter on the table. As my hon. friend has raised the point, I shall bring it to the notice of the Minister of Militia.

WATERWAYS TREATY.

Hon. Mr. FERGUSON—Has a copy of the waterways treaty been submitted to the Senate?

Hon. Sir RICHARD CARTWRIGHT—Yes, the documents were laid on the table of this House by myself on the 18th inst.

GEORGIAN BAY CANAL.

REPORT.

Hon. Mr. De BOUCHERVILLE—I asked the right hon. leader of the House some days ago if he could tell us when the report of the Georgian Bay canal will be laid before us, and he told me he would inquire. Can he give me the information now?

Hon. Sir RICHARD CARTWRIGHT—I understand it is not quite ready.

Hon. Mr. De BOUCHERVILLE—Is there any probability of its being presented to this House before the end of the session?

Hon. Sir RICHARD CARTWRIGHT—I hope it will be within a few days.

BLACKHALL DIVORCE BILL.

THIRD READING.

Hon. Mr. CAMPBELL moved the third reading of Bill (U) An Act for the relief of Victor Eccles Blackhall.

Hon. Mr. CLORAN—I wish to raise a point of order. This Bill is not regularly and legally before the House. The evidence in the case is not printed in both languages. I have a copy of the evidence in English. The evidence, however, is not printed in French, and I raise the point of order.

The SPEAKER—Will the hon. gentleman kindly refer me to any rule or authority that the proceedings before a committee have to be printed in French?

Hon. Mr. CLORAN—I refer the hon. gentleman to the constitutional right of the French-speaking members of this House to have before them all the proceedings in French, so as to know what they are doing. If the hon. gentleman wants to rule that we can pass measures here without having them in the two languages I am prepared to accept his decision.

The SPEAKER—The Bill itself is printed in both languages. I understand it has not been the practice heretofore to require the evidence taken before the committee to be printed in French, unless specially ordered. Therefore, I rule that it is in order to deal with the third reading of the Bill.

Hon. Mr. CLORAN—I raised the point, not on behalf of myself, but on behalf of senators who are absent and who speak

the French language, and who can better appreciate evidence in their own language than in English. I regret very much on behalf of the French members of this House that they have to deal with matters of which they have no constitutional knowledge. I am surprised that so many French members should accept the decision.

Hon. Mr. DANDURAND—Has any French senators complained?

Hon. Mr. CLORAN—Yes, Mr. Landry, who is absent.

Hon. Mr. CHOQUETTE—I may say, to satisfy the scruples of my hon. friend, that we do not care to have that dirty evidence printed in French.

Hon. Mr. CLORAN—It is not a question of the evidence being clean or dirty. The same point was raised the other day in another place by a French member, who was perfectly at home in the English language, in connection with the Insurance Bill. He contended that a Bill of such an important character should not be discussed until it was printed in both languages.

Hon. Mr. CHOQUETTE—We do not want the evidence in these divorce cases in French.

Hon. Mr. CLORAN—If the hon. gentleman is willing to concede that point——

Hon. Mr. POWER—I rise to a question of order. The hon. gentleman is discussing the Speaker's decision.

Hon. Mr. CLORAN—I am not discussing the decision of the Speaker; the hon. senator from Halifax ought to know that I am discussing the point raised by the hon. gentleman from Grandville. The hon. gentleman should keep in his place and not raise needless points of order. I now proceed with my motion.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. CLORAN—We are getting tired of these interruptions. I do not wish to dispute the decision of the Divorce Committee in this matter. I think the committee did their duty in declaring that Mr. Blackhall is entitled to a separation. The evidence proves that the petitioner was the victim of impropriety on the part of his wife, and the committee recommend that he be granted a separation with a right to remarry. I am not going to discuss this question on theological or even legal grounds; but I ask this honourable House to say whether they are prepared to give the respondent, a dissolute woman, the right to remarry? The evidence before the House proves this woman to be a woman of contagious character, of dissolute habit, and is this honourable body, by its vote, prepared to give her the right to continue this dissolute life?

Hon. Mr. LANDRY—As a reward.

Hon. Mr. CLORAN—As a reward.

An hon. GENTLEMAN—How are you going to prevent it?

Hon. Mr. POWER—If we have no power to prevent social diseases, it is time for us to cease dealing with contagious animal diseases. We have the right to say to a farmer: 'You cannot keep on your farm, a horse, a cow or a pig afflicted with a contagious disease; you will have to destroy it, and if you do not, the inspector of the department will destroy it.' We have the power to protect animals, and will the hon. senator say we have not the right to protect human society and social life? Is there any hon. senator in this House at the present moment—and I put the question to all of them—who would allow Mrs. Mabel Blackhall to go into his home and marry any of his sons? I doubt if there is one who would sanction it.

Hon. Mr. ROSS (Halifax)—Would the hon. gentleman allow me to explain? Of course the law is all right, and you can punish such people when you can get hold of them, but when you cannot reach them the law cannot be enforced.

Hon. Mr. CLORAN—Like all escaped fugitives from justice, the sooner a divorced man or woman gets out of the country the better for the country—the same as a murderer. Neither the right hon. leader of this House, nor the hon. ex-leader of this House, nor the ex-Speaker of this House, nor any member of the Senate would allow that woman to go into his home and marry

any of his sons. I ask hon. members if they are going, by their votes, to allow that woman to go into the families of their neighbours, who may know nothing of this case and who are not acquainted with the facts as we are? I am discussing this question not from a theological or legal point of view, but on the principle of protection of human society, as parliament deals with the protection of domestic animals. There is the whole question. The resolution may be strong. I am prepared to accept amendment. All I want this honourable House and parliament to do, and all the mothers of this country and the religious institutions of the country want to have done, is to protect society against the invasion of such culprits who, by the evidence produced before us and by our votes, we declare to be enemies of society and of the family. Are we by our votes to reward the dissolute, the reprobate, the scoundrel, the brute that has broken up a family and a home and left children unprovided for and give him the right to enter our neighbour's family and take another daughter, or for a woman to come in and take another son? I say it is not right from a social, religious, moral or any other point of view. In our jurisdiction we have the right to declare man and wife separated, and this Bill provides that the petitioner is entitled to separation with a right to remarry. But it does not say anything about the guilty party, about the man or woman who has ruined a home and blasted the lives of children and a man and wife. I ask this honourable House to put an end to this system of disorganizing society. While we are careful to punish a man under the Criminal Code who, as a partner in a firm, takes from that firm illegally, unlawfully or unjustly $1 or $1,000 and send him to the penitentiary, we should go further. We protect the animal kingdom from contagion, but when it comes to the protection of the human family, which is the foundation of the nation, we are prepared to let things go with a free hand. If a brute has destroyed a family, give him a chance to reform. Why not adopt that course with a dishonest partner in a firm? What surprises me is that hon. senators in this Chamber, great grandfathers and grandfathers are desirous and anxious to propagate human vice and allow it to prevail in other families. It is time for us to call a halt in this matter, and to say that human society is entitled at least to the same measure of protection as the animal kingdom or commercial firms. This Bill gives the right to one Victor Eccles Blackhall to be separated from his wife and the right to remarry. I have no dispute with the decision of the committee, and I do not enter into collision with it. All I ask this honourable House to do is to prevent the woman who made it necessary for the committee to so declare, from having the right to flaunt her immorality and prostitution in honest homes in Canada, and prevent her from remarrying within our limits, and if she remarrys outside the limits of Canada, once she re-enters she shall come under the provisions of the Criminal Code in all circumstances regarding penalties and fines to be imposed under the law. It is a question of putting man and woman face to face with their duties and responsibilities, and I ask hon. senators if they can, in their conscience, declare by their vote to-day that this woman is entitled to go into my family or their family and enveigle my son or their son into marriage? If they do so, they may have a lot of compunction and a lot of sympathy, but it is misplaced. They would not allow it, because they know the woman from the evidence. But what do the other million of families throughout the country know about this woman? If she goes to Winnipeg, Vancouver, Toronto or Belleville and walks into a family and inveigles a young man into marriage, with her reputation there is every chance of repeating this divorce experience. The matter is now before the House. I have done my duty as far as my conscience compels me to do it, and I have done my duty as far as requested to do so by public opinion. I do not ask the House to pass the motion worded as it is; I am prepared to accept any amendment that will tend to punish the offending party, whether it be for a term or whether it be for ever.

Hon. Mr. KIRCHHOFFER—I have listended with much interest and attention, but I am bound to say without much conviction, to the reasons given by the hon.

gentleman who desires that the parties who have been granted divorce by this honourable House should be condemned thereafter to a life of enforced celibacy, or if they are obliged, through natural instincts, to gratify their animal passions, they should be forced into a state of prostitution.

Hon. Mr. CLORAN—They are there already.

Hon. Mr. KIRCHHOFFER—For that is the logical outcome of the argument of this hon. gentleman, who possesses all the morality of Christendom, so far as I can gather from his remarks. I do not say it is impossible for certain persons to go through life without gratifying their sexual instincts. I am aware, through the advantage I possess of getting my medical information free of charge from the hon. and medical gentleman who occupies a seat upon the Divorce Committee, that there are certain individuals who do not possess what we might call natural passions, and of course we all know of the large number of clerical gentlemen who, through their high principles and self-sacrifice and devotion to the tenets and doctrines of their church and the mortification of their flesh, are able to devote themselves to a life of celibacy. I cannot, therefore, include in these remarks anybody who, from religious conviction or physical incompetence, or from advanced age, would preclude my remarks from applying to any member of this House. I say that outside of these exceptions, the rest of the population of this, or indeed any other country, is normal and possessed of all the ordinary passions which God in his wise purpose has given to all living creatures, animal or human. Now, I will assume that one-tenth of the world is able and willing to entirely control and restrain their sexual emotions. It follows, therefore, that among the remaining 90 per cent will be found all who are within the sphere and influence of the hon. gentleman's measure, and all the divorced persons who are protected by the law as it now stands from breaking any moral law by remarrying who will now be obliged to live in a state of immorality. We can see, should he succeed in making the remarriage of divorced persons a crime, what an awful responsibility will lie upon the hon. gentleman, not that I think it makes any difference to him as long as he has an opportunity of flashing his morality upon the members of the Senate and showing himself as large as he does in regard to other measures he has been introducing here, over the wires to foreign countries.

Hon. Mr. CLORAN—That is small talk.

Hon. Mr. KIRCHHOFFER—It is so small I think I can include the hon. gentleman in it, because if it is small talk it applies to him and his measures. The hon. gentleman talks about 'small talk.' We have heard a great deal of talk from him, though it sounds loud. The hon. gentleman hails from Ireland.

Hon. Mr. CLORAN—I say that I do not.

Hon. Mr. KIRCHHOFFER—Then I take that back. I am a native of that distressed country myself, but my hon. friend, I think, is of the Franco-Irish-Griffintown product——

Hon. Mr. CLORAN—I wish to rise to a point of order, and to a question of privilege. This is the second time the hon. gentleman has endeavoured to connect me with a certain district in Montreal. He did it last year and I had no opportunity to answer it, and he is doing it now. Not that I am ashamed of Griffintown, because that is the only spot that never had a prostitute in its area; but I do not come from there. I was born in another part of the city of Montreal. The hon. gentleman is wrongly informed, and he has no right to use such small talk and cast these slurs on me to make a point.

Hon. Mr. KIRCHHOFFER—It is the first time I have heard the hon. gentleman disclaim any connection with the country he was representing when he introduced the other day a most extraordinary resolution with regard to Irish affairs.

Hon. Mr. CLORAN—I do not disclaim connection.

Hon. Mr. KIRCHHOFFER—I think the hon. gentleman should be ashamed of himself.

Hon. Mr. CLORAN—The hon. gentleman has no right to say that I disclaimed connection with that country. I say that I was not born there, but I am proud of the country.

Hon. Mr. FERGUSON—I think the point is well taken.

Hon. Mr. KIRCHHOFFER—The hon. member attends large meetings in the constituency he represents, and he has thoroughly convinced them that he is the man who runs the Senate. I have heard lots of them speak of it and they got that impression from him. We heard the wonderful speech he made the other day. I could not help thinking the hon. gentleman was full.

Hon. Mr. PERLEY—Order.

Hon. Mr. KIRCHHOFFER—Full of enthusiasm. All I can say about the hon. gentleman's speech is that he was intoxicated——

Hon. Mr. PERLEY—Order again.

Hon. Mr. KIRCHHOFFER—Intoxicated with the exuberance of his own verbosity.

Hon. Mr. CLORAN—I think the hon. gentleman ought to be ashamed of his expression. I rise to a point of order. I ask the Chair to state if this is parliamentary language? If the Chair says it is, I can tell the hon. gentleman from Brandon that he will get more than he is giving.

The SPEAKER—I hope hon. gentlemen will preserve order and not use language which is calculated to vex.

Hon. Mr. KIRCHHOFFER—I did not make any attack on the hon. gentleman.

Hon. Mr. CLORAN—Do it manfully, not cowardly.

Hon. Mr. KIRCHHOFFER—I am afraid this House will be carried away by the enthusiasm of the hon. gentleman. I know the great influence he has over the House, his sober reasoning, his dignity of appearance, his charm of manner, the gracefulness of his style, and the persuasiveness of his eloquence, joined to the beauty of his person, make a combination that the author of 'Grey's Elegy' must have had before him when he spoke about one who was born 'the applause of listening Senates to command.' Now, I do not want the House to be carried away by the hon. gentleman's eloquence. The gist of what he advocates would tend to promote immorality in this country, not to do away with it. We have had many cases before our committee, of parties who have been, many of them young people, joined together in early life before their minds were made up, and before they had any experience of the world. As they grew older, from incompatibility of temper or various other reasons, they drifted apart. It does not necessarily follow because in such cases they are separated by the Divorce Committe of this House, that the committee is promoting immorality. On the contrary, they are giving an opportunity to those people, if they see fit to do so, to remarry. In many cases they have remarried, have become respectable members of the community and have brought up families to be a comfort and a pride of the household. All this would be done away with by the hon. gentleman's motion. I am sure if the House looks at the hon. gentleman's proposition from the view of whether it is to promote immorality or to do away with it, they will join with me in thinking that the hon. member's motion tends to immorality.

Hon. Mr. FERGUSON—I think my hon. friend from Victoria division would do well to withdraw his amendment. He has notice of a Bill on the Order Paper on which the whole question will come up, and I do not think a division should be invoked upon one particular case when the whole subject is so soon to be dealt with. I shall not, therefore, say anything on the general question now, because it will come up when the hon. gentleman's Bill is before us.

Hon. Mr. CLORAN—I am quite prepared to accept the suggestion. I made a similar proposition two days ago when I gave notice of my Bill on this matter. I proposed that the hon. chairman of the Divorce Committee should postpone the consideration of these divorce Bills until after the fate of my Bill was decided. It is not a question of my promoting immorality.

I am not doing so any more than the Anglican bishops of this Dominion or the ministerial associations or the Methodists or Baptists, all of whom approve my Bill. I am not voicing my own sentiments merely; I am asking this parliament to put an end——

An hon. GENTLEMAN—Order.

The SPEAKER—I would call the attention of the hon. gentleman to the rule, and I do so with a good deal of reluctance, that the mover of an amendment is not allowed to speak a second time, and, as I understand the hon. gentleman intends to adopt the suggestion made by the hon. senator from Marshfield and not press the amendment now, I would suggest that the debate on the subject be postponed until there can be a full discussion on the Bill which appears on the Order Paper. If the amendment is withdrawn, there is no necessity for further discussion now.

Hon. Mr. CLORAN—If that is the case, I am certainly quite willing to bow to the decision of the Chair. If I have no right to answer the remarks of the hon. gentlemen who preceded me, I will withdraw the amendment and reserve my remarks for a future occasion. I am prepared to coincide with the views of the hon. senator from Marshfield and withdraw my amendment, on condition that the mover of the original motion shall ask that this order be discharged and placed on the Orde. Paper after the Bill in question. That is only fair. I do not want a decision of this House on an individual case; but since I have been forced to take this action I have to take it.

The SPEAKER—With the leave of the House the hon. gentleman withdraws his amendment.

Hon. Mr. CLORAN—On condition.

The SPEAKER—I am not in a position to impose conditions. The suggestion was that the general law, if the Bill should be carried, will cover all these cases.

Hon. Mr. FERGUSON—If this Bill is given priority to-day, it will not alter the case, because very likely all these Bills will receive the assent of the Governor General at the same time, and the general law will cover every case.

Hon. Mr. CLORAN—I am not prepared to let the third reading go to-day. I am ready to withdraw the amendment if the mover of the Bill will consent to let it stand.

Hon. Mr. CAMPBELL—I am not at liberty to hold over the Bill.

Hon. Mr. DeBOUCHERVILLE—Do I undestand that the hon. gentleman withdraws his amendment?

The SPEAKER—I understood him to act on the suggestion of the hon. senator from Marshfield.

Hon. Mr. DeBOUCHERVILLE—Suppose this Bill were to pass to-day, and on the 15th the Bill promoted by the hon. senator from Victoria division were to pass, both will be sanctioned by the Governor General and all these cases will be subject to the provisions of the public Bill; therefore the hon. gentleman ought to wait.

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. CLORAN—Then my amendment stands.

Hon. Mr. DeBOUCHERVILLE—I suppose every member of the Senate knows that I am positively and entirely opposed to divorce, but while I think we have not the right we have the power, under the British North America Act, to deal with divorce. I am afraid I shall have to vote against the amendment if it is pressed. If I vote for it, what am I doing? I am approving of divorce for the man who is not the guilty party in this case—I am approving of something to which I am decidely opposed. As I am against divorce under any circumstances, I must vote against the amendment.

The amendment was declared lost, and the Bill was read the third time and passed, on a division.

COLTMAN DIVORCE BILL.

THIRD READING.

Hon. Mr. CAMPBELL moved the third reading of Bill (D) An Act for the relief of Annie Louisa Coltman.

Hon. Mr. CLORAN—This Bill is for the divorce of a good woman from a man who is an acknowledged reprobate in society, a man who is known to have led many women astray. Parliament is asked by this Bill to give him the right to continue to do so legally. The hon. gentleman from Brandon said that my amendment is calculated to promote immorality; it certainly is not calculated to make immorality legal. It is calculated to put down men like the respondent in this case, whose evil record is set forth in the evidence. Now, that man should be treated as a criminal would be under the Criminal Code, as men who violate commercial morality are treated. The chairman of the committee has sympathy for a brute who has ruined his own family and dishonoured many others. He is in favour of giving that man a chance to go on in his evil way in other families. We have no guarantee that next year we shall not find some other woman coming here for a similar divorce from him. The ladies of our families do not want to hear of such things, and no one wants to have a man of that kind marry his daughter. My motion is not to promote immorality, but to condemn it, and, if I had my way, the man guilty of such conduct should not only be prevented from remarrying, but should be quarantined in the penitentiary. Immorality will prevail as long as human life exists, but that does not justify us in giving it the sanction of law. I hope the day is coming when the members of this House will adopt my view, and not only my view, but the view of the women of this country, of all honest men, and religious institutions, that immorality should not receive parliamentary sanction. I have no intention of pressing my motion, in view of the feeling of the House. I have no expectation that the venerable senators here with gray hairs, who ought to protect the families of this country——

Hon. Mr. KIRCHHOFFER—Order.

Hon. Mr. CLORAN—I say ought to protect.

Hon. Mr. KIRCHHOFFER—Order. The hon. gentleman has no right to make reflections on gray hairs. My hair is gray, and I do not want any reflection on it.

Hon. Mr. CLORAN—I say parliament is bound to protect human society as it protects animals. Has the hon. gentleman any objection to that?

Hon. Mr. KIRCHHOFFER—I did not catch the hon. gentleman's remark.

Hon. Mr. CLORAN—I say parliament has a right to protect human society from moral diseases as much as it has to protect the animals of the country from contagious disease.

Hon. Mr. KIRCHHOFFER—This parliament is quite well able to do so, with the aid of the hon. gentleman or without.

Hon. Mr. CLORAN—I am glad the House is not without me, and I know lots of people of the country who are glad to have me here to speak their sentiments. I know that millions and millions of people are with me. It is not for pleasure that I stand here and put these views before the House. Not simply as a matter of personal vanity. What difference does it make to me whether Coltman or Mrs. Blackhall get married again? But it matters that I should put right principles before the country and ask for some guarantee for the safety and stability of honour and respect in the family. I am not arguing simply on the cases now before us. They are only two small specs on the sea of human life, but when it goes forth to the country that this honourable Senate is prepared to let these black sheep go free—people who have brought dishonour to their homes and driven children to distress—the country will ask what right has the Senate to give such men and such women the legal right to repeat their evil experience?

Hon. Mr. WILSON—I rise to a point of order. My hon. friend ought to know whether this is legal or not, whether we are acting under the law of the land. Until that law is changed, he has no right to censure the committee as he is doing. If he wants to change the law, he knows the proper course to pursue; but until the law is changed we are trying to protect society, and my hon. friend has no right to insinuate that we are not.

Hon. Mr. CLORAN—I am glad my hon. friend has raised the legal and constitu-

tional point, because it gives me new ground to stand on. The hon. gentleman is altogether wrong from a legal and constitutional point. The parliament of Canada is a Supreme Court of Justice in this country. What parliament has done it can undo. If parliament has a right to go the whole way it has a right to go half way. Now, what am I asking? Simply that parliament shall do its whole duty. The Bill provides that the petitioner shall have a right to remarry. What am I asking in my amendment? Simply to complete the work we are doing under the constitution of this country, and to exercise the duties and obligations of parliament and prevent the guilty party from remarrying. The hon. senator from Montarville thought that by offering this amendment I admit the principle of divorce. I do nothing of the kind. If I did so, I should be going against the doctrine of the Roman Catholic church, of which I am a humble member. I simply want parliament to go one step further than this Bill goes, and prevent the guilty party remarrying.

Hon. Mr. KIRCHHOFFER—And have we ears that did not hear, or intelligence that did not understand.

Hon. Mr. CLORAN—I have been talking to ears that did not hear or intelligence that did not understand.

Hon. Mr. KIRCHHOFFER—That is pretty hard on the Senate.

Hon. Mr. CLORAN—I am not discussing the question of divorce. I am simply asking that a penalty be imposed on the man or woman who destroys the honour or stability of a family. I do not think there is anything extravagant or unreasonable in my request. However, in view of the manner in which my motion is being received I shall not press it.

The Bill was read a third time, and passed on a division.

SECOND READINGS.

Bill (No. 38) An Act respecting the Canadian Northern Quebec Railway Company.—(Hon. Mr. Tessier).

Bill (No. 51) An Act to incorporate the Royal Casualty and Surety Company of Canada.—(Hon. Mr. Ellis).

Bill (No. 79) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Young).

Bill (X) An Act respecting the Joliette and Lake Manuan Colonization Railway Company.—(Hon. Mr. Tessier).

WINDSOR, ESSEX AND LAKE SHORE RAILWAY COMPANY BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

Third reading Bill (J) An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

The SPEAKER—In this case the fee has not been paid.

Hon. Mr. GIBSON—Then I move that the order of the day be discharged, and that it be placed on the orders of the day for Wednesday next.

Hon. Sir MACKENZIE BOWELL—I should like to ask how it is that this Bill, with the fees unpaid, has passed through the committee and arrived at the third reading stage before the rules governing the introduction of Bills and their consideration had been complied with?

The SPEAKER—The explanation is this: This Bill came before the committee when a new clerk was temporarily attending the duties of clerkship. The initial fee for the printing had been paid and the clerk was not acquainted with the duties and did not exact the production of the receipt for the general fee, and in that way it was overlooked, and the report was brought into the House and allowed to go through.

Hon. Mr. GIBSON—That is not the fault of the promoters of the Bill.

The motion was agreed to, and the order of the day postponed.

RIDOUT DIVORCE BILL.

SECOND READING.

Hon. Mr. GIBSON moved the second reading of Bill (W) An Act for the relief of John Grant Ridout.

He said: There were two clerical errors which will be noted. Instead of the 'city of Toronto' it should read the town of Barrie, and the word 'living' should be 'has since lived.' I move that those amendments be made.

Hon. Mr. POWER—That is not the way to amend a Bill. When the Bill is read the second time, my hon. friend should give notice that on the third reading he will move an amendment.

The SPEAKER—It can only be by the unanimous consent of the House. I think the Bill had better be read a second time as it stands, and notice of motion to amend given for the third reading.

Hon. Mr. FERGUSON—I intended to make some observations on the Bill, happily of a very different character from those to which we have been listening. In this case the party held to be the guilty one is not morally culpable. But I think we have had enough divorce for one afternoon and I would prefer making my observations after we have overcome the effects of the eloquence to which we have been listening. I would ask the hon. gentleman if he would not allow his amendment to stand as a notice, and let the second reading be deferred until Tuesday?

Hon. Mr. GIBSON—I do not see any object in deferring the second reading, because I have been acting on the advice of the clerk as to this amendment. I am a very poor hand to conduct divorce legislation, but I place myself in the judgment of the House. If it is the wish of the House I have no objection, but there is no object to be gained by delay.

Hon. Mr. FERGUSON—It would be better that we defer the second reading and let the notice stand. It would only make a difference of a day or so.

Hon. Mr. GIBSON—I object to that. There is no good object in delaying the second reading, because my hon. friend can make his observations on the third reading.

Hon. Mr. FERGUSON—I think it is better I should make my observations on the second reading of the Bill, although I would prefer it should be deferred, and I would like to make them on Tuesday next.

The SPEAKER—It is quite open for the hon. gentleman to make his observations on Tuesday next.

Hon. Mr. FERGUSON—It is a strong step to take to reject a Bill at the third reading. If the objections I have to the Bill are sufficiently strong to convince the House the Bill should not be passed, that verdict should be given at the second reading, if at all. It would be like bringing up the discussion after the real point was passed upon. I do not feel that in that event I should proceed with my observations at all. If the second reading is taken now, I would let the Bill go through. My judgment with regard to this case is that there is not one iota of moral culpability attached to this woman. Technical blame may attach to her in the minds of hon. gentlemen, and perhaps that may be right; but if hon. gentlemen will look over the evidence I think they will not differ from the view I take of it, that there is not one iota of culpability resting at the door of this woman on the evidence given.

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

Hon. Mr. GIBSON—I move that the Bill be read a third time on Wednesday next.

Hon. Mr. FERGUSON—I think the second reading should not be taken now when there is a request to adjourn it.

Hon. Mr. WILSON—I think the hon. gentleman is not asking anything unreasonable.

Hon. Mr. GIBSON—The second reading has been carried.

The SPEAKER—Yes.

Mr. WILSON—I am sorry it has been carried so quickly.

Hon. Mr. POWER—I desire to call the attention of the hon. gentleman in charge of the Bill to the fact that he should put his notice in writing.

Hon. Mr. WILSON—Before the motion is carried, I desire very distinctly to ex-

press the feeling that we ought not to force upon the members of this House the principle of a Bill that they feel ought not to pass. The second reading is the proper time to express one's views on the principle of it, and to endorse or disapprove. If we adopt this method of ignoring the right of members of this House to have their views expressed on the second reading, we are endorsing a dangerous principle that may lead us to difficulty; therefore, it is only reasonable and fair that the view entertained by the members of this House should be taken into consideration. While I approve of the Bill, there are others who conscientiously feel that it is not right, and they should not be compelled to endorse the principle of a Bill to which they are hostile. I think my hon. friend ought to have an opportunity of expressing his views upon the second reading.

Hon. Mr. FERGUSON—I am quite satisfied. I have placed my views emphatically on record, that I believe there is not a scintilla of evidence of moral culpability on the part of this woman, and I do not care whether I do more or not. When the measure goes to another place it will not be said that there was not one member of the Senate to express that opinion.

Hon. Mr. GIBSON—This Bill was put in my name without any solicitation on my part. I took it up as a matter of courtesy, and it does seem to me rather a singular thing that the abuse seems to be pointed to the hon. gentleman in charge of the Bill. I am not in charge of this measure, I do think that some improvement might be made with regard to conducting divorce proceedings. The Bills should be in the hands of members of the committee dealing with that subject, and when charges are made in regard to such a Bill the members of that committee should be in a position to give the House the information asked for. I do not read any of the filthy stuff anyway, so that I know nothing about the Bill. I think we have heard enough of divorce this afternoon, and I hope these unseemly remarks which have been made will not be repeated. The evidence is given in a confidential way to the members of this House, and then, after the evidence is all produced, we have it reiterated and placed on the Senate Debates, which stands as a practical disgrace, and to my mind degrades the position we occupy as senators.

Hon. Sir MACKENZIE BOWELL—These are questions of a very delicate character to discuss, and I should not express the opinion I am going to utter had it not been for the remark of the hon. gentleman from Marshfield. He said he wished it put on record, that there was not evidence brought before the Divorce Committee to show any immorality on the part of the woman. I am fully in accord with the opinion he expressed. But what we have to consider is this: that though the woman married after having obtained a divorce in the United States under the impression that she was legally divorced and had a right to re-marry, having re-married, living with her second husband and raising a family in Canada, where the divorce, as I understand it, is not recognized in law, and the man should be prevented from obtaining a divorce. I read that case, being of a very peculiar character, with a good deal of interest, and had some trouble in making up my mind as to how my vote should be cast. There is nothing in the evidence to show that she had been guilty of any act of immorality. She parted amicably from her husband in Canada. She went to the United States, and after securing a divorce there she re-married in Canada and has been living alternately between Canada and the United States. But the husband says: Having re-married under the impression that she had a right to be re-married, I desire to be relieved from the obligation attending a married man.' That is the point, I think, the Senate and the committee considered when they made the report granting the divorce to the man.

The motion was agreed to.

ROYAL CANADIAN ACCIDENT INSURANCE BILL.

SECOND READING.

Hon. Mr. ELLIS, in absence of Hon. Mr. Casgrain, moved the second reading of Bill (No. 63) An Act to incorporate the Royal Canadian Accident Insurance Company.

Hon. Mr. SCOTT—I may mention to hon. gentlemen that there is an English company which has the prefix of 'Royal' in the title, and this measure will therefore be opposed on that ground. The promoters had better make up their minds to get another title, otherwise it will lead to confusion. But apart from that entirely, the word 'Royal' ought not to be used unless the authority of the Crown has been obtained. That has been decided. The matter came before me when I was Secretary of State, and I got a ruling from the imperial government and they decidedly objected. They said that the word should not be used except in regard to scientific companies. They objected to the word 'Royal' being used in the case of companies which had to do with money matters. The Royal Company I refer to is incorporated in England, and it could not secure that word 'Royal' except with the approbation of the Crown, and they object to the word 'Royal' being put in by any insurance company. These companies are known by the first definite word, and the Royal Insurance Company is well known all over the Dominion, therefore this company should be incorporated under some other name.

Hon. Mr. ELLIS—I am only acting for my hon. friend from De Lanaudière. I concur generally in the view expressed by my hon. friend. The Bill will go to committee, and they can deal with it there.

Hon. Sir MACKENZIE BOWELL—That is a question for the committee to decide. As a rule, they adopt the principle advocated by the last hon. Secretary of State. I think it would be a dangerous thing for this company to be called 'Royal' in view of the fact that there has been an English company with the word 'Royal' in existence for half a century at least.

Hon. Mr. SCOTT—All I can say is that if the attention of the Governor General were drawn to the fact, he would not give his assent.

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

BAR LOCK COMPANY BILL.

AMENDMENTS CONCURRED IN.

Hon. Mr. McHUGH moved concurrence in the amendments made by the Standing Committee on Miscellaneous Private Bills to (Bill K) an Act respecting a certain letter patent of the American Bar Lock Company.

Hon Sir MACKENZIE BOWELL—Would the hon. gentleman inform the House what the amendments are that have been made to this Bill?

Hon. Mr. McHUGH—The first amendment is as follows:

Page 1, line 8.—After 'thereunder' add the following clause 2:—

2. If since the date of any said importation any person, other than a licensee or a person having occupied the position of a licensee has commenced in Canada to manufacture, use or sell any of the patented inventions covered by the said letter patent, such person may continue such manufacture, use, or sale, as the case may be, in as full and ample a manner as if this Act had not been passed.

Then there is a small amendment in one line changing the word 'owner' to 'holder.'

Hon. Mr. WILSON—Would the hon. gentleman explain why it was they allowed the patent to die, and then come to parliament for a renewal of it? Those who were not on the Private Bills Committee have not had an opportunity of knowing all the arguments brought forward so that we would be in a position to vote intelligently upon it. If he would make that explanation to the Senate, perhaps we would be in a better position, and my hon. friend from Hastings would be able to understand it.

Hon. Mr. McHUGH—The petition that was presented, asking for a revival of this patent, sets out very fully the reasons why it lapsed. It was in the petition that was laid on the table when this Bill was introduced. The manufacture was carried on in the city of Montreal by a license, and they were not manufacturing such goods as this company felt they had agreed to manufacture, and they imported some goods from their factory in the United States, to fill contracts they had in Canada, and that of itself caused the lapse of this patent. They were not aware at the time that they were breaking the law, but the patent became void. They afterwards arranged with a firm in Toronto to manufacture the goods. This importation was only a small quantity and for a short period of time. As soon

as they found they were violating the Patent Act by importing the goods, they ceased to import, and they have come here now to get their patent revived.

Hon. Sir MACKENZIE BOWELL. The hon. gentleman has put the case clearly enough. Provision is made to protect those who may have commenced the manufacture of the article. Another improvement in the Bill is, it shows that the petitioner was not the owner of the patent, but the holder of the patent simply. When they were not able to manufacture the article here, they imported it themselves in order to supply the market. It is one of those cases in which the request ought not to be granted. I do not intend to divide the House upon it, but I enter my protest against renewing patents under circumstances similar to those set forth here, and having done that I shall say nothing further.

The motion was agreed to.

THE APPOINTMENT OF MR. NICHOLSON.

MOTION.

Hon. Mr. THOMPSON moved concurrence in the second report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate in re Nicholson appointment. He said: It is merely endorsing the recommendation of the hon. the Speaker. The committee had the Speaker before them and he fully explained the situation, and by unanimous vote of the committee his recommendation was accepted.

Hon. Sir MACKENZIE BOWELL—I do not rise for the purpose of opposing the recommendation made by the hon. the Speaker, or to object to the appointment of either of those young men; but on looking at the law, and at the recommendations made in the letter sent by the clerk to the Speaker, and the Speaker's recommendation to the Senate, it strikes me that we are transgressing the provisions of the law, and the Senate might possibly come in conflict with the Auditor General when the pay list is sent to him for the payment of Mr. Nicholson's salary. The Speaker, the Clerk of the Senate, and the Senate stand, under the provisions of the Act of last session, in the relative position of minister (Speaker), deputy (Clerk), and cabinet (the Senate). Now section 21 of the Act provides that if the Clerk reports that the knowledge and ability requisite for the position are wholly or in part professional, technical, or otherwise peculiar, the Senate may, upon the recommendation of the Speaker, based on the report in writing of the Clerk, appoint a person to the position without competitive examination, and without reference to the age limit, provided the said person obtains from the commission a certificate to be given with or without examination, or as is determined by the regulation of the commission, that he possessed the requisite knowledge and ability and is duly qualified as to health, character and habits. Now I fail to find that the provisions of this section have been complied with. I find the Clerk's report to the Speaker as follows:

> Sir,—I had occasion, at the commencement of the session, to invite your attention to the necessity of obtaining additional help for the clerical work of the Senate. Now that the creation of the six additional committees has, by the appointment of the members thereto, become a fixed fact, some member of the staff will have to be detailed to attend the same as clerk of committee. Inasmuch as there are but two clerks who are available for committee work, viz.: Messrs. Soutter and Caron (the latter only a novice) it will be impossible for them to answer all the calls made upon them .
>
> I do not include Mr. Creighton, who has heretofore held the office of clerk of committees, because in addition to the legal work in his office and having to attend the meetings of the two large committees of banking and commerce and of railways, telegraphs and harbours, he has some twenty odd cases of divorce to attend to, which must necessarily take a great deal of his time. I would, therefore, recommend that the services of a competent English clerk be secured and by preference one who understands the French language.

So far the only information given to the Speaker is not in accordance with the 21st section of the Act. The letter is simply a notification to the Speaker that two clerks are required and giving the reasons therefor. Then the clerk points out that in his opinion these gentlemen ought to possess the knowledge of both languages, which every one of us admits is a correct position to take; but there is no statement in that letter that the two gentlemen it is proposed to appoint possesses a single qualification laid down in section 21 as necessary. What

position will the Senate be in with the Auditor General if he takes the position that they are not legally appointed? The Auditor General may ask 'Has Mr. Nicholson obtained a certificate from the commission under the provisions of the Act? If he has not, will the Auditor not be in a position to say that the appointment is illegal and refuse to sanction the payment of the salary? I find also that there is nothing in the report of the Contingent Accounts Committee as to the qualifications of these young men. It simply concurs in the recommendation made by the Speaker. If the law has been complied with, I presume there is not a senator who would object to the recommendation made by the Speaker. It may be urged that Mr. Nicholson will obtain the certificate of qualification from the commissioners, but that is problematical. We cannot tell. Supposing, on the other hand, he should fail to obtain the certificate, and it turns out that he is not qualified, what position would the Senate occupy? I casually called attention to these points when the recommendation was first made. To my mind, from the beginning, the provisions of the Act have not been complied with.

Hon. Mr. THOMPSON—The Internal Economy Committee were fully satisfied with the explanations made by the Speaker of the fitness of these young men. The committee did not like to pass it over. The matter was thoroughly considered with respect to the work they were required to discharge, the need for addition to the staff to do the work that was required to be done, and although we did not cover it in the report, I may say we did not neglect our duty in the way that has been stated.

Hon. Sir MACKENZIE BOWELL—I have found no fault with the committee. What I called attention to was the fact that the law had not been complied with.

Hon. Mr. POWER—The hon. gentleman from Hastings explanation of the law is sound, but I do not draw the same conclusions that he has reached. When this report is adopted, the rest remains between his Honour the Speaker and the Commission. Of course, his Honour the Speaker might have tried to get the certificate of the Commission before submitting the matter to the House; but if the House did not approve of the recommendation, both the candidates and the Speaker would be placed in a very embarrassing position. We are governed by section 21 of the Act passed last year, and on behalf of each of the gentlemen who are recommended for appointment a certificate must be obtained from the Commission. Until that is done, the appointments of these gentlemen are only provisional, and I assume that no notification that they have been appointed will be conveyed to them until the necessary certificate has been obtained. I assume the certificate can be obtained. If not, what we have done goes for nothing, because it would be flying in the face of the law, but it is to be hoped that, under all the circumstances, a certificate may be obtained. I quite concur also in the view of the hon. gentleman from Hastings that neither candidate possesses the special or technical qualifications which exempt him from undergoing the examination, because I do not think the fact that a candidate is acquainted with the two languages would be regarded, in a bi-lingual country like this, as a special and technical qualification. If his Honour the Speaker gets the approval of the House, as I suppose he will, I hope he may be able to deal successfully with the Commission, but if not, there is really no great harm done.

Hon. Sir MACKENZIE BOWELL—Could not the difficulty be got over by making them provisional appointments until they obtain certificates? The fact of the Senate approving of the appointments on the recommendation of the Speaker, if he is not within the law, would not make them legal.

The SPEAKER—There is a great deal of difficulty in knowing how we are to go in these matters, but had I known the hon. gentleman was going to deal with the matter I would have spoken to him before. It is a very simple question if we follow it out and are acting in accordance with the Commission. The Commissioners are not in a position to undertake to issue a certificate for two or three months to any body. In the meantime we want help in the offices. To guard that matter I was

proposing, if this report be concurred in, to submit as the order of the House that the appointments be made, provided Mr. Nicholson obtains from the Civil Service Commission the certificate required by section 21 of the Civil Service Act, which would make his appointment conditional on that being done. That saves the necessity of coming back to the Senate for anything about it. It was intended, if the report should be adopted, to submit an order to that effect, and if it can be worked out in that way it covers the whole ground. The Commission have intimated their willingness, for our special appointments such as have been spoken of here, to deal with the matter under section 21 of the Act.

Hon. Sir MACKENZIE BOWELL—That may get over the difficulty to that extent, but is the duty which is to be performed by Mr. Nicholson of a character to justify the commission in giving him the certificate? What are his duties? I understand they are simply clerk of the committee, and that is merely clerical work which requires no technical knowledge.

Hon. Mr. SCOTT—The Speaker's certificate that the work was of a technical character would satisfy the Commission.

Hon. Sir MACKENZIE BOWELL—I am asking whether the duties to be performed by the gentleman who is to be appointed are of such a technical character that they would justify the Speaker in saying so? However, that is a responsibility which the Speaker himself may assume.

THE APPOINTMENT OF MR. HINDS.

MOTION.

Hon. Mr. THOMPSON moved concurrence in the third report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate in re Hinds appointment.

Hon. Mr. POWER— I understand that the order which his Honour the Speaker proposes to submit does not say anything about Mr. Hinds being placed under the control of the Clerk of the Senate. It will be borne in mind that when we first appointed Mr. Hinds as a sessional clerk, it was for the purpose of assisting the Law Clerk. The committee looking at the fact that the Law Clerk's duties were sessional only, and at other facts, decided that Mr. Hinds should be placed under the control of the Clerk of the Senate, with the understanding that during the session it would be his principal duty to act as assistant to the Law Clerk. In the order to be submitted after this resolution is adopted, there is no reference to that and I do not think the reference is necessary; but I wish to say that the effect of this report is not to be destroyed by the omission in the order of any reference to Mr. Hinds being placed at the disposal of the Clerk of the Senate, because, of course, all the officers of the House are supposed to be under the supreme control of the Clerk.

The SPEAKER—There is no objection to add it to this order.

Hon. Mr. POWER—There is this objection, that if when we appoint one officer we expressly state that he is to be under the control of the Clerk it might raise some doubt as to the position of other officers. All our officers are under the control of the Clerk.

The SPEAKER—There will be no difficulty on that score. It is well understood that he will act in that way.

The motion was agreed to.

BILL INTRODUCED.

Bill (DD) An Act respecting the Manitoba Radial Railway Company.—(Hon. Mr. Watson).

The Senate adjourned until Tuesday next, at three o'clock.

THE SENATE.

OTTAWA, Tuesday, March 30, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (EE) An Act for the relief of Evelyn Martha Keller.—(Hon. Mr. Perley).

Bill (FF) An Act for the relief of Frank Parsons.—(Hon. Mr. Derbyshire).

THE EASTER ADJOURNMENT.

Hon. Sir RICHARD CARTWRIGHT—I should like to mention to the House that I have just conferred with the Minister of Finance as to when we may expect the Supply Bill. I am informed by him that he cannot give it to us this week, and, therefore, I shall not be able to carry out the intention I had expressed of endeavouring to adjourn on Thursday. Next Tuesday will be the earliest date at which we can adjourn.

THIRD READING.

Bill (Q) An Act respecting the Quinze and Blanche River Railway Company.—(Hon. Mr. Belcourt).

Bill (H) An Act respecting the Anglo-Canadian and Continental Bank.—(Hon. Mr. Cloran).

Bill (No. 37) An Act to incorporate the Western Canadian Life Assurance Company. —(Hon. Mr. Bostock).

Bill (No. 55) An Act to incorporate the British Columbia Life Assurance Company. —(Hon. Mr. Riley).

Bill (No. 76) An Act to incorporate the Canada National Fire Insurance Company. —(Hon. Mr. Chevrier).

CANADIAN, LIVERPOOL AND WESTERN RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. MITCHELL moved the third reading of Bill (No. 44) An Act to incorporate the Canadian, Liverpool and Western Railway Company.

Hon. Mr. LANDRY—I move an amendment, seconded by the Hon. Sir Mackenzie Bowell, that this Bill be not now read a third time, but that it be read a third time this day three months. This is a provincial Bill, entirely of a local character. It has been fought on those grounds in the House of Commons and in our committee, and I think we should protest against its adoption here. The only way to protest is to move the three months' hoist.

Hon. Mr. POWER—I ask the hon. senator from Stadacona if he does not think that he should have given notice of this amendment? We have a rule which provides that no amendment shall be made to a private Bill at the third reading unless notice of the amendment has been given. This is a surprise to the House.

Hon. Mr. LANDRY—Surely the hon. gentleman is not serious. We never require notice to move the three months' hoist. It is not a proposal to change the Bill at all.

Hon. Mr. DANDURAND—I think the question arose last session, and it was decided that such a motion was not an amendment to the Bill.

The motion was declared lost on a division.

The Bill was then read the third time and passed.

GREAT WEST PERMANENT LOAN COMPANY'S BILL.

THIRD READING.

Hon. Mr. CHEVRIER moved the third reading of Bill (No. 40) An Act to incorporate the Great West Permanent Loan Company.

Hon. Mr. BEIQUE—I stated to the hon. gentleman from Winnipeg that I would call attention to this Bill, which, to my mind, requires some amendment. As I am not a member of the Committee on Banking and Commerce I do not wish to propose any amendment, but rather to offer a suggestion, and it will be for the hon. gentleman and this honourable House to decide whether the suggestion should be carried out. The first point to which I desire to call the attention of this House points to the fact that it is very uncertain whether parliament has jurisdiction over this Bill, for this reason, as mentioned in the preamble: this company was incorporated under the Manitoba Building Societies Act; therefore it was a private company, and to give jurisdiction to this parliament it seems to me it should be stated in the Bill that the company shall be authorized to carry on operations in more than one province. There is nothing at all in the Bill to that effect. The only thing I can see in it that bears on this point is the fact that the company may change the head office of the new com-

pany from Winnipeg to any other place in Canada; but I doubt very much if that would be sufficient to give authority to a company which was incorporated as a local company to carry on business outside of Manitoba. The second point to which I desire to call attention is to section 16 of the Act, under which the company is given power to issue debentures. Under the Companies Act, section 69, all joint stock companies have the right to issue debentures, but only with the sanction of holders of not less than two-thirds in value of the subscribed stock of the company. Here there is no provision of that kind, and it seems that the directors would have the right, as far as I can see, to issue debentures, whether mortgage or other debentures, without any authorization from the shareholders. I do not think it is in harmony with our practice and with our Companies Act. Then, I desire also to call attention to sections 18 and 19, under which the directors of the company are given power to issue debenture stock, and it is stated that this debenture stock shall rank equally with ordinary debentures and with deposits. The company has the right to take deposits, and the debenture stock is to rank with the other debentures and with deposits, and in section 19 it is stated that the company shall keep a register in which all debenture stock shall be registered, and that the register shall be accessible for inspection and perusal at all reasonable times to every debenture holder, mortgagee, bondholder, debenture-stockholder and shareholder of the new company without payment of any fee or charge. I think for the protection of the creditors, especially the deposit creditors, with whom the debenture stocks are to take rank, the word 'creditors' should be added. The creditors should have the right to see what amount of debenture stock had been issued, as these debenture stocks are entitled to rank with them. Then the next section to which I desire to call attention is section 31. Under this section the company is given power to acquire other companies carrying on any business which the new company is authorized to carry, to purchase the entire assets and acquire and undertake the whole or part of the business, property, liabilities, name and good-will, &c., of any other company, and carry it on—that is similar businesses. It is quite a common practice to give that power, but this section goes much further and in addition provides that this company may acquire any business which the new company is authorized to carry on:

> Or possessed of property suitable for the purposes of the new company, and pay therefor in cash or in stock either fully paid up, or partly paid up, or partly in cash and partly in stock, either fully paid up or partly paid up, or in any other manner; and any of the said companies, whose assets the new company desires to purchase are hereby authorized to sell and transfer their respective assets, business, property, name and good will, and the new company and any of such companies may enter into all agreements of purchase and sale, and execute all conveyances and assignments, and do all other acts necessary or convenient for the purposes of such purchase and sale; provided always that specified assets may be excepted from any such purchase and sale.

I think it is going very far. The power is also given to all the other companies to sell.

Hon. Mr. EDWARDS—I think the promoter of the Bill is willing to let it stand over.

Hon. Mr. POWER—It is better to let it go back to the committee.

Hon. Mr. BEIQUE—Under clauses 31 and 32 the power is given to this company to purchase other companies and pay for them in cash or in stock or partly in cash or partly in stock, either fully paid up or partly paid up. Then under clause 33 it is stated that:

> The liabilities of the holder of such partly paid up stock, in respect of the unpaid portion thereof, shall be reduced by five equal annual amounts at the end of one, two, three, four and five years respectively from the date of the issuing of such partly paid up stock; provided that no such annual reduction shall be made unless and until the liabilities of the new company which have matured up to the time when the reduction is sought to be made shall have been met by the new company.

Now, this is a very extraordinary provision. Power is given the company to issue unpaid stock to which a liability therefor is attached, and then it is stated that the liability arising from the issue of that stock shall be reduced by five equal annual amounts without stating to what extent it is to be reduced. Creditors are

safe-guarded who hold matured claims, but those whose claims have not matured are not safeguarded at all. The liability connected with the issuing of the stock may be wiped out without regard to the existing liabilities which are not matured. Although a creditor's debt has not matured, it ought to be protected in some way. Under clause 37, power is given to the company to apply to the King's Bench for Manitoba to restrain any action, suit or proceedings against the new company in cases mentioned in the clause. It is a proper provision so long as the head office shall remain at Winnipeg; but suppose the head office is changed from Winnipeg to Toronto, surely power should not be given to the King's Bench for Manitoba to stop all actions and proceedings against the company? That power should be in the court where the head office is situated. Under clause 40, sections 136 and 137 of the Companies Act are excluded. These sections provide for the changing of the head office of the Company, and they are appropriately excluded, because, under clause 17 of this Bill, power is given to the company to change its head office; but these sections safeguard the public and the creditors of the company by requiring that notice shall be given of the change. By excluding those sections and not retaining the safeguards in section 137, the public would not be protected. These are the main objectionable features of the Bill to which I desire to call attention. There are other features of it, but as they concern the company only, and as the public are not interested, I do not think it is my duty to call the attention of the promoters to them.

Hon. Mr. FERGUSON—There is probably a good deal of force in some of the criticisms of the hon. senator from De Salaberry. When this Bill was going through the committee, there was a very long argument over the title, and we had very nearly reached one o'clock, and were going through the clauses very fast when I inquired whether the Insurance Department had looked over the Bill and seen that it contained only the usual provisions. We got that assurance, but it seems now that we should sometimes look behind those assurances.

Hon. Mr. LANDRY—Did the committee have a report from the law clerk on that Bill?

Hon. Mr. FERGUSON—I think they had.

Hon. Mr. LANDRY—A written report?

Hon. Mr. FERGUSON—We had the assurance both from the clerk and the officer of the Insurance Department, that the Bill contained the usual provisions applicable to loan companies.

Hon. Mr. LANDRY—Generally, a report of the law clerk accompanies every Bill that comes before the committee. If there are objections to any clause in particular, the law clerk points out the objections. This Bill has not been the object of thorough study by the law clerk, or his report was not given to the committee. If it was, have they looked into the report? I think the Bill should be referred back to the committee with instructions to report progress.

The motion was withdrawn, and a motion to refer the Bill back to the committee on Banking and Commerce for further consideration was agreed to.

SECOND READINGS.

Bill (Z) An Act respecting the Bank of Winnipeg.—(Hon. Mr. Chevrier).

Bill (AA) An Act to incorporate the Prairie Provinces Trust Company.—(Hon. Mr. Chevrier).

PUBLIC HEALTH AND INSPECTION OF FOODS COMMITTEE.

FIRST REPORT ADOPTED.

Hon. Mr. DE VEBER moved the adoption of the first report of the Standing Committee on Public Health and the Inspection of Foods. He said: This is the first report of the new committee. Although new, it is a very important one, and deals with matters which should be of very great interest to the people of Canada. This House has no power to enact legislation in regard to health; that lies altogether within the purview of the provincial legislatures, so that our efforts will have to be instructive and

educational rather than legislative. The committee purpose confining their inquiry this session to matters of general sanitation, such as the water supply of cities, towns and villages, the disposal of sewage and the pollution of rivers. It will be necessary, in order to get the information we require, to cite persons, papers and reports, and we ask that power to do so from this House. We also wish to employ a stenographer to take down the evidence which we collect. I do not think that the expense will be very great. I understand that among the new officials of the House there is a stenographer, and we would, as far as possible, utilize him. The witnesses we would bring before us are men who have made a life study of the subject, and the majority of them live in Ottawa. We would like to call Dr. Montizambert, Dr. Bryce, the provincial health officer, and the city engineer. They, of course, will entail no expense. We would like also to have the health officer and the city engineer of Toronto. I understand that the water supply of the city of Toronto is a very serious question, and both these gentlemen have been all over America investigating the subject. After collecting the evidence, our idea is to have it published, probably next year, and keep it here on tap in order that smaller villages and towns such as are unable to obtain this information for themselves, or employ health officers, may be able to get our reports.

Hon. Sir RICHARD CARTWRIGHT—I am not familiar with the details of the work assigned to this committee, but my hon. friend should give us some idea of the probable cost of what he proposes to do. Giving unlimited authority to those committees might entail on the Senate a larger expenditure than it is disposed to incur.

Hon. Mr. DE VEBER—It would be a very hard matter for me to give an idea of what the cost would be. The only cost I can see during the present session would be the charges of the stenographer, provided we could not have the services of the one employed by the Senate, and the travelling expenses of the city engineer and city health officer of Toronto. The total cost would not be $500.

Hon. Mr. DE VEBER.

Hon. Sir RICHARD CARTWRIGHT—The reason I put the question to my hon. friend is this; we have had some experience in other places, and here to, perhaps, of the extraordinary value that parties who denominate themselves experts in various branches of science are apt to set on their services. The conclusion I came to myself, when I was a member of the other House—and which perhaps might be justified by our experience here—is that giving unlimited power to a committee is somewhat dangerous. I am not averse to any reasonable limit, and the committee itself could ascertain what they ought to ask for so that a limit can be fixed of the total expenditure that should be incurred. If it is found that more is wanted, the Senate can be applied to for further indulgence; but I can assure my hon. friend that power to send for persons and papers, when it includes sending for scientific persons, sometimes involves us in pretty heavy expenditure, more than he, I think, would be willing to recommend.

Hon. Mr. DE VEBER—I do not wonder at the hon. gentleman being afraid of a western man having hold of the funds. We are rather inclined to be careless and lavish with our money, but I think there are some eastern men who would hold me down. The expense would be next to nothing. If the hon. gentleman would name a sum, perhaps it would be satisfactory. I am certain our expenses would not run over three or four hundred dollars, until we came to the publishing of the book, and, not being a printer, I do not know what they would cost; but in obtaining the evidence I am sure the gentlemen I have named would not ask the fees of experts for coming here. If they had their expenses paid, I think they would be only too willing to come. They are public officials.

Hon. Mr. DANDURAND—Perhaps the hon. gentleman could adjourn his motion for concurrence until Thursday, and from this till Thursday he could have an estimate of what the committee would be likely to need this session.

Hon. Mr. ROSS (Middlesex)—I think the work the committee is about to engage in

is exceedingly important. If the estimate of the chairman, that the expenses would not exceed three or four hundred dollars is correct, I do not think we should hesitate a moment. It is proposed to deal with the pollution of international or interprovincial streams. Take, for instance, the city of Ottawa. The Ottawa river is an interprovincial river. The sewage of all the little towns above the city is dumped in, the benefit of which we get in forms we do not like, and that is carried down stream, and the city of Montreal has to take the consequence. In the same way all the towns along Lake Ontario have to suffer from the sewage of Hamilton and Toronto, and I think the question, if properly investigated, might very well reach an international stage. The question, are these international waters to be polluted by the sewage of the different cities, Detroit, Buffalo, Cleveland and cities on both sides of Lake Ontario, is a very large one. The chairman proposes to take up two branches. First, as far as the city of Ottawa and the waters of the Ottawa river are concerned, and, secondly, to ascertain how much information Dr. Sheard, who is an expert in matters relating to health, and Mr. McCallum, who is the engineer of the city of Toronto, can give of investigations in the United States and Canada as to a septic system of sewage disposal. That is a large question. I do not know what the practice is, but I would be surprised if either of these gentlemen would ask a fee for giving their evidence; if not, the expense would be merely travelling and hotel expenses. As to the charges of a stenographer, that is a mere bagatelle. Then you have the other expenses connected with the publication of the report by the Printing Committee, which is generally dumped into the general expenses for printing, and which would never be seen or heard of by the Senate, and it would not be very serious anyway. I agree with the right hon. gentleman who raised this point, that we should not rush into expense; but we have a big proposition affecting the health of thousands of people, and I think a deliverance of this Senate, sustained by the evidence of such men as Dr. Bryce, whom I know personally to be an expert, and Dr. Montizambert, and the others named, would have a good deal of weight with the country. We do not want this simply for the city, who can afford to bear the burden of expense easily; but we want the report on sanitation for the benefit of our towns. A system of sanitary sewage disposal is very expensive, and the small towns cannot afford sometimes to take it up. The saving we would have of life and health, and the prevention of malarial fevers would pay a hundredfold of what such an investigation would cost. That point should be impressed on the people. We pay thousands of dollars for immigrants, but we should also take care of the people we have here, and save life and health and provide for the comfort of our people. I hope the right hon. gentleman will not press the objection to it. The hon. member who has made the motion as a medical man is invaluable as chairman, and I hope he will be able to accomplish something.

Hon. Sir RICHARD CARTWRIGHT—I may point out to the hon. gentleman that I did not object to the investigation at all, nor to a reasonable expenditure. All I asked is to know roughly how much it would be.

Hon. Mr. DE VEBER—Supposing I say a sum not to exceed $500.

Hon. Sir RICHARD CARTWRIGHT—That is not at all excessive.

Hon. Mr. FERGUSON—I am sorry I was not able to hear clearly the explanations of the hon. chairman of the committee, but this is not the usual kind of report upon which the Senate acts in such cases as this or in which the Senate gives such authority as is apparently asked for. None of our committee are clothed with this power, as far as I know, except the special committees, where there is a special order of the House. I think the proper course would be for the committee to recommend that they be instructed to carry on a certain investigation, and ask the House for the necessary powers to carry it on. As it is now, if we pass this report we are committing ourselves, and empowering the committee to employ stenographers and send for persons, papers and records, &c., especially to

employ stenographers, and I think that power would continue with the life of this parliament. I do not think that is usual. The proper course would be for the committee to recommend that they be instructed to make some investigation, and to ask that this House give them the necessary powers in order to carry it out properly, and when that investigation ended the expense would end. Perhaps it would be better if the report were referred back to the committee to make a report in the way I have indicated.

Hon. Mr. DE VEBER—Is this not the usual report? We are asking the power to investigate. The committee was appointed for a specific purpose by this House, and we wish to proceed with our work, but we cannot do so without we have power to incur this expense.

Hon. Mr. POWER—No one can question the importance of the investigation which is proposed by this committee, and no one would be disposed to differ from the language used by the hon. gentleman from Lethbridge and the hon. gentleman from Middlesex with respect to the importance of the inquiry; but it is better always, I think, to size up the situation in a practical way. We are now on the eve of an adjournment. That adjournment will probably carry us to somewhere near the end of April—certainly some distance beyond the middle of April—and this committee would not be likely to do anything in the way of examining witnesses until after the Easter adjournment. It is evident, therefore, that we cannot make anything like a complete inquiry during the present session, because there is an impression abroad, which I hope is well founded, that prorogation will take place before the end of May, and it seems to me that while there should be no desire to unduly interfere with the work of the committee, the committee will find enough to do during this session in making a sort of preliminary inquiry. The subject with which this committee proposes to deal is one as to which there are a great many important publications. With respect to this question of the public health the provinces have done a great deal in the way of investigation also. I know that in the province of Nova Scotia there have been some very important blue-books published dealing with the subject of the public health and with the very important matter of drainage. I know particularly of one on septic sewage, to which the hon. gentleman from Middlesex referred. Before we begin to examine at very considerable expense and a considerable expenditure of time the question de novo, I think it would be better that the committee should know just what publications there are on these subjects. I do not mean to say that they should not republish what has been published already, but if, for instance, in the province of Nova Scotia, or in Ontario, an investigation has taken place, and there are certain official reports which set out the essential facts as to sewage and other such matters, I do not see any reason why our committee should acquire that information over again. They may very well take it from the works which have been published, and it should not be necessary to bring witnesses here from Manitoba or from any remote region, because, as the hon. chairman of the committee has intimated, probably Dr. Bryce and the medical officers of Ottawa and some of the other experts will come here without charging any fee at all, and perhaps the hon. gentleman had better not take any steps in the way of expenditure until he has prospected the ground a bit. That is my humble opinion.

Hon. Mr. DE VEBER—I have seen quite a few gentlemen, and I may say the health officers and engineers are willing to come here and give evidence. The evidence is worthless unless it is recorded by a stenographer, and we cannot have a stenographer unless we are empowered to employ one. Does the hon. gentleman wish the committee to read up the subject, make themselves experts and give the evidence themselves and send it out to the country? I may state to the hon. gentleman, that the most of these reports that he speaks of are some few years old. Stephens and Murphy are probably the greatest authority in book form on this class of investigation. The last edition is some four or five years old. Within that four or five years, new discoveries and new devices have been put

forward, and it is made a special study by city health officers and city engineers. The latest evidence, therefore, is the only evidence we should gather and make public. We do not want any stale old books or information of four or five years ago, because they are completely out of date. They were of value when they were written, but they are obsolete now. What we want is evidence of the present time, and there is no use in asking these gentlemen to come here and testify unless we can have their evidence on record. I certainly cannot take it down myself. If we can get the typewriters, the new officials of the House, to do the work, that will cost nothing, and, as far as I know at the present time, the gentlemen who are to come from the city to give evidence have not said anything about wanting to charge to come here and give evidence. The expense will be nominal; but we have no right, unless we are empowered by the House, to go ahead. If we were to follow the lines the hon. gentleman from Halifax has laid down, we might just as well abolish the committee for the present session. If we start in at present, and have the power and get in form, we might accomplish something. I do not mean to say we shall do very much this session, because I do not think we shall have the time, but we would be ready to start the beginning of next session. If we wait till near the end of the session the same objections will be raised, and it will be said, 'Oh, you will have to put it off till next session'. If the committee is to be of any benefit it should be given power to commence at once, or it might as well be dissolved.

Hon. Mr. LANDRY—This report asks for authority to employ a stenographer, and to send for records and witnesses. But the question of expense of the witnesses is governed by rule 91 of our rules, which says.

> The Clerk of the Senate is authorized to pay every witness summoned to attend before a committee, a reasonable sum for his living and travelling expenses, upon the certificate or order of the chairman of the committee, before which he shall have been summoned, and no witness shall be so summoned and paid unless a certificate shall first have been filed with the chairman by a member of the committee stating that the evidence of such witness is, in his opinion, material and important, and no witness residing at the seat of government shall be paid for his attendance.

Hon. Mr. FERGUSON—Does that deal with Standing Committees?

Hon. Mr. LANDRY—Any committee.

Hon. Mr. FERGUSON—A committee that has power to summon witnesses?

Hon. Mr. LANDRY—The committees are divided, a committee of the whole House and a committee of part of the House. A Committee of part of the House is a select committee, and a select committee may be standing or special.

Hon. Mr BEIQUE—This is a standing committee.

Hon. Mr. LANDRY—Yes, but usually in the standing commitees no special power is given to summon persons, because they do not need that, and when we go out of the general rules of this House, we do it by instructions. We instruct the committee to do such a thing. I think that would be the proper course that we should follow in this instance. We should, as those different standing committees which have been created since the last session, have not received proper instructions, give them instructions so that they will not go beyond their business.

Hon. Mr. DOMVILLE—I should like to call the attention of the hon. gentleman from Stadacona to the Mutual Reserve Association investigation. There the chairman passed the bills——

Hon. Mr. LANDRY—That was a special committee.

Hon. Mr. DOMVILLE—Yes, and after they had been certified by the clerk and chairman, the leader of the government would not allow the bills to be paid. How would it be in this case? What guarantee will there be for these witnesses, with your rules before you, to be paid?

Hon. Mr. LANDRY—I would recall the attention of my hon. friend to the fact that in the case of the Mutual Reserve that investigation caused the difficulty. I think the sum asked was perhaps too large. I

do not remember well, but what I contend is that if the House made an order, there is no doubt it would be carried out.

Hon. Mr. DOMVILLE—The hon. gentleman remembers the case of counsel employed by the Mutual Reserve Committee, and the report was made to the House that he had been employed. The House adopted the report, but would not pay him.

Hon. Mr. FERGUSON—They did pay him.

Hon. Mr. DOMVILLE—No, they only compromised. They had not enough money, so they compromised.

Hon. Mr. FERGUSON—The hon. gentleman from Rothesay was very well pleased.

Hon. Mr. DOMVILLE—Whether I was pleased or not, that is not the question. It is a matter of caution to my hon. friend to see what he is doing.

Hon. Sir MACKENZIE BOWELL—I do not think there is any doubt about this point. Standing committees have never had the power, if my recollection serves me, to employ either counsel or stenographers, or to send for witnesses. That is a power always conferred upon special committees appointed for special purposes, and if this committee, which is a standing committee, desires to exercise other powers than those which are conferred upon a standing committee, they have pursued, to my mind, the only correct course in asking the House to give them power to incur that expenditure. It seems to me that that is not only the practice, but the correct course to pursue. The other standing committees that have been performing the duties of legislation have not been of the same character as the new committees which have been appointed. They have been appointed to inquire into certain things; the one under consideration is as to the health of the country, and what report they could make in order to assist in suppressing epidemics or in preventing the spread of disease. It is one of the incidents that every one knows must arise on the appointment of these committees—that is the incurring of expense. We have already incurred an expenditure of $3,100 in the appointment of the two officers to attend to these committees and to perform what is supposed to be the extra duties which will have to be performed by them. Now, the chairman of that committee has made another report asking for authority which, if the committee is to be of any use at all, ought to be granted to it. What the expense would be has been very properly asked, I think by the hon. leader of the House. It is impossible to say. The committee may be sending for witnesses and doctors from British Columbia and from Cape Breton for aught we know.

Hon. Mr. LANDRY—They might ask to bring Bernier from the North Pole.

Hon. Sir MACKENZIE BOWELL—No, from the South Pole. To my mind it is a question for the Senate to consider, whether that committee is to be of any use. If it is to be of any use, you should give them the power which they ask. I have very grave doubts, and have always had, as to the propriety of appointing many of these committees, incurring, as they necessarily would, a large expenditure, if they are to perform the duties allotted to them.

Hon. Mr. WILSON—While I agree fully with the statement made by the hon. gentleman from Stadacona, this being a committee authorized by the Senate last year, that it is a standing committee, that committee according to the rules, have certain rights and powers granted to them. They are not a special committee; a special committee might ask this House for special authority. Therefore, not being under that obligation, but being a standing committee, they possess the right of a standing committee, and they can exercise that right. I have no sympathy with the views expressed by the hon. gentleman from Halifax. If he desires that we should not have an opportunity of investigating the diseases that are prevalent in the country, and the means whereby we can prevent the spread of those diseases, he should say so. The hon. gentleman haggles over a few dollars. I suppose that hon. gentleman would be quite ready and quite willing to give a grant, if it were to make provision to guard and pro-

tect the lower animals. I am not in a position to say what benefits would accrue from this investigation; it is a broad field, and one which we can thoroughly investigate and arrive at a conclusion which may greatly benefit the people of the country. Do we pretend to say at the present moment to what extent we should go, if we thoroughly understood the diseases that are prevalent, with suggestions to prevent the enormous amount of preventable disease and death? We are here to make provisions for the protection of the people of the country. We are here to legislate in their interests, and is there any question of greater moment or of more paramount importance than the question of health? I will say to my hon. friend who has brought in this report, that if we could through this committee ameliorate the sufferings of humanity and save human lives it is our duty to grant not five hundred dollars merely, but many hundreds of dollars more. To object to the committee going on with the work because of the late period of the session is no argument. Our duty is to try as quickly as possible to save human lives. It is a question that should occupy the attention of every individual, whether he be a member of the Senate or a private citizen. We know that diseases are stalking through the land in every form and shape and that it is necessary for us to suggest means to guard and protect the water we drink. It might be that by investigating carefully, and receiving reports from the people in Toronto, we could prevent much of the typhoid fever which is prevalent in various parts of the country. Therefore, while I am not perhaps so ardent a supporter of the committee we have, and not having the confidence in some of them I would like to have, I believe this committee is a necessary one. I believe their duties are of importance to the human race, and that they can, by the investigation they can make from now until the end of the session, perhaps come to some conclusions that will be of material benefit and advantage to the people. Therefore I am thoroughly in accord with the views expressed by the hon. gentleman from Stadacona, that we should not wait until another session before granting the committee such powers as are necessary to investigate this question at the expense of a small amount of money. Our duty to our fellow beings is to do everything in our power to protect life, and if we are not to consider whether it is to cost one hundred dollars or one thousand dollars because one life is supposed to be worth a thousand dollars to the country. It is our duty to accede to the request of this committee and I am strongly in favour of it.

Hon. Mr. FERGUSON—It is not at all a question of expense, nor is there the slightest doubt that this is a competent committee to conduct an investigation on the subject of the public health, but the report does not start right. It should indicate and recommend to the House that it be instructed to carry on a certain inquiry and then ask for these powers. If the Banking and Commerce Committee, for instance—and they are on a par—were just simply to ask for powers like these, without telling the House what investigation they were going to conduct into the banking affairs of the country, I think we would ask them what they were going to do, whether they were going to inquire into the affairs of some of the banks that have failed, and we would have to give them instructions, and having done that, we would naturally provide a means. My point is that there should be a recommendation in the report for a certain line of inquiry, and then ask the House to give that power.

Hon. Sir RICHARD CARTWRIGHT—Would my hon. friend let the matter stand and bring up an amended report to-morrow or Thursday? I do not object to any reasonable sum.

Hon. Mr. FERGUSON—Would it not be better to withdraw it, and to refer it back to the committee?

Hon. Mr. POWER—It would be more convenient that it should be referred back to the committee and then come up to us again.

Hon. Mr. BEIQUE—Would the best practice not be for any committee of that kind to ask an appropriation of a stated amount,

subject to coming again to ask for further amounts that may be required, because then the House would not be committed to any definite sum, and to an expense which may exceed what the House may have intended, especially when there are several committees. I am satisfied for my part it is an important committee which should have the means of obtaining proper information, but it may be establishing a precedent for other committees, and I suggest that this course be followed.

Hon. Mr. POWER—I move that the report be referred back to committee for further consideration.

The motion was agreed to.

BILLS INTRODUCED.

Bill (No. 30) An Act respecting the subsidy from the Ontario government to the Lake Superior branch of the Grand Trunk Pacific Railway.—(Hon. Mr. Watson).

Bill (No. 69) An Act to incorporate the Fort Erie and Buffalo Bridge Company.—(Hon. Mr. Domville).

CLASSIFICATION OF SENATE OFFICERS.

MOTION.

The SPEAKER submitted to the House his report on the classification of the various officers of the Senate.

Hon. Mr. YOUNG moved that the said report be referred to the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. POWER moved, in amendment, that rule 24 be dispensed with.

Hon. Mr. LANDRY—I do not see any necessity for suspending the rule.

Hon. Mr. POWER—If there is no necessity, it will do no harm.

Hon. Mr. LANDRY—If the report is brought down to-day it should appear in our 'Minutes' to-morrow, and we can then see what it contains, and we should have an opportunity to see what it is before it goes to the committee.

Hon. Mr. BEIQUE.

Hon. Mr. POWER—I believe in proceeding deliberately; but it was understood that we were likely to adjourn over the Easter holidays within the next four or five days, and inasmuch as this memo. deals with our staff and with their future position, it would go in any case to the committee. I thought we would be quite safe in sending it to the committee first, in order to save time, and then, if the report of the committee is not satisfactory to the House, of course the House can amend it.

Hon. Mr. YOUNG—There are two ways in which the matter could be dealt with. One has been suggested by the hon. senator from Stadacona. Inasmuch as there is some delicacy about this classification, I thought possibly it would be as well that the Committee on Internal Economy should consider it first, and then there would be but one discussion on the revised report after it was returned to the House. Possibly there might be objections, which my hon. friend may feel would be removed in the committee. If the committee should fail to act upon my hon. friend's suggestion, he could urge his arguments on the floor of the House. The discussion on the consideration of the report should, in my judgment, be transferred to the committee, which is a more reasonable place to discuss details, and when the report comes back to the House, if need be, any details which are objected to can be fully considered.

Hon. Mr. LANDRY—Let us suppose that the motion carried immediately, and that the report is referred to the Committee on Internal Economy. Let us suppose that the committee meets to-morrow; in what position will we be to discuss the report in the committee when we do not know what the report contains?

Hon. Mr. YOUNG—It will appear in the 'Minutes.'

Hon. Mr. LANDRY—But if the committee sits at nine or ten to-morrow that will be of no use.

Hon. Mr. YOUNG—I made the motion, with the information whether right or wrong, that the committee will not meet to-morrow.

Hon. Sir MACKENZIE BOWELL—Is there anything in the law that necessitates sending this report to a committee? It is merely a matter of courtesy, and, as my hon. friend (Hon. Mr. Landry) has pointed out, the committee may be satisfied, but no member of the House would know anything about the report until after it appeared in the 'Minutes.' I cannot see the necessity of sending the report to the Internal Economy Committee. Under the law as it stands on the statute-book, the report is made by the Speaker to the Senate, and it is for the Senate to accept, reject or amend the report. Until we have an opportunity to see the report, none of us is in a position to give a vote on the question. Past experience has taught me that we gallop through such proceedings without seriously considering what we are doing, what expenses we are incurring, or how far we are acting in compliance with the provisions of the law. We can arrive at a safer conclusion by not sending the report to the committee, but by having it printed in the 'Minutes of Proceedings.' We have plenty of time before the House adjourns next Tuesday to fully consider and decide what we shall do with the report. That seems to be the shortest way of arriving at a conclusion, and it is the correct way to act under the provisions of the law.

Hon. Mr. DANDURAND—The hon. gentleman forgets some of the discussions that have taken place in this House, since both of us have been in the Senate, on increases of salaries. We have found that the work of the Senate was not generally ideal, and that the committee itself was in a better position to quietly weigh the status of the officials, and could distribute justice more evenly and satisfactorily than the Senate. The Senate can ask for a report from any of its committees, and that is what was done last week on the previous report from the Speaker.

Hon. Sir MACKENZIE BOWELL—I concur in what the hon. gentleman has stated; but it will be remembered that we were not then acting under the Civil Service Act as it stands to-day. The objection to discussing these questions on the floor of the House is delicacy in expressing opinions on the servants of the Senate. Why should it be a delicate matter to have the discussion here? If you are employing servants, you are not afraid of stating what salaries they should receive. It only verifies to a certain extent what has been so frequently asserted, that the deputy heads and clerks in the departments control the ministers and the government of the day. That same charge might be made against this House and its employees. That is the delicacy to which reference has been made, but you can get over that by discussing the report with closed doors, just as well as by referring it to a committee.

Hon. Mr. DANDURAND—The point I wanted to make was that a small committee is preferable to the whole House for discussing a question of this character.

Hon. Mr. ROSS (Middlesex)—I think we are acting contrary to statute, but we laid down the precedent the other day that these memos. submitted by the Speaker should go to the Internal Economy Committee. That is a precedent established, and we had better follow it now, because it is hopeless to argue against a decision already arrived at by the Senate. I shall not object to the reference of this memo. to the Internal Economy Committee, but I do not think we should be in such a hurry about it. It should go on the 'Minutes' to-morrow, and then come up for consideration. We will see then what is being referred to the committee. The proposition now is to suspend the rules and send the report to the committee without knowing what it contains. I do not know what it is; it may be merely a memo. about purchasing a 'Dreadnought' for the defence of the country for all we know. I decidedly object, particularly at this stage of the session, to the suspension of the rules. There is no hurry. We have two months before us, probably, before the House will rise. I do not wish to be obstructive, but I have always felt that we were precipitating business in suspending the rules, and, if nobody else objects, I shall object to suspending the rule.

The SPEAKER—The hon. gentleman is too late; the order of the House has been made already for a suspension of the rule,

and the question is now on the other motion.

Hon. Mr. ROSS (Middlesex)—I shall be more alert next time.

Hon. Sir MACKENZIE BOWELL—Was the suspension of the rule for the purpose of enabling the House to send the report to the Committee on Internal Economy?

The SPEAKER—Yes.

Hon. Sir MACKENZIE BOWELL—Was there any necessity for that? It is usual to refer a report to a committee without suspending the rules. I do not object to the suspension of the rule, but I see no necessity for it.

Hon. Mr. LANDRY—I suppose it is understood that the report will be printed in to-morrow's 'Minutes?'

Hon. Mr. YOUNG—Certainly, and there will be no meeting of the Internal Economy Committee to-morrow, I am advised.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Wednesday, March 31, 1909.

The SPEAKER took the Chair at Three o'clock.

GRAND TRUNK PACIFIC RAILWAY COMPANY BILL.

Hon. Mr. YOUNG presented the eleventh report of the Standing Committee on Standing Orders, re Bill (S) An Act respecting the Grand Trunk Pacific Branch Lines Company.

He said: We found the Grand Trunk Pacific Railway Company was short in advertising through a newspaper in Montreal some three publications. The publication in the western papers, where the branch lines for which they were making application, were complete, so far as observed, and, therefore, we have recommended to the House that the rule be suspended in regard to this motion, and with the permission of the House I move that rule 24h be suspended in order that the report may be adopted now.

Hon. Mr. WILSON—I think it is about time, if there is no good explanation offered why a rule should be suspended, that this practice should cease. We certainly ought to have some substantial reason why applications for Bills have not been advertised sufficiently before we accept an application for a suspension of the rules at once. Let the motion be deferred until to-morrow.

Hon. Mr. YOUNG—Does the hon. gentleman object to the suspension of the rule?

Hon. Mr. WILSON—I merely call the attention of the hon. gentleman to the fact that these rules are susupended almost every day without just cause. If a good reason is given for the suspension, I do not want to interfere with the progress of legislation. But I do object to having the rules suspended without proper information being furnished. In this case I object.

Hon. Mr. YOUNG—Then I move that this report be taken into consideration to-morrow.

The motion was agreed to.

LIBRARY OF PARLIAMENT.

The SPEAKER—I beg to submit to the House the report of the Joint Committee on the Library of Parliament.

Hon. Mr. LANDRY—I beg to ask if that report is a classification?

The SPEAKER—No, there is no classification in it.

Hon. Mr. LANDRY—I see that a report has been presented to the House of Commons jointly signed by the Speaker of that House and the Speaker of the Senate. We have not received that report here, and I do not see why if a joint report is presented to the House of Commons by the Speakers of both Houses such a report should not be presented here also.

The SPEAKER—I was under the impression it had been presented here. It is my fault if it has not been, and I will look into it.

BILLS INTRODUCED.

Bill (GG) An Act for the relief of Hannah Ella Tompkins.—(Hon. Mr. Mitchell).

Bill (No. 94) An Act respecting the Cedar Rapids Manufacturing and Power Company.—(Hon. Mr. Belcourt).

DAM ON RIVER SCUGOG.

INQUIRY.

Hon. Mr. McHUGH inquired of the government:

1. Is there a dam on the River Scugog, at Lindsay, Ontario?
2. In or about what year was the said dam placed there?
3. By whom was it constructed?
4. What was the original height and length of the said dam?
5. Was there an agreement made at the time of the construction of said dam between the Board of Works of Canada and the mill-owners at Lindsay, as to the mill-owners' right to the use of a certain portion of the water at said dam, and on what condition was this right given to said mill-owners?
6. Has the government at any time since its construction either reduced the length or increased the height of said dam?
7. Or have they permitted any other person or persons to do so?
8. To whon was such permission given and what representations were made as to why such a request should be granted?
9. What is the length and what is the height of the dam at the present time?
10. Are there on file in the department, petitions from the riparian land-owners complaining of the serious injury done to their land owing to the increased servitude caused by the additional penning back of the waters?
11. Are there on file in the department, memorials from the municipal councils of Cartwright, Manvers, Mariposa, and Ops, complaining of the additional burden placed on them in the maintenance of their highways, caused by the increased penning back of the water in consequence of addition to this dam?
12. In compliance with the prayer of the petitioners, was Mr. Gage, government engineer, sent to inspect the grievances complained of by the riparian land-owners, and the memoralizing municipal councils?
13. Is this engineer's report on file in the department, what is the purport of this report, was it acted on, and if not, why not?
14. Was any compensation ever paid to any of these riparian land-owners on account of the damages caused to their lands by the shortening and raising of this dam?
15. Has the government taken any steps to ascertain how many thousand acres of land are drowned by this dam, and for which no compensation has been paid, and this notwithstanding the patents to their land were prior to any dam on this river?
16. Are the plans and specifications now prepared for the construction of a new dam at this point?
17. Do these plans and specifications show an increase in the height of the proposed new dam from that of the old dam; if so, for how many feet along the apex of the new dam will the height be increased, and how much?
18. Has Mr. Geo. Smith, O.L.S., the engineer, acting for the municipality of the township of Ops, sent to the department a profile pointing out an increased height, as shown on the plan now prepared by the government engineer?
19. Has the municipal council of the township of Ops forwarded to the department a petition in which they point out the injurious effect that the raising of these waters will have on the municipal drains that have been constructed, and others that are under construction, the cost of which drains have been in the neighbourhood of one hundred thousand dollars?
20. Is the government aware that in or about the year 1900 a very full hearing was given as to any right the government or mill-owners had to impose on the lands of the riparian land-owners any greater servitude than that caused by the dam of 1843, that the hearing was before Hon. J. Isreal Tarte, Minister of Public Works, Hon. David Mills, Minister of Justice, and Sir William Mulock, Postmaster General; that the mill-owners were represented by Thomas Stewart, Esq., barrister, Lindsay, Ont.; Hon. Mr. Belcourt, Ottawa, and S. H. Blake, Esq., K.C., and that Mr. G. McHugh, M.P., and R. J. McLaughlin, K.C., appeared for the land-owners? Is there on file in the department from these ministers of the Crown, or from any one or more of them, a statement of the conclusions they or he arrived at as a result of such hearing? If so, from whom, and what is the purport of such statement?
21. Is it the intention of the government to have their officers take charge and control the waters at this point, in such a manner as to give the mill-owners every right they are entitled to under their agreement with the government, bearing date the 8th December, 1843? And further, will the government see that no unauthorized injury is permitted to be inflicted on the said land-owners by any interference with the free flow of the water over this dam at and during all seasons of the year?

Hon. Sir RICHARD CARTWRIGHT—I have the answers here which I will hand to the official reporter so that they may appear on the 'Hansard' in some shape.

The answers are as follows:

1. Yes.
2. In 1843.
3. By the old province of Canada.
4. 280 feet long, 30 feet wide at base and 9 feet high.
5. That they were to use the surplus water not required for navigation.

6 and 7. Permission given in 1847 to Hiram Bigelow to increase height by one foot,

'provided it will not subejct the department to claims for damages from individuals owing property in the vicinity of the lake and that you do the work at your own expense. . . and should the department from any cause find it necessary to lower the water to its former level, you will be required to remove any planking or timber work which you may have put on, without remuneration for either labour or materials.

8. Hiram Bigelow, to raise water to equal level to that of previous year.

9. A plan bearing signature of N. H. Baird, dated August 19th, 1842, tracing of which, bears date 19th September, 1882, shows spillway 167 feet 6 inches long. The height of the crest of the dam above the top of the locksill is 12 feet, showing elevation 46·81 over datum.

10. Yes.

11. Yes.

12 and 13. No information in the Department of Public Works, nor in the Department of Railways and Canals.

14. Yes.

15. Plan of flooded lands was made by John Ryan in 1849. No contour survey made by the Department of Public Works.

16. Yes.

17. No, the crest is 0·21 feet lower than that shown in answer to No. 9, now fixed at elevation 46·6 over datum.

18. The profile is on file, but no report.

19. Yes.

20. (a) Yes. (b) No conclusions on file.

21. Yes. The intention is to regulate the flow, so as to keep the water at crest level as nearly as possible.

THIRD READINGS.

Bill (No. 31) An Act to prevent the payment or acceptance of illicit or secret commissions, and other like practices, as amended.—(Rt. Hon. Sir Richard Cartwright).

Bill (K) An Act respecting a certain letter patent of the American Bar Lock Company.—(Hon. Mr. McHugh).

WINDSOR, ESSEX AND LAKE SHORE RAPID RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. GIBSON (in the absence of Hon. Mr. McMullen) moved the third reading of Bill (J) An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

Hon. Mr. WILSON—I think when this Bill was up for second reading in this House, the question arose as to whether it was within the jurisdiction of the Dominion parliament, although it had been stated that it was for the general interest of Canada, and that it was merely a renewal of a charter already granted. We were informed when it was read a second time that we should be furnished with the necessary information to enable us to vote intelligently upon this Bill. From that time up to the present, the gentleman who has had charge of the Bill in the interests of his friends, never made any explanation or gave us any reason other than that which we had at the time the Bill was being read the second time. It is now being read the third time and passed, and is to go to the House of Commons, I suppose, and we are not in any better position now as to information about it than we were at the second reading. It is an electric railway, not a steam railway, running from Windsor down towards the lake. It is certainly not a Bill particularly in the interests of Canada, any more than any other private Bill, and I do not think it is reasonable that we should be asked to pass it without some explanation from the hon. gentleman from Beamsville.

Hon. Mr. BEIQUE—If the hon. gentleman will refer to the statute of 1906, chap. 184, section 2, I think he will find that this railway was declared to be a work for the general advantage of Canada and the question of jurisdiction was settled by that declaration. This Act of that company could not therefore be extended or modified by any other power than the parliament of Canada.

Hon. Mr. WILSON—I mentioned that it had been declared to be a work in the interests of Canada. I had no doubt of that at all. What I complained of was that we had no information whether they had gone on and built the road, how much money had been expended, and whether the plans and specifications were located through any towns and villages objecting

to this railway. That is all necessary information. Under the ruling of the Railway Committee, these facts should be submitted to the people, so that they would have an opportunity of judging of the matter. This has been refused systematically, and we are not in a position now any more than we were before to vote intelligently in reference to this road. I know the road perfectly well; I know it is not in the public interests, because there is the Michigan Central Railway and other roads running along this route towards the lake, and from there down east.

Hon. Mr. CAMPBELL—It was originally chartered by the Dominion.

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

RIDOUT DIVORCE BILL.

THIRD READING.

Hon. Mr. GIBSON moved the third reading of Bill (W) An Act for the relief of John Grant Ridout.

Hon. Mr. Young moved that the preamble of the Bill be amended as follows:

Page 1, line 4.—Leave out 'at the said city of Toronto' and insert 'at the town of Barrie in the said province.'
Page 1, line 18.—Leave out 'is now living' and insert 'has since lived.'

The amendment was adopted.

The Bill was then read a third time and passed.

RAILWAY ACT AMENDMENT BILL.

AMENDMENTS CONCURRED IN.

Hon, Mr. BEIQUE moved concurrence in the amendment made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 6) An Act to amend the Railway Act. He said: It was suggested that any discussion which would take place on this Bill should be had on the third reading.

Hon. Mr. LANDRY—I do not want this House to commit itself by accepting the report of the committee, because I want to raise a question of order just on that point, and I will raise it immediately. The amendment has been passed by the Standing Committee on Railways, and we are asked to accept it. That is what the consideration of the report means. We are asked to accept that amendment, and should we do so, the third reading of the Bill will be printed as the amendment reads now. It will be Bill (6) as amended. What is the principle of the Lancaster Bill? It is to make a railway company prima facie liable at common law in case of accidents at all crossings which are not properly protected or are not constructed and maintained in accordance with an order of the Board of Railway Commissioners. It is embodied in one paragraph only, and that paragraph reads:

Section 275 of the Railway Act, chapter 7, of the Revised Statutes of 1906 is repealed, and the following substituted therefor:
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 crossings are properly protected.

So that the principle of the Lancaster Bill is to make the railway liable at common law. I contend that the amendments adopted by the Railway Committee have substituted a different principle. The amendment made by the Railway Committee relieves the railway from a prima facie liability by authorizing the board to except all crossings from the limitation of speed prescribed in the Lancaster Bill, without requiring that such crossings be properly protected or constructed and maintained in accordance with an order of said board. That is quite another principle. I contend that this House, having accepted the principle of the Lancaster Bill, cannot now adopt this amendment. It is out of order. On this point I quote May, page 486:

The chairman stated that though the committee had full power to amend even to the extent of nullifying the provisions of the Bill they could not insert a clause which reversed the principle which the Bill, as read the second time, sought to affirm.

So the action of the committee in destroying the principle of the Bill as affirmed by this House, is asking the Senate to go back on its former decision and adopt a Bill the principle of which is contrary to the principle of the Lancaster Bill as read the second time in the Senate. I quote also Blackmore's Decision, page 9:

Amendments are inadmissible which reopen a question already settled which are not germane to the question under consideration,

which go back to an earlier part of a question already determined.

And on page 51:

An amendment referring to a matter already decided by the House cannot be put.

And Peel's Decisions, page 21:

An amendment which raises a point already discussed and disposed of is out of order.

The principle of this Bill was discussed and accepted by the Senate on the second reading. In one of the decisions we find on page 486 of May the following:

The chairman also regarding an amendment offered to a Bill that was limited in scope to the repeal of a clause in the statute ruled that the amendment was out of order because its object was the continuance and extension of the clause to be repealed.

That is precisely the case here. By the second reading of the Bill as it came to this House, we decided that section 275 of the Act should be repealed, and now we are asked to decide that that clause shall not be repealed, but that it shall remain part of the statute. We are asked to reverse our former decision. For these reasons I ask that the motion be declared out of order.

Hon. Mr. BEIQUE—I do not desire to question the authorities cited by the hon. gentleman, which I would do if occasion called for it. I merely desire to show that the hon. gentleman is astray in saying that we are departing from the principle of this Bill. The principle of the Bill read the second time in this House was as to the way of protecting the public at highway crossings. The Bill was referred to a committee, whose report submits another way of dealing with the very same question. Therefore, it is not reversing the decision of the House. I may add also that the second reading of the Bill was pro forma and was so understood, as in the case of many Bills that we have passed.

Hon. Mr. FERGUSON—The reply of the senator from De Salaberry to the point of order raised does not cover the point. The objection of the hon. member from Stadacona is that we are reversing the principle of the Bill, which is that crossings must be properly protected. My hon. friend disputes that that is the principle of the Bill. I am surprised that he does so because this question has been discussed for four or five years, and it has been absolutely a settled point in the minds of hon. gentlemen that that is the principle of the Bill.

Hon. Mr. BEIQUE—I do not dispute that.

Hon. Mr. FERGUSON—These words which form the principle of the Bill are removed by the amendment, and in another part of the amendment we find the following words: 'Unless permission is given by the order of the board,' without requiring any protection. Here we have a Bill, the principle of which is that crossings must be properly protected, and an amended Bill substituted for it practically says that crossings need not be protected, if the board gives a blanket order that trains may be run at any speed over these crossings. That point is sufficiently clear in itself; but we have a case in the British House of Commons which is a variation of exactly the same principle. In 1880 parliament was dealing with the question of parliamentary elections, and a Bill was introduced by the government proposing to continue the Corrupt Practices Act and to discontinue some sections, one section in particular of the Representation of the People Act, which was then in force. The thirty-sixth section of the Representation of the People Act was left out by the House at the second reading, and the Bill was sent to a Committee of the Whole House. The report can be found on page 1134 of No. 251 'Parliamentary Debates,' third series. When it came up in the Committee of the Whole House, the chairman said that he had considered with great care the questions submitted in that amendment, which was to re-enact in other words clause 36 of the Representation of the People Act, which at the second reading was left out by the House:

It appeared to him that the effect of the amendment of the hon. member from Swansea if it were adopted, would be not merely to annul the object of the Bill, but that practically the ultimate effect of it would be to reverse it.

Just as the hon. senator from Stadacona shows, that is the real effect of the committee's amendment to the Lancaster Bill.

to reverse the decision that crossings must be properly protected, and to substitute for it a provision that crossings need not be properly protected, and to substitute English Hansard:

When the House sent the Bill to a committee for the express purpose of having its clause considered, to reverse the object of the Bill and to send back to the House a measure which carried exactly opposite objects would be irregular.

In another place he said:

It certainly appeared to him that so far as the committee were concerned they were required by the House to consider any Bill sent to them in accordance with the objects with which it had been sent to them by the House. It was open for them to modify the propositions contained in a Bill, or to annul them; but it was not open for them to introduce an amendment which would enact something in an entirely opposite sense to the object of the Bill sent to them.

I think I understood my hon. friend to say there were some statements made at the second reading of this Bill which pointed to what was done in the committee, but hon. gentlemen will agree with me that expressions in debate are not really what settles a matter of this kind; but it is the express provision of the Bill itself that is being amended. In the case to which I have referred in the British House of Commons, the discussion went on and one or two members took part, after which the chairman enlarged on the point and became much more explicit. He said:

The Bill proposed to repeal the 36th section of the Representation of the People Act of 1867. The effect of that section of the Act of 1867 was to declare a certain practice to be illegal. The object of the present clause was to make that practice legal. The proposal of the hon. member for Swansea (Mr. Dillwyn) was not only to leave the practice illegal, but by amending the clause to attach a penalty to the illegality and to affirm the opposite of the principle; in point of fact to reverse the principle which it was sought by the Bill to affirm, that being so it appeared to him that it was not within the functions of the committee to take such a course without the sanction of the House.

Just as the Bill which passed this House proposed to repeal section 275 of the Railway Act.

The discussion went still further on and on page 1137 we find the chairman again expressing himself in this way:

The observations of the hon. member for Reading (Mr. Shaw Lafevre) would have great force if this was one of the sections of the Act it was proposed to continue; but the Bill simply proposed to continue the Corrupt Practices Act, and the section affected by the amendment was one of the Representation of the People Act, which it was not proposed by the present Bill to continue.

The cases are exactly parallel. In the case now before us, the House, at the second reading, left out section 275 and did some other things and sent the Bill to the committee. The committee report back the Bill, restoring section 275, the very identical thing which was ruled against in the case I have just cited. We have not only the point made by the hon. member from Stadacona, which is in itself obvious and clear, that the amendment reverses the principle of the Bill as it was read the second time in this House, but we have the futher point that the committee has not only reversed the principle of the Bill as far as its own wording is concerned. but they re-enact clause 275, which the House proposed at the second reading to repeal.

Hon. Mr. POWER—As stated by the hon. member from De Salaberry, the principle of the Lancaster Bill was not specifically to bring back the common law as to accidents at railway crossings, but to give greater security to human life in connection with those railway crossings. The committee and the Senate were not bound to adopt the exact means set out in the Lancaster Bill for attaining that object. Further, the hon. gentleman from Marshfield laid great stress on the fact that the Bill was read the second time and that the House was thereby precluded from making any amendment to it, particularly an amendment reinstating section 275 of the Railway Act. As I say, the principle of the Bill was to better secure human life at railway crossings, than is the case at the present time. The amended Bill reported by the committee does this. Then the hon. gentleman took the ground that the provisions of the Lancaster Bill were absolute, that they provided that certain things should be done, and that instead of those absolute provisions the substituted Bill reported by the committee left the matter in the hands of the Railway Commission. Now, I take the Lancaster Bill as it came to us and what do I find? It substitutes for the existing section 275 of the Railway Act the following:

275. 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.

I call special attention to this part of the clause that I am about to read:

Or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto.

So that the Lancaster Bill, as it came to us, is open to the very same objection which the hon. gentleman has taken to the Bill which the committee reported, that the Bill is not an absolute prohibition. The Bill provides for exempting cases where there have been orders, directions, and regulations of the board; so that I fail to see that any case had been made out. While on that point, I may call attention to the fact—though it does not come strictly within the question of order—that one of the amendments made by the committee was to reinstate the provision of section 275. That section made provision for other places in thickly settled portions of cities, towns and villages than the railway crossings. A great proportion of the accidents which occur happen at other places than the railway crossings, and the Lancaster Bill, as it came to us, while making provision for railway crossings, took away the provision relating to other parts of the track. In reinstating the old provisions of section 275, I think the committee did a good thing; and their amendment increases the protection given by the law if this becomes law, to human life. The amendment does not do away with the protection given at the crossing. It reads almost in the same words as the Bill:

2. 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 constructed and thereafter duly maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the board in force with respect to such crossing, or unless permission is given by some regulation or order of the board. The board may from time to time fix the speed in any case at any rate that it deems proper.

I really do not see that there is any substantial difference between the principle of the provisions of the new subsection reported by the committee and the principle of the original or Lancaster Bill, as it came from the Commons. I certainly think that His Honour cannot consistently rule that this amendment is out of order; and I may say that it was distinctly understood that the House in reading this Bill the second time did not adopt the Lancaster Bill. If it had not been for that fact the Bill would not have been sent to the Railway Committee. The Bill would have gone to the Committee of the Whole House after it was read the second time, but it was referred to the Committee on Railways simply because it was felt that the whole question could be more satisfactorily discussed in the Railway Committee than in a Committee of the Whole House. I am perfectly clear that this point of order has not been well taken.

The SPEAKER—I am under the impression, that, as stated by the last speaker, the understanding was that the principle of the Bill was not adopted at the second reading, and that the Bill was sent to the Railway Committee for the consideration of the various provisions without a determination on the part of the Senate to any of the provisions being absolutely adopted. That is a practice which has been frequently adopted in this House, and it was the understanding on that occasion. That being so, it will not be necessary to discuss the question of order which is now raised. But if there is any dispute as to such understanding, I have no hesitation in determining that the principle of the Bill now under consideration is the protection of human life. That is the principle on which the Lancaster Bill was founded. This protection was to be provided by a certain method, and that method was by guarding the crossings. The Bill and the amendment both provide for the protection of human life in the same manner. Both provide for a rate of speed at which trains may travel, not being greater than a certain rate unless conditions are observed, a greater speed being deemed to be dangerous to human life. The conditions which I have stated are practically upon the same lines, although in one case they differ from those prescribed in the other, and these conditions in each case determining the extent to which it is neces-

sary to make provision in each case in respect of the danger. I therefore have no hesitation in holding that the amendment is in order and that the principle of the Bill is maintained in the amended Bill as much as it is in the Bill as it came to the Senate from the House of Commons.

Hon. Mr. FERGUSON—May I ask if that is intended to cover the other point of the committee undertaking to restore a clause which was left out by the second reading of the Bill.

The SPEAKER—If the principle be that of protecting human life, undoubtedly the application of the decision to the case put by the hon. member is clear. In the one case there was an absolute repeal of the section which makes provision respecting the rate of speed at which trains shall pass through thickly peopled parts of cities, towns and villages, while in the amendments such provisions are continued unless the railways are fenced, and protection to human life being the prevailing principle, I think the restoration of that section is on the same lines. The principle of the amendment in that respect is the same as the principle upon which the Bill is founded.

Hon. Sir MACKENZIE BOWELL—I concur in the statement that the passage of the second reading of the Bill for the purpose of referring it to a committee did not repeal that section in the Railway Act, nor could it be repealed until the third reading had taken place. It was only proposed to the Senate for the purpose of considering the propriety of adopting the Lancaster Bill which provided for the repeal of the section, but until the Bill had passed the Senate the section was not repealed.

Hon. Mr. LANDRY—Will this decision be entered in our minutes.

The SPEAKER—There is no reason why it should not be.

Hon. Mr. LANDRY—I want more. If the declaration should be at the second reading of the Bill that we do not commit ourselves to the principle, that should be put in the minutes and thus avoid discussing the matter. The Speaker has stated that there was an understanding arrived at when the Bill was read the second time that no one was committed to the principle of it by so doing. That may be the case; I do not deny it, although I do not remember it, but in future when such an understanding is arrived at an entry should be made of the facts in our 'Minutes.'

Hon. Mr. CASGRAIN—Would that apply to public Bills and private Bills ?

Hon. Mr. LANDRY—Certainly to all Bills.

Hon. Mr. CASGRAIN—Because there is a rule that public Bills should go to a Committee of the Whole House. This is a public Bill and it should have gone to a Committee of the Whole House.

Hon. Mr. LANDRY—A public Bill may be one in which private interests are involved, and there are a great many private interests involved in this.

Hon. Mr. CASGRAIN—It is not always certain that every one is in favour of the principle involved in a private Bill, but private Bills are allowed, as a rule, to go to the committee, because the committee is supposed to be in a better position to get information than the House is. They can hear counsel and witnesses and get information which is not the case with an ordinary public Bill, which ought to be dealt with before a Committee of the Whole Senate. I have always felt that a public Bill should be dealt with in a Committee of the Whole House to make it more regular and allow a free discussion in the Senate; afterwards if the Committee of the Whole find that they cannot get necessary information, the Bill may be referred to some committee where it can be more conveniently procured; but when you depart from the rules which are wisely made, that public Bills should be considered in the Committee of the Whole, you raise a lot of difficulty.

Hon. Mr. FERGUSON—There is a wide difference between the treatment by parliament of public Bills and private Bills. It is open for the committee to whom the private Bill is referred to report the preamble not proved. That is distinctly the parliamentary practice, but the sending of a pub-

lic Bill to one of the Standing Committees and not to a Committee of the Whole was very irregular from first to last. However, it was done in this case, but it does not follow that the Standing Committee has the same power to deal with a public Bill that it has to deal with a private Bill. In view of what has been said, it is very clear that there is a wide difference of opinion with regard to this amendment, and it becomes the gentlemen who have charge of the amendment to explain to the House what that amendment really means, and the reasons which induced the committee to make it, before we go any farther on this question.

Hon. Mr. BEIQUE—Is it the desire of the House that we should discuss the question now ?

Hon. Sir MACKENZIE BOWELL—Why not ?

Hon. Mr. BEIQUE—The suggestion was made in another place that it should be considered on the third reading.

Hon. Mr. FERGUSON—I meant with the Speaker in the Chair. If we adopt the amendment there is very little use in considering it at the third reading. It is on the adoption of the amendment that the whole question turns. I prefer a discussion with the Speaker in the Chair, because it is more dignified, and can be more thorough. When my hon. friend makes a motion that this report be adopted, he should explain the amendment and give the House what he considers good reasons why it should be made.

Hon. Mr. WILSON—This Bill is evidently a public Bill. By the forbearance of the House it was sent to the Railway Committee, with the understanding that the principle of the Bill might be fairly discussed after it came back to this House. I think the right hon. leader of the House so intimated to us. Under that consideration the Bill was allowed to go to committee, and it is now in the stage that the committee having discussed the measure thoroughly, their duty is to report their findings to the House. This Bill actually, under the rules of parliament, belonged to a committee of the whole House, and any other course pursued will be depriving the Senate of their right to discuss it. It is necessary that we who are not of the Railway Committee may have an opportunity to vindicate our position and show to the country that we are not all in favour of slaughtering the Lancaster Bill, that many members are in favour of the Bill. If the Bill is not to go to a Committee of the Whole House where it may be freely discussed, it will be doing an injustice to many of the members of this House. Had notice been given that the rules of parliament might be violated when the Bill reaches us, it would be different. It is necessary that such notice should be given unless the Senate is unanimous. I feel strongly that we are entitled to consider these amendments in committee of the whole, where we will have an opportunity of expressing our views freely and unreservedly upon them. We have been misrepresented in the country and we should be afforded an opportunity of expressing our views either in approval or disapproval of it.

Hon. Sir MACKENZIE BOWELL—The question now before the Senate is the adoption of the report. The statement which has been so frequently made that the rules of the House had been violated by referring the Bill to the Railway Committee of the Senate certainly is not justified either by experience or practice. Whenever a Bill is one affecting various and varied interests, whether it be of an individual character or of a public character, even government Bills, instead of referring them to a Committee of the Whole House, the practice has been to refer them to the Standing Committee, or sometimes to a special committee. The regular practice of parliament is this: A Bill is read a second time. If it be a public Bill, the duty of the gentleman who has the measure in charge is to move that it be referred to a Committee of the Whole House on a certain day. If that be not done, and he, or some one else, takes the responsibility, for reasons which he may advance, of moving that it be referred to a standing committee for consideration, it is quite proper and quite in order and is no violation of the rules of parliament to do so That is the course pursued in this case. I have heard this point raised and discussed over and over

again, that we violate the rules because a public Bill is not sent to a Committee of the Whole House. That is not a violation of the rule. It becomes the duty of the senator having the Bill in charge to refer it, if he desires to do so, to a Committee of the Whole House for consideration.

Hon. Mr. ELLIS—I made that motion with regard to this Bill.

Hon. Sir MACKENZIE BOWELL—That is his duty, and I think my hon. friend is quite right; but it was moved in amendment that it should be sent to the Railway Committee. There is nothing improper in that procedure. If my hon. friend from St. Thomas desires this measure to go before the committee of the whole House for further consideration, that can easily be accomplished by the House acquiescing in a motion to refer it. All that would be necessary would be to move that the report be not adopted, but that it be referred to a Committee of the Whole House for consideration, and if the House concurs, all that my hon. friend asks will be accomplished My hon. friend to my right (Mr. Landry) calls attention to the fact that the course which I suggest was adopted last year, and it had been adopted on previous occasions, and if it is necessary and advisable, the whole question could be discussed there. I fully agree in the remarks of the hon. gentleman from St. Thomas, that there has been a great deal of misrepresentation not only in connection with the principles of the Bill itself, but with the action which has been taken by the Senate committee whose report is now before the Senate for adoption. They had good reason no doubt for their report but those who take a different view of the matter think the reasons are not good. I can see no objection to a reference of this report, which involves a consideration of the whole Bill, to a Committee of the Whole House, so that it may be discussed there.

Hon. Mr. WILSON—Would a notice not be necessary?

Hon. Sir MACKENZIE BOWELL—Oh, no, no.

Hon. Mr. WILSON—Would it not be necessary to place a notice on the paper that when such a report came up for consideration, I could move that the report be not adopted, but that it be referred to a Committee of the Whole House?

Hon. Mr. FERGUSON—The hon. gentleman can make the motion now without notice.

Hon. Mr. WILSON—I would like to know where the rules are which enable me to do so? It is all very well to violate rules where you have liberty to do so, but I am not prone to do that. I like to adhere closely to the rules of parliament.

Hon. Mr. CASGRAIN—The hon. gentleman is violating the rules now.

Hon. Mr. WILSON—If this is a public Bill, where should it go? Should it go to the Standing Committee, or the Committee of the Whole House? This not being a private Bill, I contend that what my hon. friend from Hastings said is not borne out by the facts.

Hon. Mr. ELLIS—The hon. chairman has brought in a report in which he submits certain amendments to the Bill. The House is asked to concur in them. No reasons for the amendments have been stated. I think the hon. gentleman should make some explanation.

Hon. Mr. BEIQUE—I am ready to make explanations, and will do so immediately. The Bill as it came before this House sought to repeal section 275 of the Railway Act as it is embodied in our statutes. This section provides, not for protection at highway crossings, but for protection in thickly-peopled portions of cities and towns traversed by the railway track, and, as I have had occasion to say to this honourable House on a previous occasion, I think it is inadvisable to repeal that section of the Railway Act. That is a wise provision. It is necessary and it should remain in our statute-book. It is a protective section that nobody has taken any objection to; therefore it should be left alone. The purport of the Bill as it came before this House, and which we may describe as the Lancaster Bill—because it

is best known under that name—was clearly for protecting human life at highway crossings. The Bill sought to attain that object in two different ways. First, by limiting the rate of speed in such parts of cities, towns and villages as I have mentioned; that is, in thickly-peopled portions of such places, to ten miles an hour, unless one of two conditions obtain. The first condition was that the crossing shall be constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board, in force with respect thereto. As I have had occasion to state before, under sections 237 and 238, all railways on highway crossings have to be constructed according to orders of the board, and, therefore, there exists in all cases an order of the board or of the Committee of the Privy Council authorizing the railway to cross any given highway; consequently it would not be adding anything in substance to the law as it exists; in other words, the first alternative which is provided for in the Bill is already in existence, and all railway companies are obliged to comply with that requirement. Then the second alternative is that the crossing be properly protected. As to what the protection should consist of there is no indication at all. I think it is very proper to exact from the railway that railway crossings be protected, but, on the other hand, if railway companies are called upon to see that the railway crossings are properly protected, they are entitled to have somebody designated to whom they can apply for the purpose of determining in what the protection shall consist. If not, then what is the position of railways? They may make a protection which will be declared a proper protection in one case, and which will be declared an insufficient protection in the next case. Take the case of an action brought against a company where two different persons are killed. There may be two different trials by the heirs or representatives of these two persons. In one case the jury may come to the conclusion that the protection was a proper protection. In the second case, the next day, another jury may come to the conclusion that it was not a sufficient protection. I do not think that the law should be framed so that it may be open to conflicting verdicts of that kind. When we are entitled to call upon the railway companies to provide for the protection and bear the cost of a proper protection, I do not think it is but fair that the companies shall be entitled to call upon either the Board of Railway Commissioners or some other body who may be designated by this honourable House to decide as to how the protection shall be given.

Hon. Mr. WILSON—Are we not making provision by the appropriation of $200,000 annually to defray the cost? Yet the hon. gentleman says the railways are called upon. I contend it is the Dominion that is doing it.

Hon. Mr. BEIQUE—The contribution which shall be made by the parliament of Canada will take place only when a state of things such as has been suggested will have been provided for occurs. No money will be paid under that Bill, if it passes, unless and until the Railway Board has decided and determined in what the protection shall consist, and has apportioned the cost of the protection between the municipalities, the railway companies and the government.

Hon. Mr. WILSON—I ask whether the government, or the parliament of Canada is not making a provision to assist the railway companies to pay the expenses of making the changes?

Hon. Mr. DANDURAND—In certain cases only.

Mr. BEIQUE—The government is making provision in that Bill for a change of policy. The policy of this parliament has been, up to this date, to allow the railways to cross highways at rail level without more than ordinary protection. That has been the policy to this day. I understand the government suggests that this policy be departed from; that a new policy be adopted, and that hereafter no railway be authorized to cross highways, except effective protection be provided for; and, for the purpose of aiding that being done, the government proposes to contribute $200,000 a year for five years, and proposes also

that the Railway Commissioners be empowered not only to determine how the protection shall be given, but also to apportion the cost of the protection between the government, the municipality and the railway company. What we are dealing with now is not the adoption of any new policy, but the protection of life at highway crossings, and the only question before this honourable House is as to how this should be done. I have indicated how it was sought to be done by what is called the Lancaster Bill, and I may put it in two words: It was to be done first in providing that the highway be protected; how it was to be protected is left to be determined by a court and jury in every case. By the amendment which is now submitted to this House, power is given to the Railway Board to determine how the protection shall be given, and the moment a railway has complied with the order of the Railway Board, then it will have satisfied the requirements of the law, and the door will be closed to investigation as to whether the protection should have consisted in this or that. It will be determined by the Railway Board, and before the accident has happened and it will avoid the conflict of verdicts or decisions of the courts such as I have mentioned a moment ago. The other alternative, to my mind was perfectly meaningless, because it did not carry in it the word 'protected.' It required merely an order that the railway be constructed and maintained in accordance with the order of the board. Instead of adopting that wording, we are importing into it the word 'protected;' not only the words constructed and maintained but that the crossing so constructed and maintained shall be protected according to the directions of the Board of Railway Commissioners. Again the Lancaster Bill had a provision in which the board was given the power to limit the speed of trains to ten miles an hour. We are substituting for the word 'limit' the word 'determine.' The Railway Board would have had power merely to order diminishing or decreasing that speed; but in no case would it have had power to increase the speed from ten miles an hour at any given hour of the day or night. Under the wording of the amendment the board is given the full power to permit increasing the speed and if the board is of the opinion that there is no danger at that crossing, to order that it may be done at certain hours of the day or night. Again, the Lancaster Bill in its spirit—because there is no question that the intention of the Bill and the intention of the promoter of the Bill—was to adopt a cast-iron rule whereby all railways would be obliged to limit the speed to ten miles an hour for 24 hours a day at all crossings in thickly peopled portions of any cities, towns or villages. If I properly understand the effect of the amendment and the spirit which has dictated it, it is to this effect: That it would be inadvisable to adopt such a cast-iron rule, but that the matter must be left, and ought to be left to the Board of Railway Commissioners to determine in each case, because there may be hundreds of highway crossings where there may be danger, and there may be hundreds where there may be no danger, or there may be danger at certain hours of the day and there be no danger at other hours of the day, and also the speed of the locomotive may be limited to ten miles an hour, but the train itself, or the remaining portion of the train may be allowed to pass at a higher speed than ten miles an hour. It is well known that trains are now pretty long. They cover a great deal of space, sometimes three-quarters of a mile, and would there be any necessity, after the locomotive has passed the highway crossing, to limit the speed of the remaining portion of the train to ten miles an hour, and not to allow it to exceed that? Under the wording of the Lancaster Bill, the speed would be limited, not only for the locomotive but also for the whole train. There is no distinction. It has been stated that the object of the amendment was to take away the common law responsibility of railway companies. I do not understand the effect of the amendment to be that at all. Railway companies have been responsible for accidents at railway crossings, not because they cross the highways at 30 or 40 miles an hour. They were authorized to do so, and being so authorized under the law, it did not involve their responsibility at all. If there was any accident at railway crossings, the railway companies, under the law as it is now in our statute-book,

are responsible only if it can be proved that the company has neglected to fulfil any of its statutory obligations, such as neglecting to ring the bell or sound the whistle, or if the company has committed any other act of negligence. For instance, if the engineer could have seen in time that there was a vehicle on the road, it became his duty to reverse his engine, and, if he failed to do so, then the company would be responsible. But the company being licensed to operate a railway and the speed not being limited, the company, provided they are not guilty of negligence as I have mentioned, incur no responsibility at all. This is the common law, as modified by the Railway Act itself, and this doctrine has been laid down by the Privy Council in the case of the Canadian Pacific Railway and Roy, which is reported in Appeal Cases 1902, page 220, as follows:

A railway company authorized by statute to carry on its railway undertaking in the place and by the means adopted is not responsible in damages for injury not caused by negligence, but by the ordinary and normal use of its railway; or in other words, by the proper execution of the power conferred by the statute.

It was a case where sparks from a locomotive set on fire some farm buildings, and it was held by the Privy Council, reversing the decision of the Superior Court and the Queen's Bench Court in Quebec, that the company was not responsible. It was for that reason, that in 1903 this parliament adopted a special provision in the Railway Act which renders the railway companies responsible in cases of that kind, but limiting the amount of damages in any single case to the sum I think, of $4,000. This doctrine has obtained in England for a great many years, and has been applied in a great many cases. It was thought at the time, in my own province that it was almost an abuse of power on the part of the Privy Council, that the Privy Council was over-riding the law of Quebec. It did nothing of the kind. The law of Quebec remained intact, and had its full effect. Its application was modified by the fact that the parliament had licensed railway companies to operate railways; provided they followed the ordinary precautions they were entitled to do so without incurring any liability. It was also stated that in McKay vs. Grand Trunk Railway, railway companies were exempted from damages or liability at highway crossings. All that was decided in that case was as follows :

In passing through a thickly peopled portion of a city, town or village a railway train is not limited to the minimum speed of six miles an hour prescribed by 55 and 56 Victoria, c. 27, sec. 8, so long as the railway fences on both sides of the track are maintained and turned into the cattle guards at highway crossings as provided by section 6 of said Act. Judgment of the Court of Appeal (5 Ont. L. R. 313) reversed, Girouard, J. dissenting.

It appears from this holding that the question involved in that case, which is reported in 34 Supreme Court Reports, page 81, was not in regard to highway crossings, but was in regard to the fencing of the railway. In other words, although the accident had occurred at the railway crossing and the company was sued on account of that accident, it was held that the limit of six miles an hour did not apply at the highway crossing, but that it applied merely to the other part of the town, city or village in question. This is borne out by the fact that since that time there have been cases where railway companies have been declared liable for accidents at railway crossings, and in this point I refer to a recent case, Wabash Railway vs. Misner and others, reported in Canadian Railway cases, volume 6, at page 70, where the decision is reported as follows:

M. attempted to drive over a railway track which crossed the highway by an acute angle where his back was almost turned to a train coming from one direction. On approaching the track he looked both ways, but did not look again just before crossing when he could have seen an engine approaching, which struck his team and he was killed. In an action by his widow and children the jury found that the statutory warnings had not been given, and a verdict was given for the plaintiffs and affirmed by the Court of Appeal.

Held, affirming the judgment of the Court of Appeal (12 Ont. L. R. 71), Fitzpatrick, C. J., hesitante, that the findings of the jury were not such as could not have been reached by reasonable men and the verdict was justified.

So that the law in that respect will remain as it is. To conclude my remarks in a few words: under the la was it stands on our statute-book, the speed of railway trains is not limited at highway crossings, and railway companies, therefore, incur no liability because of accidents happening at

a highway crossing, provided they are not guilty of negligence. It is suggested to limit the speed unless the highway crossing is properly protected. We are all agreed as to that, but in the one case, it is suggested that it be left to the jury to decide in each individual case as to whether the protection existed or not. In the other case--that is for those who are in favour of the amended Bill—it is to be determined at once or as soon as possible by the Board of Railway Commissioners, in order that railway companies may know what is their obligation in that respect, and the moment they have complied with that obligation they shall be relieved of responsibility unless they have been guilty of acts of negligence. Under the Railway Act as it is, especially under section 30 of the Railway Act, the Railway Board is vested with all the necessary power; but the effect of this Bill will be to make it the duty of the Railway Board to act as soon as possible, and until they have acted, whether by issuing an order for the crossings, or for a class of crossings, or unless they have given a permission to exceed ten miles an hour, all the railway companies shall be limited to ten miles an hour. The provision gives the board the right to issue a permission, because they have to deal with hundreds and thousands of crossings of that kind. They, therefore, will be unable to deal with all of them within the time between now and January 1. Consequently it is necessary, pending their being able to deal with all these crossings, to allow them to issue a permission for such places as they may deem it proper to do so, to the railway companies to exceed a speed of ten miles an hour if they choose. The effect of the law, if adopted, will be to make it a duty of the Board of Railway Commissioners to act with all speed possible and to settle the question as to how the protection should be provided for.

Hon. Mr. WOOD—I should like to ask the hon. gentleman, while he is offering his explanations, just what meaning he attaches to the words 'specially issued' in the amendment which is proposed? I confess I hardly understand the meaning of the words, or why they should be in the Bill.

Hon. Mr. BEIQUE—The meaning that I attach to this is, that it is to be issued specially for all crossings where trains are permitted to exceed a speed of ten miles an hour. In other words, as I understand it, an order may be issued covering a number of crossings; but it has to be a special order. It would be because they would be designated by the board as being in a certain class. In practice it will call for a special order in almost every individual case.

Hon. Mr. WOOD—Are the words 'specially issued' intended merely to apply to the protection, or to the construction and maintenance as well? The reading of the section would make it apply to both.

Hon. Mr. BEIQUE—As I have had occasion to say already, under section 237, railway companies have had to obtain an order for each highway crossing. There actually exists for each highway crossing an order as far as the construction and maintenance are concerned. That is already covered. For all cases there are orders of the Railway Board, or of the Railway Committee of the Privy Council, in existence. Therefore a new order is really required only as regards protection.

Hon. Mr. WOOD—I presume there are some orders in existence with regard to protection, by the Railway Committee of the Privy Council? Would those go under this description of 'specially issued?'

Hon. Mr. BEIQUE—They would comply with this wording.

Hon. Mr. McMILLAN—It is contended by parties who are opposed to this Bill, that a blanket order of that kind debars the public from having right of action against the railways unless there is a special order by the board with reference to a special crossing. Is that what the hon. gentleman refers to when he says a special order must issue from the board having reference to a special crossing.

Hon. Mr. BEIQUE—I think it is important that every member of this House should have a clear understanding of this. As it is, under the law, railway companies are licensed or authorized to cross high-

way crossings at any speed they like without incurring any liability unless they are guilty of negligence—that is, if they neglect to ring a bell or blow the whistle, or unless their employees are guilty of some act of negligence which may take a variety of form. That is the law as it stands. Now, under the amendment brought to this honourable House by the Railway Committee, railway companies will not be licensed or authorized to run their trains at a speed exceeding ten miles an hour, unless the crossing has been protected according to the requirements of an order of the Board of Railway Commissioners.

Hon. Mr. McMILLAN—Does that mean a special order?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. McMILLAN—Not a blanket order?

Hon. Mr. BEIQUE—Unless, pending the board being able to issue those orders, permission has been given to exceed that rate of speed, and then when the order has been issued what will be the legal effect of the issuing of that order? As it is now, railway companies are not responsible for accidents at highway crossings, even if they cross at the rate of forty miles an hour. They will be prevented from passing at that rate of speed unless the protection determined by the board has been given, but if the protection determined by the board has been given, then the company will not be responsible unless they are guilty of some act of negligence in complying with the orders, the same as now. I hope I have made myself clear.

Hon. Mr. FERGUSON—If I had heard the remarks to which we have just listened from the hon. member from De Salaberry addressed to a court and jury, I would say they were exceedingly skilful. They are skilful anyway; there is no question about that; but I think that a broader discussion of the Bill before us, and a more frank statement of the position of those who support the amendment and of the amendment itself would perhaps be better suited for a discussion of the question in parliament.

In considering the Bill and the committee's amendment, we have to look at some of the evidence put before us in the committee. I do not accept the whole of it, but there is some of it which forms a foundation of fact. That evidence shows that only about ten per cent of the level crossings in cities, towns and villages are protected; therefore 90 per cent of such level crossings would fall under the provisions of the committee's amendment, and regarding them, permission may be got to run at a greater speed without these crossings being protected in any way.

The Bill before the House is very short. It deals with the protection of highway crossings, the speed of trains over them and the powers of the Board of Railway Commissioners. These matters, however, do not constitute the main principle involved in this legislation. The liability of the railway companies in respect of accidents at these crossings is the matter which is really involved.

In the early days of railway construction in Canada the conditions were widely different from what they are to-day. Population was sparse, trains were few and their speed limited. Hence accidents at highway crossings were comparatively rare. Our Railway Act was framed to meet these conditions. As our population grew our transportation increased gradually, but enormously. Railways were built everywhere. Trains became not only more numerous on all our lines, but their rate of speed was greatly increased. Provisions for the protection of the public at highway crossings, which were not necessary at the outset, became indispensable to stop the loss of human life and injuries to persons constantly occurring from the lack of simple safeguards.

Parliament has dealt very differently with another subject, the equipment of trains. It is provided that the trains must be thoroughly equipped. Now, why this difference? Simply because the Brotherhood of Engineers came to parliament and were so influential and made their case so strong that these drastic provisions were enacted and are to be found in Section 264 of the Railway Act. But the people scattered all over the country are not organized and do not come personally to parliament to ask

for protection at level crossings, little thinking that members of their own families may at any time be victims. But while the toll on life and the danger to the public at these crossings have increased enormously, our railway legislation retains all the laxity regarding them which was imparted to it at the beginning.

Whenever parliament attempted to deal with the question, it was at once beset by the railway corporations whose influence was strong enough to prevent the enactment of such provisions as are found in the laws of other countries. As an illustration of my meaning, I simply point to the fact that our Railway Act does not contain a solitary provision binding railway companies to protect highway crossings. The erection of a warning board, the blowing of a whistle and ringing of a bell on the train, are simply warnings, not protection. Not only has the Act been left without any direct and positive provision regarding this danger, but our Railway Board, which is costing the country a large amount of money, has no positive duty or obligation placed on it by the Act to examine the highway crossings and order necessary protection. It may do things on application, or of its own motion. It has ample power. But parliament has not imposed a duty or obligation on it to so provide protection for the public at highway crossings.

The result of the laxity of our law became from year to year more apparent in the death toll at these crossings. It was not, however, seriously doubted until 1903 that the railway company was liable at common law for accidents at these unprotected crossings, unless contributory negligence was shown on the part of the injured persons. In 1903 the case of Joseph McKay vs. the Grand Trunk was heard before the Supreme Court of Canada. Judge McMahon and a jury had found a verdict for McKay awarding damages for the death of his wife and two children and injuries to himself, through collision with a locomotive at a crossing in the town of Forest, Ontario. The jury found that the railway was negligent in running too fast and not providing a flagman or gates, and that McKay was not guilty of contributory negligence. The case was appealed to a higher court in Ontario where the judgment of the trial court was sustained. When, however, it came to the Supreme Court the judgment was reversed, and it was held that there being no statutory provision for the protection of highway crossings, and parliament having constituted a board with power to deal with the subject, it was therefore removed from the jurisdiction of a court and jury. The judgment went so far as to say that even if the board did not exercise its power the jurisdiction was taken away from the court.

I was surprised to hear the hon. member for De Salaberry say that all that was decided in the Mackay case was as follows:

> In passing through a thickly peopled portion of a city, town or village a railway train is not limited to the minimum speeed of six miles an hour prescribed by 55 and 56 Victoria, c. 27, sec. 8, so long as the railway fences on both sides of the track are maintained and turned into the cattle guards at highway crossings as provided by section 6 of said Act. Judgment of the Court of Appeal (5 Ont. L. R. 313) reversed, Girouard, J. Dissenting.

The honourable gentleman appears to have the Supreme Court report of the case before him, therefore it is difficult to understand how he could have overlooked the following words in the opinion read by Judge Davies and concurred in by the Bench with one disentient.

> In my judgment parliament has by the 187th section of the Railway Act (238 of Revision of 1906) vested in the Railway Committee of the Privy Council, (now the Board of Railway Commissioners), the exclusive power and duty of determining the character and extent of the protection which should be given to the public at places where the railway track crosses a highway at rail level * * * * I cannot think that these powers so full, so complete and so capable of being made effective, can if exercised, be subject to review either as to their adequacy, or otherwise by a jury, nor do I think that failure to invoke the exercise of the powers is of itself sufficient to take the matter away from the jurisdiction to which parliament has committed it and vest it in a jury.

This judgment was thus made possible by the infirmity of our Railway Act, and that infirmity is due to the influence of railway corporations over the Parliament of Canada. The eminent lawyers for McKay, believing the judgment to be wrong, obtained leave of appeal to the Privy Council of Great Britain, but the appeal was stop-

ped by the Grand Trunk settling the case on terms which were satisfactory to McKay. The effect of this settlement, however, was to allow the judgment of the Supreme Court to stand and it has ever since governed the provincial courts of Canada. The strong presumption is that this judgment would not be concurred in by the Privy Council. This must have been the opinion of the solicitors of the Grand Trunk or they would not have settled the case. It is safe to say that injured families have been deprived of redress in a vast number of cases during the last six years by the skilful manoeuvering of the Grand Trunk railway in protecting what is generally believed to be a doubtful judgment from a review by the Privy Council.

It is certain that parliament did not intend at any time to emasculate the railway law so as to shut the widow and orphan out of court in cases where the breadwinner was killed through no fault of his own, but through the negligence of the railway company. Parliament was influenced unconsciously by the railway companies into shaping the Act so as to make the McKay judgment possible.

It was under these circumstances that the House of Commons, after prolonged investigation by a special committee consisting of Messrs. Emmerson (then Minister of Railways), Lemieux, Aylesworth, Macdonald (Pictou), Stockton, Lennox and Lancaster, who heard the experts of the railway companies, unanimously passed what is known as the Lancaster Bill in the session of 1906. The object of the Bill was to force the companies through a restriction of speed to apply to the board for directions respecting unprotected crossings in cities, towns and villages, and to make clear, in the meantime, their liability for damages in cases of accidents, where there was no contributory negligence.

The railway companies, through their officers and solicitors, before the committee, have endeavoured to obscure the issue by extravagant representation in regard to the effect of the Bill on the time tables of railways, and here allow me to point out the serious difference on this point between the views of Mr. Wainwright and those of the hon. member from De Salaberry, both of which were submitted to the committee through the hon. member for De Lorimier. Mr. Wainwright said that the time occupied in the running of trains from Montreal to Toronto would be increased by the Lancaster Bill to from 14 to 16 hours. The hon. member for De Salaberry says that the speed of trains would remain unlimited as before. I submit that both these statements are incorrect. I need not argue the question as against the hon. gentleman from De Salaberry. If the effect of the Bill would be, as he asserts, is it likely that the railway companies would be making such desperate efforts to defeat it? Nor should the hon. gentleman from De Salaberry quarrel with the Bill for the reason which he gives, for his own amendment will, if it becomes law, relieve the railways from limitation of speed at every highway crossing in cities, towns and villages.

The Senate has been treated with great disrespect again this year by the solicitors of the railway companies, in submitting what they called facts, as well as legal arguments both of which they must have known to be erroneous. Let me call attention first to the statement already referred to as made by Mr. Wainwright to the committee, that the Lancaster Bill would increase the time of the run between Montreal and Toronto by six and one half hours. I have gone over this matter with two experienced engine-drivers on different railways and I have consulted authorities on the question of slowing down or stopping trains, and I submit the result of my investigations for the consideration of the House. In addition to consulting authorities I have familiarized myself with the use of the brake on running trains. I copy the following from the text book of the International School of Railroading of Scranton, Pennsylvania, United States of America:

> The following table gives the results of tests made on the Central Railroad of New Jersey at Absecon, New Jersey, in May, 1903. The train consisted of a locomotive and seven coaches, the locomotives having brakes applied to the engine truck, drivers, trailers, and the tender.
>
> The percentage of breaking power of the entire train was 72·8. Six of the coaches had 92·9 per cent, while the other, a chair car, had only 68·9 per cent. The locomotive per cent of breaking power was 48·3; it was re-

duced by the unbreaked weight of the coal and water on the tender. The total weight of the train was 774,650 pounds; the locomotive alone weighed 294,700 pounds, six of the coaches averaged close to 62,000 pounds, and the chair car weighed 107,600 pounds. Ordinary cast-iron brake shoes were used on the cars and tender, and steel shoes on the engine. This train was from the service and represented ordinary conditions ; the track where the tests were made was level.

Tests were made with the seventy-pound quick action brake, and with the 110 pound high-speed equipment.

The table gives in the first column the speed in miles per hour; in the second, the distance in which the high-speed brake made the stops; in the third, the distance in which the 70 pound brake made the stops; and in the fourth column the difference in feet in favour of high-speed brake.

LENGTH OF STOP IN FEET.

Speed in miles per hour.	High speed brake.	Quick action brake.	Distance saved by the high speed brake.
45	560	710	150
50	705	880	175
60	1,060	1,360	300
70	1,560	2,020	460
80	2240	2,780	540

From these tests the following conclusions are plainly deducible:

A train running on the level at 45 miles an hour equipped not with high-speed brakes of 110 pound air pressure, but with quick-action brakes of 70 pound pressure, can be brought to a stop in 710 feet, and can be slowed down to ten miles an hour in a distance of 552 feet. The original rate of 45 miles an hour can be regained in a similar distance. Both the slowing down and recovery of speed can be accomplished in a distance of 1,104 feet. If the highway crossing is at a greater elevation than the railway track the slowing down and regaining of speed can be done in a shorter distance. If the crossing is depressed a greater distance is required.

If the operations of slowing down and regaining of speed have to be performed on an ascending or descending grade, the distance occupied would not on the whole be materially changed. At the rate of 45 miles an hour this distance of 1,104 feet would be covered in 23 seconds.

The slowing down to ten miles an hour and the regaining of speed to forty-five miles an hour in a space of 1,104 feet necessitates an average speed of twenty-seven and one-half miles over this distance and would occupy 38 seconds.

The difference between 23 and 38 seconds, namely 15 seconds, represents the time lost at each highway crossing in slowing down to ten miles an hour and in recovery of speed.

There being, according to Mr. Dillinger, 90 crossings unprotected between Montreal and Toronto, the total time lost would be 22½ minutes.

This would be assuming ideal conditions, and that the engineer in charge of the train discharged his duty with the utmost exactness.

Inclement weather, unfavourable condition of the track, and other contingencies require to be allowed for.

To put the matter beyond all reasonable doubt, we double the figures at which we have arrived, and even after making this liberal allowance, the increase of time in the run between Montreal and Toronto would be only three-quarters of an hour over that of present time tables.

This shows quite a difference as compared with Mr. Wainwright's statement to the committee, through Mr. Dandurand, that the time of the same run would under the Lancaster Bill be increased to from 14 to 16 hours, of 6½ hours over the present time table for express trains, which varies from 7½ to 9½ hours.

Mr. Creelman contended before the committee that Canadian railways would suffer through competition with American roads if the Lancaster Bill was enacted. At this point he was asked if the American roads were not also under restrictions of speed where they did not protect their highway crossings. The reply was that the American roads, whatever were the restrictions placed on them, maintained a high rate of speed. This answer was undoubtedly true, and is confirmatory of the statement I have just made regarding the limited effect of a restriction of speed at highway crossings on railway time tables. The greater restriction of six miles an hour generally imposed in the United States in regard to unprotected crossings is probably fully offset by the larger proportion of protected crossings in the United States as compared with Canada. It may be known to hon. gentlemen that, according to the law of most states in the union, municipalities are given power to enforce a reduction of speed at unprotected crossings. Our railroads would not be willing to submit to that. They are very unwilling to have any limitation at all, but certainly they would not like us to put in the hands of municipalities power to compel Railways to reduce the speed of their trains to six miles an hour at unprotected crossings.

As an objection to the slowing of the trains we have been told by the railway representatives that long trains would have

to be divided because, while the locomotives would cross the highway at ten miles an hour, the rear end of a long train would when it reached the highway have a high rate of speed. It is true that the rear cars would cross the highway at greatly increased speed, but that would not be open to objection. The locomotive only would cause danger, and the word 'train' in the Railway Act includes the 'locomotive' and it is the locomotive that is meant in the Lancaster Bill.

Another objection which has been urged with great pertinacity is that the slowing of speed to ten miles an hour at a crossing would tempt persons to board the train and thus cause accidents. As the passenger cars would not cross the highway at a low rate of speed this objection has no force.

I have already referred to fallacious legal objections offered to the Lancaster Bill with a view of confusing the laymen in this House on whom the duty of defending this measure has mainly devolved. In support of my statement let me refer to Mr. Biggar's contention at the last sitting of the committee that notwithstanding a compliance with the orders and regulations of the board in respect of any crossing, a court and a jury would still be the tribunal under the Lancaster Bill to decide whether such crossing was properley protected. I question whether any legal gentleman in this House will assume the responsibility of endorsing Mr. Biggar's contention. After Mr. Biggar had withdrawn I called attention to it and had the satisfaction to find one of the best lawyers in the committee, although taking a different view from me, regarding the Bill, endorse my opinion. The other lawyers were silent, from which I infer that my view as set forth before the committee must be the correct one.

I will now turn my attention for a moment to the amendment of the Bill which was made last year in this House and which is again reported from the Railway Committee. The material difference between the original Bill, and the committee's amendment is the substitution of the words 'unless permission is given by order of the board,' in the amendment, for the words 'unless such crossing is properly protected,' in the Lancaster Bill. These clauses, the first in the amendment, and the second in the Lancaster Bill, apply to probably not less than 90 per cent of all the highway crossings in cities, towns, and villages. The Lancaster Bill provides that these crossings must be properly protected or the speed of trains passing over them reduced, or the company shall be held prima facie liable for accidents occurring at them. The Senate amendment sweeps away all necessity for protecting such crossings or reducing the rate of speed thereat, and, by invoking the exercise of a virtueless jurisdiction by the board, relieves the railway company prima facie from liability for accidents at such crossings. The people are asking for bread, but in the form of this Senate amendment they are being offered a stone.

But the hon. member for De Salaberry appears to claim some merit in a couple of minor changes which he has made in the second alternative of the Lancaster Bill, when it appears as the first alternative of the Senate amendment. The insertion of the words 'and protected' in the third line of subsection 3 of the amended Bill is, in my opinion, of no value whatever. The orders, regulations and direction referred to are past ones, although now in force. The words 'constructed,' 'maintained,' 'protected' are governed by the words which follow: 'In accordance with the orders, regulations, &c.' If the orders, regulations, &c., do not in themselves embody the requirement of protection, the insertion in the Bill of the word 'protected' cannot supply the defect. A similar argument applies to the words 'specially issued,' in the same paragraph of the Senate amendment. In the Lancaster Bill the orders, regulations, &c., are such as are in force 'in respect thereto,' meaning a particular crossing. Surely this is specific enough.

The hon. member for DeSalaberry's contention that nearly all the highway crossings in Canada are regulated by section 237 of the Railway Act is without foundation in fact.

The orders made by the board under section 237 of the Railway Act, having regard to the plan and profile filed when a railway is being constructed, could not refer to any highway crossing except such as was then in existence, or was being

brought into existence by the orders in question. Take the towns of St. Cunegonde and St. Henry for example. When the Grand Trunk was constructed through these places they were farm lands and no crossings were required, except perhaps over one or two highways. It is safe to say that there are at the present time fifteen or twenty additional crossings in these towns, not one of which could have been included in any order made under section 237. This shows that there is very little if any value in the introduction of the words 'protected' and 'specially issued' in the amendment reported by the committee.

The words, 'unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions' of the board, possess no value when inserted in the amended Bill, even when the words 'protected' and 'specially issued' are therein inserted. The blanket permission might as well include the 200 or so crossings with which the board has already dealt as with the 2,800 crossings which remain absolutely unprotected.

In conclusion, let me say these few words. It is not likely I will say anything more on the subject to-day, and perhaps I may never have another opportunity. The fact that the House of Commons, after a most patient and prolonged investigation, made by seven of the most capable men that have sat in parliament for a good many years, reported this Bill unanimously, and that the House of Commons passed it unanimously three years ago, two years ago, one year ago, and again this present session of parliament should weigh with this House. What were the words of Sir Wilfrid Laurier when the Bill came up for a second reading in the early days of the present session? Mr. Lancaster had made a short speech, when Sir Wilfrid said he did not think it was necessary to discuss the question. 'The old members of the House, he said, have no intention of revising their opinion with regard to this Bill. It is certainly open to new members, who have just come to this House to discuss it if they think proper.' There was a pause at the third reading, because the government, feeling the importance of the question, determined to deal with some phase of it in another way, and the Minister of Railways asked that the Bill should be held over to ascertain whether the ground traversed by this Bill would be covered by the government Bill, and the understanding was arrived at that in the meantime the Bill was to be placed at the head of the orders for the following Thursday, and when the orders were reached on that day, Mr. Graham, Minister of Railways, said 'carried,' and the Bill was carried unanimously. Does it not behoove hon. gentlemen to ask themselves seriously to consider the question. Is it possible that over two hundred members of the House of Commons have four times in four years succeeding one another, deliberately taken this attitude, and that they were all wrong? Even assuming they were all wrong, which I think is not a reasonable assumption, is it not plain that they have felt the force of public opinion behind them, that they regard this legislation as a public demand, and is it not worthy of note that this parliament, coming back from the people, re-enacted, as its predecessors had done, the Lancaster Bill?

Hon. Mr. ELLIS moved that the consideration of this amendment be adjourned until to-morrow?

The motion was agreed to.

SECOND READINGS.

Bill (CC) An Act to incorporate the Canadian Medical Association.—(Hon. Mr. McMillan).

Bill (DD) An Act respecting the Manitoba Radial Railway Company.—(Hon. Mr. Watson).

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

THE SENATE.

OTTAWA, THURSDAY, April 1, 1909.

The SPEAKER took the Chair at Three O'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (80) An Act respecting the Kootenay and Arrowhead Railway Company.—(Hon. Mr. Bostock).

THIRD READINGS.

Bill (X) An Act respecting the Joliette and Lake Manuan Colonization Railway Company.—(Hon. Mr. Tessier).

Bill (No. 70) An Act respecting the St. Mary's and Western Ontario Railway Company.—(Hon. Mr. Ratz).

Bill (No. 68) An Act respecting the Athabaska Railway Company.—(Hon. Mr. Talbot).

Bill (No. 67) An Act respecting the Alsek and Yukon Railway Company.—(Hon. Mr. De Veber).

Bill (No. 66) An Act especting the Abitibi and Hudson Bay Railway Company.—(Hon. Mr. Watson).

Bill (No. 48) An Act respecting the Montreal Terminal Railway Company.—(Hon. Mr. Casgrain).

Bill (No. 57) An Act respecting the Vancouver, Fraser Valley and Southern Railway Company.—(Hon. Mr. Riley).

Bill (O) An Act respecting the Algoma Central and Hudson Bay Railway Company.—(Hon. Mr. Ross, Middlesex).

Bill (N) An Act respecting the Ontario, Hudson Bay and Western Railways Company.—(Hon. Mr. Ross, Middlesex).

Bill (No. 15) An Act respecting Mexican Land and Irrigation Company, Limited.—(Hon. Mr. Kirchhoffer).

Bill (No. 10) An Act respecting Brazilian Electro Steel and Smelting Company, Limited.—(Hon. Mr. Kirchhoffer).

THE DEBATES OF THE SENATE.

REPORT OF DEBATES COMMITTEE. REFERRED BACK.

Hon. Mr. ELLIS moved the adoption of the report of the Committee on Debates and Reporting. He said: This report appears at page 237 of the 'Minutes' of the Senate. The committee express the opinion that it would be advisable to have the reporting of both Houses made by the same staff of reporters, under the control of a joint committee of parliament. I observe that since the new rules and list have come out in regard to officers, there has been some change in the mode of appointment or control of the reporters of the other branch of parliament, and they have passed to a very large extent under the control of the Speaker and the clerk of the House, while the committee is still in existence. That has arisen since our report was made and may affect it. The first paragraph says:

> That such report, though not strictly verbatim, should be substantially a verbatim report with repetitions and redundances omitted, and with obvious mistakes corrected, but on the other hand leaving out nothing that adds to the meaning of the speech or illustrates the argument.

The idea is this: many hon. gentlemen have made observations with regard to the published report of the Debates as they appear, that they are hardly as pure and undefiled English as should be uttered in this assembly by gentlemen who speak in that language. The important item in the report is:

> That the unrevised edition of the debates of the Senate be issued to the public as is now done in the House of Commons.

Hon. gentlemen are aware that the report of the debates which is circulated among the members is really a proof, and is the substitute of or the natural successor of the galley slips which came to us first. But it is almost impossible to get beyond a stage when we receive the revised edition 10 or 12 days after the actual day on which the remarks are made. Whether that is due to any retention of the proof by hon. gentlemen themselves or not I do not know. I will say off-hand that I wrote a letter to the Bureau about it. The King's Printer was good enough to call upon me, and he assured me that the evil of which I complained would be modified, so that the long interval of time which elapsed between the delivery of the speeches and the printing of the revised edition would be reduced. But while there has been some improvement, there is still a very great delay. For instance this is the first of April, and we have to-day the revised edition of March 12, which is 19 days behind in the issue of the form which goes into circulation. If hon. gentlemen thought well of the proposition to risk the issue to the public of the unrevised edition, as is now done by the House of Commons, the debates would go out immediately. They would pass to all the newspapers, to all the per-

sons who usually receive them, and the bound volumes would be prepared for the purposes of record. I do not know whether I have made myself sufficiently clear, but that is the main idea in this report. Looking, however, to a future when the debates of parliament will come out in the one issue, as is now the custom in England, Australia and the United States, of course these are great changes, and they can only be brought about by time, and the consent of the other House, and public men acting together with regard to the whole question.

Hon. Mr. DANDURAND—I understand from the first recommendation that the committee are of opinion that the reporting of the debates of both Houses should be done by a staff controlled by a joint committee. If this should be concurred in by the House, would it empower the committee to meet the committee of the House of Commons for the purpose of carrying out this idea?

Hon. Mr. ELLIS—Of discussing the matter.

Hon. Mr. ROSS (Middlesex)—I agree with the second and third paragraphs of this report, that is as to the character of the report, that it should not be strictly verbatim, but that it should convey fully the views expressed by senators on the floor of the House. I agree, also, that we should have a wider distribution of the daily reports than we have at present. I do not know to what extent the reports of the Common's debates are distributed, whether they are sent to the press in the same manner as the 'Votes and Proceedings.' Copies of Bills, &c., or if our debates might have as wide a circulation in the same way. I think copies of our debates are sent to members of the House of Commons; but whether they have a wider circulation than that I do not know. They might properly be sent to all the newspapers of the country.

My objection is to the first paragraph of this report. I do not know that joint reporting of the debates of the two Houses is practicable. I had the honour of being chairman of the 'Hansard' Committee of the House of Commons when the official reporting of the debates was inaugurated. That is a good many years ago, more years than I care to think of. It was found that joint reporting of the debates of the two Houses in those days was not feasible, and it was abandoned. Let us look at it in a practical way; they have seven English and two French reporters in the House of Commons. The idea is that when we had a heavy debate on—which sometimes occurs—we could send for assistance to the House of Commons in order to strengthen our own staff, and if they should be pressed that they could send to us. The fact is they are never pressed in the House of Commons. Seven reporters are found quite sufficient without assistance. Two men are employed reporting the debates of this House. There is no complaint on their side—there is no call from the Commons on us, but our staff is weak. It is not large enough to report our own debates, and the idea is that we should petition the committee, when the debates are heavy in this House, for additional assistance. I do not want the Senate to be put in that position. I think we ought to be complete and self-sustaining in ourselves. So far as I am concerned—and I think I offend perhaps oftener than any other member in speaking at considerable length—my speeches are admirably reported. They could not be reported better. Very little revision is required, because it is unnecessary; but if the reports of our speeches are not as finished as they ought to be, what is to prevent us supplying the staff with an additional reporter? I do not know what the cost would be, but it seems a weak thing for this Senate to ask assistance from the House of Commons to report our debates. It puts us in a secondary position. We are in forma pauperis practically going to the House of Commons to get help when we have the means within ourselves to supply our own staff. Now, I do not want that. Under what mode of procedure are we sure we could get help? We notify the chief of the staff, or the editor who is in control of our amalgamated staff, that there is a debate on, and ask him to send us a reporter for the afternoon or evening; but he says: 'We cannot spare men; we have a heavy debate in our own House.

and we must keep our staff for our own work.' What would happen then? We could not, under those circumstances, ask the committee of the House of Commons to weaken their staff to supply us with help. Then supposing, conversely, they apply to us for help. We have only two reporters and we could not spare one of them with our House in session. I do not think it is feasible, nor do I think it would contribute at all to the efficiency of our reporting service. We would come into collision with the Commons; there would be striving for assistance, perhaps when assistance could not be rendered. I do not know that our reports are perfect now, but they are so near it that nothing is required but to employ an additional reporter. We need not employ his whole time, probably; that would be a detail to be worked out by the committee, perhaps better than on the floor of the House; but at the most it is a small matter of perhaps a thousand or fifteen hundred dollars per session to perfect our reports if they are not perfect now. Certainly I would not ask for more assistance. I understand the staff attends the committee work, which employs them during the forenoon. Then they are here until six o'clock and sometimes later reporting our debates That is more work than we should exact of them. If so, we should see that there are men enough to make our reporting service satisfactory. I should like very much if the chairman of the committee would agree to let this matter be reconsidered. I am sorry to confess I was absent when the matter was considered in the committee, although I am one of its members. I had not a chance to impress my views on the committee, and I am now giving them to the House. If the report could be reconsidered, we might arrive at some solution; but as I understand the subject now, I think it is utterly impracticable to manage the reporting by a joint committee. We have a Joint Committee on Printing, but there is no possible collision between the two Houses as to what document should be printed. It is simply a question of printing or not printing a certain report, and there it ends. We have a Joint Committee on the Library. There is no possibility of collision there. We dispose of library matters and it is done, so the two cases are not parallel. To appoint a joint committee where the work to be done is beyond the power of a committee to do, and do it amicably and successfully, is a proposition which we should not entertain. Any action we might take now could not affect us this session, so there is plenty of time for a fuller consideration of the matter.

One thing that the Senate seems to want is publicity of its reports. The recommendation made by the committee in the third paragraph aims at that, and with that recommendation I heartily agree. It is a curious thing that the debates of this House are not as fully reported in the press as the debates of the Commons. The work done in this Chamber is important, and many of the speeches are worthy of publication, but there is no reporters' gallery and no provision made for press reporters. Is not that an architectural mistake? We appoint a reporter to prepare a summary of our speeches for the press. That summary is fairly good. I do not think it is always just as good as it might be; still it is fairly good; but there is no anxiety on the part of the press to get these reports. That is an unfortunate condition of things, and one which I should like to discuss with the committee if I had an opportunity. We want publicity; we do not get it. Public interest does not seem to centre here, partly because we are not known to the public and partly because our speeches are not before the public. I think we could excite greater interest in the Senate if we found some way to get our debates read. That is a matter of equal importance with the others to which I have referred. I do not want to enter into a contest with the chairman of the committee, but without trying to press my views too strongly I move that the report be referred back to the committee for further consideration.

Hon. Mr. BEIQUE—As all the members are agreed as to the second and third paragraphs, I would suggest that the motion might be to adopt these paragraphs and that the balance of the report be referred back for further consideration.

Hon. Mr. ROSS (Middlesex)—It is not material how it should be done. The second and third paragraphs are not material. They will be operative two or three weeks hence just as fully as they would be now, and I thought it simpler to send the whole of the report back.

Hon. Mr. POWER—It is to be regretted that the hon. member from Middlesex has not been in the House longer, because to my knowledge this subject of securing greater publicity for our debates, which is the object of the first paragraph of the report, has been considered ever since I came into the Senate, which is now a very long time. A number of gentlemen, perhaps not knowing as much about reporting as the hon. gentleman from Middlesex, but still gentlemen who have had a good deal of experience in the Senate have been very anxious to see that the reports of the Senate was read by the public, and almost every device that could be thought of has been tried at one time and another to attain that object.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. POWER—The hon. gentleman beside me, who has been here longer than I, knows that what I have stated is perfectly correct. What particular use is there in spending a very considerable sum of money in having our debates reported if nobody reads them; and that is about the position now. We have tried having reporters seated on either side of the Chair in the House; we have had reporters down at the Bar, and everything has been tried, but the truth is that the public, for reasons which I think can be easily explained, do not take much interest in the proceedings of the Senate, and the press will not send reporters here. As a result of that condition of things, we have adopted the plan of having a gentleman here who prepares summaries of our reports. That work is done in a very satisfactory way, and one can get some idea at any rate from the papers now as to what takes place from day to day in the Senate. That was not the case up to a very recent period. Now, the hon. gentleman seems to think that it is a mere matter of paying one thousand or fifteen hundred dollars more for a reporter, but the hon. gentleman forgets that the reporters are not officers of this House. Our reports are published by contractors.

Hon. Mr. ROSS—Farmed out.

Hon. Mr. POWER—Farmed out, as the hon. gentleman says. We cannot, without departing altogether from the system which has prevailed for the last thirty-five years, get an addition to the staff on the floor of the House.

Hon. Mr. ROSS (Middlesex)—Pay the contractors more and they will increase the staff.

Hon. Mr. POWER—If money is no object at all, then the hon. gentleman may be right, but here is the position—the Senate does not sit half the time or anything like half the time from the opening of parliament until prorogation, and if you compel your contractors to keep a staff on their hands for the whole time from the opening of the session to prorogation, they cannot do the work except for a very much larger sum than we pay now. This matter has been considered, on a great many occasions, and, finally, the committee became convinced that the only way in which our debates were likely to be read by the public, was by having them issued in the same pamphlet every day with the debates of the Commons, and when they were fresh. The debates that took place a fortnight ago, nobody wishes to read. The hon. gentleman undertakes to tell this House that this is impracticable, but how is it that, if it is impracticable, they are able to do it at Washington and in London and in Australia? In the Commons we have the best system that exists in the whole of the civilized world, and there is no serious difficulty in the way of doing what this report looks to. The report does not say it shall be done. If the committee inquired into the matter and formulate a scheme, that scheme has to come before the House to be dealt with; and I think that, under all the circumstances, the hon. gentleman is a little unreasonable in asking that this report, dealing with the subject now, be postponed. If the committee are not able to submit a practicable and desirable scheme for joint reporting,

that is an end of the matter, and we stay where we now are. I am not discussing now the value of the report, but the main object—and I wish to impress this on the House—is that the public shall read what is said in the Senate. My humble opinion is that, in a great many cases at any rate, and with respect to a good many measures, the discussions in the Senate are just as well worth reading as those in the House of Commons.

Hon. Mr. ROSS—Hear, hear.

Hon. Mr. POWER—I do not say that is the universal rule, but that is the case with respect to a great many of our debates, and I think it is desirable that the people who receive the Commons 'Hansard' every day should have a chance of seeing what the Senate is saying and doing now, and I am surprised that the hon. gentleman should be apparently anxious to prevent that desirable consummation being reached.

Hon. Mr. ROSS (Middlesex)—No, no.

Hon. Mr. FERGUSON—It is a matter of regret that the hon. gentleman from Middlesex was not able to attend the committee, so that we could have the advantage of his views on the subject that forms the substance of this report. A recommittal of the report would enable the committee to get the benefit of his judgment, and will enable all the members to come back to the subject after having heard the discussion which is now going on in this House with regard to the whole matter. Theoretically, the committee were of the opinion that it would be desirable to amalgamate the staff of the two Houses, in order to bring out a report simultaneously at all events, if not stitched in the same issue or volume. And we also agreed to the third paragraph that the unrevised issue should be at once mailed to the 'Press' and to the members of the other House. We have been continually complaining that the Senate is not receiving that attention from the newspapers that its importance as a branch of parliament deserves, or that it is desirable it should receive. In my opinion it has been largely our own fault. We have withheld our unrevised editions from the public, and the revised edition comes out two or three weeks afterwards, when the matter is stale and no newspaper man on earth cares anything for it; therefore we have been, as it were, hiding our light under a bushel and preventing the newspapers from getting a knowledge of what we are doing. We are inclined to censure the 'Press' for not having a staff of reporters here. Most of the newspapers in Canada are not very wealthy concerns, and it as much as they can afford, to keep a reporter, perhaps, in the popular branch of parliament, and they cannot very well keep reporters in both Houses. But if we will agree to the third paragraph of this report, and have our unrevised edition come out and be in the possession of members of the House of Commons and the newspapers, so that our unrevised debates of yesterday would be in their hands at the present moment, we would find that a great deal more attention would be given to us by the newspapers than we are receiving. When important debates take place, they will form the basis of editorials in the newspapers, and the crucial points of what the Senate is doing will be placed before the public in a very wide degree compared with what it is at the present moment. Although I theoretically concur in the first paragraph of our report, that it is desirable we should amalgamate the staffs, if possible, yet I freely admit that there are some difficulties in the way, and if it should be found that these difficulties are insuperable, we would have to continue maintaining our own staff as we have it at the present time. The subject is well worth being investigated, and it is our duty, I think, to ascertain what we can do in that direction. I would, however, be very strongly of the opinion that we should keep our own debates in a separate volume, and that it should not be stitched or issued with the 'Hansard' of the House of Commons.

Hon. Mr. ROSS (Middlesex)—Hear, hear.

Hon. Mr. FERGUSON—I think that our report should come out by itself as early as that of the House of Commons. It might come even earlier, because it is not generally of a voluminous character; but I would like, under all circumstances, to retain our own volume as it has been maintained for thirty or forty years, and I have no

hesitation in saying that it is a most desirable record. I have had occasion since I have been a member of this House to study some of the more important questions that have been discussed in Canada since the official reports of our debates were brought out in their present shape, and I find that I can get more information with less labour, generally speaking, out of the Senate debates than I can out of the Commons 'Hansard,' from the mere fact that the Commons 'Hansard' is so voluminous that it is almost impossible to find any specific information you are looking for in it; while the Senate debates is a tolerably well condensed summary of what has been going on in Canada for many years regarding the more important public questions, and I would be sorry to see those volumes disappear. It would be very desirable if we could amalgamate the staff in such a way that if there was a spare man in one chamber he could be called on to relieve the force at the other end. That would be all very well if it were practicable, but I would be very much afraid of any partnership of that kind. I have my doubts whether the Senate would get fair-play. The dominating House is the House of Commons, and they would dominate the whole thing, and it might be found after a little while that we would be squeezed out of notice almost altogether. The subject has been brought tentatively before the Senate in the report, and I think that the motion of the hon. member for Middlesex is well worthy of being entertained. As one member of the committee concurring in the report, as I have said, theoretically and tentatively, I would still be quite ready and willing to go over the matter again in view of any further light that can be thrown upon it, and in view of the expressions of opinion that may be found to be uttered by gentlemen in the House during this discussion. I shall therefore, support the motion that the report be referred back; but I think we cannot begin one hour too soon issuing our unrevised, and that we might agree, if that would be regular, to have that clause of the report go into effect at once, and let the other matter be referred back in order that we might get further information upon it.

Hon. Mr. CLORAN—Since the hon. gentleman from Middlesex made his remarks, I have made it my business to find out how this plan would work. I have seen a member of the staff on the other side, and he does not favour the idea very much at all; in fact, I think he is against it from the way he spoke. He does not think it is practicable. I think his opinion ought to be worth something, and it simply goes to back up what the hon. gentleman from Middlesex has proposed to the House in regard to this matter.

Hon. Mr. ROSS (Middlesex)—I might be allowed a word of explanation. I am not opposed to clauses 2 and 3. I think it is important and very desirable that our unrevised report should issue immediately and have just as wide a circulation as the unrevised report in the House of Commons. I understand that is the proposition contained in this report. I approve of it most heartily. I would like to know the extent of the circulation of the unrevised edition of the House of Commons. I know it goes to the members. I should like to know if it goes to the press of Canada; if it does, ours should go there also. If it goes to public libraries, to colleges, and has a wide circulation, wherever one goes the other should go. The one is almost as important as the other. As to the first proposition, I think we ought certainly, before we adopt this report and commit ourselves to what may be an impracticable scheme, give it some further consideration. I feel that very strongly. We ought to take the evidence of the reporters of the House of Commons, or have them before us, and get their views on the subject, and obtain further information, and possibly ascertain whether this joint arrangement might incur additional expense anyway. It is possible by doubling up we may save money. That has to be settled; but the mere saving of a few dollars is a matter I would not consider for one moment for the sake of getting a prompt report. If we have the right to exist, we have also the right to be heard,

and to make ourselves heard in the most effective way. Publicity is apparently what is wanted; not that the Senate is doing nothing. It is supposed to be doing nothing, because what it does is not widely known. There is a story told of Horace Greely, when he was publishing the 'Tribune,' that after a few months' publication he called his editors together and said: 'We are not getting on very well; I would like to consult you because I think the 'Tribune' should be a paper men would swear by or swear at.' Well, they are now swearing at the Senate, for all practical purposes. We should have our reports got out in such a way that the people would swear by the Senate, and let them be fully considered. I have several ideas as to how it could be done more effectively, and how we could gain more publicity than we can at the present time, and if the House would favour us and allow this report to go back before it is absolutely closed, I think it would be in the public interest and help the publicity of our proceedings.

Hon. Mr. WATSON—I am not going to enter into the merits of the reporting, but I wish to make a suggestion for the consideration of the Senate. Sometimes speeches are delivered in the House, which for the credit of the Senate, might better not be published at all either in the unrevised or revised edition. During the debate which took place in this Chamber on the 26th of this month, in regard to a divorce proceeding, two or three speeches were delivered which would not do this Chamber or any other chamber credit. In fact, the language used in that debate, if published in the Calgary 'Eye-Opener', would be pretty nearly enough to make it cease circulation. It might be well if some action were taken, when speeches of that kind are delivered, and if it is necessary such matters should be discussed, it should be done with closed doors, or the reporters should be instructed not to report the speeches. For the credit of the Senate some action should be taken with regard to such debates. I think both the charge and the reply ought to be eliminated from our revised edition.

Hon. Mr. FERGUSON—I would like to explain.

Hon. Mr. ROSS (Middlesex).

Hon. Mr. ELLIS—I rise to a point of order. This motion was brought up in order to have a discussion on the question involved in the report, I do not see the necessity for hon. gentlemen making two or three speeches, and those who have spoken once ought not to speak again until every hon. member who desires to speak has done so. I think we should observe some rule, especially when we are discussing such a matter. I suggest that we should each take our turn.

Hon. Mr. FERGUSON—Just a matter of explanation. I do not propose to make a second speech. With reference to the work of our reporters, I wish to say that I have been some 16 years in this House, and have compared the work of the Senate Debates with that of the House of Commons 'Hansard', and I desire to express my very great satisfaction with the quality of the work that we are getting in the Senate report.

Hon. Mr. ROSS (Middlesex)—Hear, hear.

Hon. Mr. FERGUSON—Not saying by any means that I have not found some tangles in speeches that I have made; but, to be honest, I would have to admit that the fault was in myself, that I was tangled in my thoughts and not sufficiently clear and when that is the condition one cannot expect the reporter to make clear what was not clear in the speaker's own mind.

Hon. Mr. CLORAN—I rise to a question of personal explanation. Some hon. senators have heard with indignation the remarks made by the hon. member from the west. He believes all the eloquence comes from there.

Hon. Mr. LANDRY—This is a personal explanation.

Hon. Mr. CLORAN—Yes, the attack was personal. The speeches in the Debates on the questions he refers to, do not come up to his point of appreciation. He lives in the heavens. We live on the earth, and we have to deal with what your committee has placed before the House.

The SPEAKER—I would ask the hon. gentlemen to confine their attention

to the subject immediately before the House, which is a motion for the adoption of this report, or the amendment of the hon. gentleman from Middlesex.

Hon. Mr. CLORAN—Do I understand the ruling to be that an hon. member has no right to answer a personal attack?

The SPEAKER—There has been no personal attack. No name was mentioned. I have heard no personal attack made on any member, and I would have asked the hon. gentleman to curtail his observations, but he made his statement short. However, there has been no personal attack.

Hon. Mr. LANDRY—If the hon. member from Portage la Prairie refers to the manner in which a debate has been conducted, and that the report is a true report of that debate, the hon. gentleman has a right to answer that.

The SPEAKER—I am not saying he has not, but I am saying the subject we are discussing to-day is the question of our system of reporting and there is a motion by the chairman for its adoption, and an amendment proposed to refer it back. That is on the question of reporting generally. It is not with reference to any particular debate.

Hon. Mr. FERGUSON—And the subject of the remarks of the hon. gentleman from Portage la Prairie were entirely out of order. We were not at all dealing with the conduct of members in debate, or whether they spoke elegantly or vulgarly or otherwise. That is not our business, and it was entirely out of order.

Hon. Mr. WATSON—My remarks were not on that point at all. My remarks were applicable to the third part of the report, because the suggestion is that the unrevised edition should be circulated, and I was in order and to the point in making the suggestion I did.

Hon. Mr. LANDRY—And the hon. gentleman referred to what took place on the 26th March.

Hon. Mr. WATSON—I did.

Hon. Mr. LANDRY—And the hon. gentleman has a right to discuss that.

The SPEAKER—What I said was—and I think hon. gentlemen understood me—that there was no reference to any person, and there is no question of privilege arising in that way. I am not wishing to confine the debate.

Hon. Mr. CLORAN—The insinuation was worse.

Hon. Sir MACKENZIE BOWELL—The discussion which has taken place convinces me that some change ought to be made, not so much in the mode of reporting, but more in the mode of circulating the Debates after they have been printed. The report, to my mind, is not feasible. There is no question that there would be difficulty in carrying out the suggestion made in the first paragraph in regard to the joint committee. No one I think reading this report can come to the conclusion arrived at by the hon. senator from Middlesex, that the Senate is seeking assistance and becoming an applicant for aid in a pecuniary or any other way from the Commons. The suggestion, if I understand it, is simply that there should be a joint committee on reporting, and that committee should eliminate, or rather there should be some editor who would eliminate all the redundancies and repetitions of speech in order to bring our reports as near as possible to the standard of the English 'Hansard.' Take up any important subject you wish to study, if you want to know what the opinions of the public men in England were upon the question, you will get in the one volume the utterances and opinions of Lord Salisbury in the House of Lords, and also the opinions delivered by leading members of the House of Commons without having to go through two or three volumes. To my mind, that would be a much preferable mode of having your library supplied with parliamentary information than that which we possess to-day, and it would, in addition to that, save a very large amount of expenditure to the country, while the senators would receive ample justice at the hands of the reporters who are employed here. The difficulty that suggests itself to me is this: You would have to be very careful in selecting a reviser to edit the reports of the speeches delivered.

I do not hesitate to say that we have a gentleman on the staff of the Senate who is quite capable of that, who has a complete—and I was going to say thorough, but not so strong as that—a complete knowledge of the politics of this country, and the opinions entertained by gentlemen on both sides of the House and on both sides of politics.

Hon. Mr. ROSS (Middlesex)—Does the hon. gentleman think the Commons would agree to have their speeches revised by an editor of the Senate?

Hon. Sir MACKENZIE BOWELL—I never made any such suggestion, nor do I understand the committee who made this report to make any such suggestion. The reference, if I understand it aright—and if I am wrong I trust the chairman of the committee will put me right—is that such a report, though not strictly verbatim, should be substantially a verbatim report, with repetitions and redundancies omitted, and with obvious mistakes corrected. That could be done, as I understand it, by a gentleman selected and appointed by the Senate to revise the reports after they have been extended and reduce them to the finished state contemplated by this report. That I take to be the object which the committee had in view in making this report.

Hon. Mr. ROSS—There is not any objection to that clause.

Hon. Sir MACKENZIE BOWELL—I am giving my interpretation of it, in answer to the question put by my hon. friend. I am quite sure that no one who understands anything of reporting the proceedings of this House would ever think of suggesting a revision by an appointee of ours of what took place in the Commons. I cannot conceive it possible that that was the intention. I will not repeat the interpretation that I put on this report. If it goes back—and I have no objection to that—I am going to throw out the suggestion, not being on the committee, of leaving out the first paragraph; but I would embody the principles contained in the second and third paragraphs, and take such steps and make such recommendation as would carry out what I think the committee intended when they made this report. Whether they go so far as to suggest that the debate upon any question in the Senate should be printed in the same volume which contained the debate in the House of Commons on the same question, is a matter which they might properly consider. If the Senate came to the conclusion that that were advisable, I see no difficulty whatever in carrying out the suggestion. If, however, the opinion of the Senate is that which was enunciated by the hon. member for Marshfield, then we would continue to have a separate report. Any one who takes care of parliamentary documents, desiring the opinion of different statesmen and public men upon any question, has now to go to the library and read the whole of the debates of the Commons on the question, and also the debates on the same subject which have taken place in the Senate. If they were all in one volume, and in the synopsis of what took place, giving clearly and distinctly the points which have been raised upon the question, I think it would be much better. I do not know how it is with hon. gentlemen in regard to their libraries. I have a library containing documents of parliament for the last forty years, and I find it necessary either to build an addition to the library or to throw them into the waste-paper basket. I have some documents between forty and fifty years old, my own documents and the documents which my predecessor had in the old parliament of Canada, going back as far as 1830. I do not look at them often, though I value them highly. Questions sometimes arise when you want to refer to ancient history, and one who is ancient, like myself, desires to refer back to what took place when he was a lad. I am strongly in favour of portions of this report which are now under consideration, and while I repeat that I see some difficulty—though it could be overcome—in carrying out the suggestion in the first paragraph, I trust the committee, when it goes back to them, will make such a representation as will carry out the idea contained in the second and third paragraphs.

Hon. Mr. ELLIS—The hon. gentleman from Halifax spoke of the excellent sys-

tem of reporting in the House of Commons. That perfection, if I can use the word, which has been reached by their system is so great that the House of Commons this session adopted the plan of issuing the unrevised edition immediately, and it goes to all the papers and people who formerly got the revised issue. That is a new practice this year. The system has changed somewhat since our report was presented and, in consequence of what I have said of the new mode of appointing members of the staff, I might say, so far as I ought to say, that I had some conversation with members of the House of Commons 'Hansard' staff as to the practicability of this proposal, and I think I am correct in saying that the gentleman who is at the head of the staff, who leads the staff, so far as it has a leader in the House of Commons, looked with favour on the proposal. I do not think I quite understood the hon. gentleman from Victoria, but I thought he said the contrary. I have the assurance that it is otherwise.

Hon. Mr. CLORAN—He must have changed his opinion.

Hon. Mr. ELLIS—I shall not pursue the question any further; if the House thinks fit to send the report back, very well. We worked it out in committee, and if it is sent back it will be going over the same ground again.

Hon. Mr. BEIQUE—I do not understand that the sending back of the report implies any expression of opinion adverse to any of the recommendations in the report. Otherwise, I would take the liberty of speaking in support of the report. I understand that it is to give an opportunity to the hon. gentleman from Middlesex to place his views before the members of the committee; otherwise I would have to speak in support of the report, and I may say in support of every paragraph of the report.

The amendment was adopted.

CENTRAL RAILWAY COMPANY OF CANADA BILL.

SECOND READING.

Hon. Mr. EDWARDS moved the second reading of Bill (Y) An Act respecting the Central Railway Company of Canada.

Hon. Mr. LANDRY—I should like to have some information about this Bill.

Hon. Mr. EDWARDS—I cannot tell the hon. gentleman more than the Bill contains.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman tell us that he introduces a Bill of such importance as this without knowing anything about it?

Hon. Mr. EDWARDS—I know what is in the Bill.

Hon. Sir MACKENZIE BOWELL—It has been on the statute-book since 1903, and has been renewed from time to time. What is wrong is that the charter has been so long in existence without anything having been done.

Hon. Mr. EDWARDS—I am not one of the interested parties, therefore I am not in a position to explain. Among other things, the company ask for an extension of time, which is not an unusual thing to ask of parliament.

Hon. Mr. POWER—I understand that one hon. member of this House who, unfortunately, is not present just now, had a very strong objection to the second reading of this Bill, and it is rather unfair of the hon. gentleman from Rockland to proceed with the measure in his absence. There is this to be said in favour of the Bill: I see by the fourth clause that some work has been done.

Hon. Mr. EDWARDS—In so far as the hon. member to whom reference has been made is concerned, he was not in the House when the Bill was up for second reading before, and he asked to have it stand over until to-day. That request was responded to, and as he is not here I take it for granted he has no objection to the second reading.

Hon. Mr. DANDURAND—I know the hon. gentleman who has been referred to. He told me that all he wanted was to move an amendment in the committee, and I informed him that he need not make any reservation here.

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

SECOND READINGS.

Bill (EE) An Act for the relief of Evelyn Martha Keller.—(Hon. Mr. Perley).

Bill (FF) An Act for the relief of Frank Parsons.—(Hon. Mr. Derbyshire).

Bill (BB) An Act to incorporate the Canadian District of the Northern Provinces of the Moravian Church in America.—(Hon. Mr. De Veber).

Bill (No. 30) An Act respecting the subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway.—(Hon. Mr. Watson).

Bill (No. 69) An Act to incorporate the Fort Erie and Buffalo Bridge Company.—(Hon. Mr. Domville).

KOOTENAY AND ALBERTA RAILWAY COMPANY'S 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 P) an Act to incorporate the Kootenay and Alberta Railway Company.

Hon. Mr. BEIQUE moved the adoption of the report. He said: The amendment of the Bill is to substitute for clause 9, which contains two paragraphs, the standard clause adopted by the Senate. The clause which has been removed had the effect of creating power companies independently of the Railway Act.

The motion was agreed to.

CANADIAN NORTHERN QUEBEC 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 38) an Act respecting the Canadian Northern Quebec Railway Company.—Hon. Mr. Tessier.

Hon. Mr. BEIQUE moved that the report be adopted. He said: The amendment consists mainly in the addition of a new clause giving power to the company to build an additional branch line, and the other is for the purpose of increasing the bonding powers of the company.

Hon. Mr. DANDURAND.

Hon. Mr. LANDRY—Was the power to build that branch line asked for in the petition?

Hon. Mr. BEIQUE—Speaking subject to correction, I think so.

Hon. Mr. LANDRY—I should like to have more information.

Hon. Mr. BEIQUE—In the committee I put the question to the representative of the company, and he and the clerk of the House said it was covered by the notice; but I do not affirm it positively.

Hon. Mr. LANDRY—It seems very queer that a Bill is presented to this House with an amendment not called for in the petition in the first place.

Hon. Mr. POWER—The Commons often make mistakes.

Hon. Mr. WATSON—The branch line referred to is, I believe, already surveyed and is 6·8 miles in length. If it had been only six miles long the company would not have needed legislation to empower them to build it. The branch is simply a spur to a mill, so no injury can occur to any one.

The motion was agreed to.

GRAND TRUNK PACIFIC BRANCH LINES COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (S) An Act respecting the Grand Trunk Pacific Branch Lines Company.

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

Hon. Mr. YOUNG gave notice that he would move for a suspension of the rules so far as they relate to this Bill.

Hon. Mr. LANDRY—Rule 30 requires that in giving such notice the rule to be suspended must be specified and also the purpose of such suspension. That course should be followed whenever the House is asked to suspend a rule. We should be informed of the effect of the motion.

Hon. Mr. YOUNG—I followed our practice by quoting the rule, and asking that it be suspended in so far as it relates to this Bill. Rule 119 requires the posting of a Bill, and it is for the purpose of avoiding delay, owing to our report not having been adopted yesterday, that I gave this notice.

Hon. Mr. McKAY (Truro)—We have just passed the report of the Standing Orders Committee recommending the setting aside of the rule where the notice was not complete.

Hon. Mr. YOUNG—When the committee examined the documents in connection with this petition, they found that all the rules had been complied with excepting the publication of the notice in one newspaper at the head office. Through an error in the newspaper office of one of the papers in which the notice was published, it appeared once, but they omitted to continue the publication as it should have been done in the case of the other papers in the territory through which the branch lines are to be constructed. Had they continued the publication, the notice would have been complete. On noticing the error the railway company immediately gave instructions to continue the publication of the notices at the head office until the proper number were given. They have also given an undertaking that they will continue until the proper notices are given in accordance with our rules. So as to the point raised by my hon. friend, did not understand that the committee considered that one week's posting would enable these rules to be complied with, because they are short of the time some two weeks in this particular paper, therefore the days required for the posting would not admit of this being complete in their notices in the time suggested, so I rather think it was on the ground that the Bill is originating in the Senate and, long before it goes through the two Houses, the notices will have been complete.

Hon. Mr. McKAY (Truro)—One of the arguments used for setting the rule aside is that the notice has been posted for one week.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

COMMITTEE REPORT ADOPTED.

The order of the day being called :

Resuming the adjourned debate on the consideration of the amendment made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 6) an Act to amend the Railway Act.

Hon. Mr. ELLIS—When this measure came up for a second reading, I moved that the Bill be referred to a Committee of the Whole House. I did not favour its going to the Railway Committee, because I had what might, perhaps, be an error in my own mind, an impression that the feeling of the Railway Committee was against the Bill. I had heard discussions on previous occasions, and it seemed to me that there was an influence in the committee that would not permit the Bill to be treated with the closeness which I thought it deserved in view of the fact—the often referred to fact—that the other House had passed this measure on two or three, if not four, occasions. I am not sufficiently long out of what you might call public life to ignore the views of the popular branch of parliament, nor am I yet sufficiently separated from the active affairs of men to disregard the voice of public opinion. I suppose that in due time I shall reach that happy state, when memory will be very dull and when I shall think it makes no difference what anybody says; that I must not be influenced by any ideas, thoughts or feelings expressed by my fellow men on great public questions, but that I must take my own way uninfluenced by arguments of any kind. My life has been along lines which lead me to think that the popular voice is important. I have my own views on many public questions, but they often yield to the desire and opinion of my fellowmen as expressed in argument upon a matter, and when men are influenced so strongly by some design and desire, if that be not an irregular thing, I am prepared to listen, and perhaps to modify my own views respecting it. Therefore, feeling that the Railway Committee would not give this matter, because of its professional character, the consideration I thought it ought to have in view of what has transpired, I feel it necessary to ex-

plain why I take the ground I have assumed. Upon the merits of the measure, as it came from the House of Commons, I shall not dwell, for my hon. friend from Marshfield (Mr. Ferguson), has so ably and so effectively presented the arguments in its favour, has so fairly combatted the objections to it, that it is quite unnecessary to go over ground he has so well covered. His work is complete. His reasoning unanswerable. Honourable gentlemen will remember very well that this matter has been discussed several times in the House of Commons. The effect of the discussions which had taken place upon the public mind has been that that House has unanimously passed on two or three occasions the measure which is now before us. It has been adopted in view of the fact that public opinion became so strong that it was an absolute necessity for parliament to do something to prevent the slaughter of human life by railroads on the highways belonging to the people. After much consideration, examination and thought by the Commons, this measure was decided upon. The Bill was considered in the House, and by the Railway Committee of the House, at different times. It finally passed to a sub-committee, composed, as I think my hon. friend stated last night, of the Minister of Railways and the Hon. Mr. Lemieux, representing the government; of Mr. Aylesworth, who has since become a member of the government, and who does not appear to have changed his views, and other men eminent in parliament. There were four Liberals and three Conservatives, and they reported this Bill. That sub-committee heard every argument which could be advanced against the measure by the railway companies. Their representatives came with all the force and legal power they possess, with full knowledge of all the facts of the case, with every reason which could be presented why the proposed law should not be adopted, but notwithstanding the forcible way in which they presented their view of the question, the committee and the House did not accept their view but passed the Bill as we have it now. In the meantime, public opinion with regard to the necessity for such a measure is steadily increasing; the necessity for having some protection for the public is felt to be imperative. It is increasing all over the continent to such an extent that every where pressure is being brought to bear on managing boards and Railway Commissions and organizations of a similar kind to make such regulation as will protect the people. In this country, public opinion has also reached such a stage as to have a compelling influence upon the government. Not only has the House of Commons passed the Lancaster Bill, but the government, recognizing the effect of that Bill, recognizing the influence which the need for it exercises upon the public mind and the necessity of doing something, has brought in a money vote which is now before parliament of, I think, $200,000 a year for five years; to do what? To enforce the very idea in this Bill; that is to say, to protect the people at the crossings. When the measure came here first this year, an effort was made by hon. gentlemen to delay its progress until we knew the effect of the government Bill. The government Bill, I have held from the first, is merely an effort to lessen the burden which this Bill will naturally impose on the railways for the general welfare of the people. So we must recognize everywhere that the people of Canada, through their representative body, the government, are determined, if possible, to put into effect a measure which will reduce to some extent the evils of which we complain. I listened to what was said in the railway committee. I did not take much part, if any, in the discussion this year and last year. All that was urged against the measure, both by the railway people and those gentlemen in the committee opposed to it, was reducable to four grounds. First, that the House gave the Senate Bill of last year no consideration, and, therefore, there was no reason why the Senate committee or the Senate itself should give any real consideration to the House. There may be something in that. I might be influenced by the very same feeling if my idea were not that the public interest and the public needs were stronger than personal feeling against the other branch of parliament. I think it is our duty, notwithstanding that we are the Senate, to listen to the voice of the other branch of parliament, and when it shows a reasonable dis-

position to act in the interests of the people we should not oppose its decision simply because we imagine our measure has not been treated with sufficient consideration.

The second proposition or ground was that to enforce the measure would make the time of travel from east to west, as the case might be, longer; that we would then have the competition of the United States railway systems and great injury would result to the trade of this country. That was put forward with much force in this House and in the committee. Ever since I have been able to remember anything, I can remember that if there is anything that can scare the Canadian people it is something that the United States people may do. We live in the midst of alarms, and I think a great deal of the interest of life would be taken away from us if these alarms were not constantly before us. The feeling makes us alert, active and energetic and—imaginative, so we have yielded to it to such an extent that it had a considerable influence upon the committee. I remember many things: one is in regard to the Plimsoll Act. Everybody knows that England is the mistress of the seas, not only in war ships, but in the influence of her mercantile marine, and that influence became so powerful that it was almost impossible to get through the British parliament anything that the ship-owners objected to. Mr. Plimsoll, a man of humane ideas, thought that too many lives were being lost at sea because of overloading, and he may have had a suspicion in his own mind that some times vessels went to the bottom because there were interests that made it advisable for them to go there, and that would be helped by such overloading. He raised an agitation in England. A great many gentlemen who are interested in vessels will remember the Plimsoll mark. We do not see much of that now, because things have changed. But after much fighting in parliament, and much effort, Plimsoll succeeded in persuading the British parliament that there should be some inspection, regulation and control of the loading of ships, and that there should be protection to human lives on the seas. It was very hard for the British shipowners to submit to that, and it was claimed that British ships would be swept from the ocean and that they would not be able to compete with ships of other countries who were trying to wrest the mastery of the seas from England; but better counsel prevailed and the Bill was passed. The Plimsoll legislation put England in the front rank of humane nations, for she seemed to sacrifice her own interests for the good of humanity. I do not attach the slightest importance to claims which are made that if we make the railway guard every dangerous highway crossing we shall loose an hour or ten hours in crossing the continent. The United States system is harder on the railroads than our system in regard to matters of this kind. Whether they enforce the law or not, I do not know. But the municipalities control, to a very great extent, the railway crossings over the highways, and the state authorities have a control, so that there is nothing new or novel in the idea that there is such a control, and we should have just as much protection as regards the speed of our trains as the United States have. It is a mere question, perhaps, of enforcing the law.

The third objection was, that to carry this measure out would largely increase railway expenditure, I will briefly deal with that, because I have already referred to it in pointing out that the government intends to share a part of the necessary expenditure. No doubt, it would cost the railway something to put into effect such rules or regulations, or a system such as is contemplated by the Bill ; but, as I have already said, the government itself has come forward and given the railways a helping hand. How that will work out I do not know, but there is no doubt whatever a system will be devised by which, as rapidly as possible, not perhaps with the quickness of lightning, the worst of the dangerous crossings will be, by the government and by the municipalities and the railways themselves, reduced or eliminated. Of course it must always be remembered that the highways belong to the people. They were made before the railways, for the most part. They suit the convenience of the people who make them, and it is right and fair that the people themselves

should have some consideration with regard to them; therefore, although it may be hard upon the railways, it may involve some expenditure, still it is necessary it should be done, and they must assume the burden. But I think the railways themselves are sometimes needlessly alarmed. I remember once, when I was in the House of Commons, I was a member of a committee; the late Mr. Casey was also a member, and Mr. Ingram, who now holds a railway position in the province of Ontario, and there were six or seven of us, with power to examine witnesses and send for papers; the main idea was that ladders should be provided on the outside of cars to save the men on trains, because there were so many accidents happening to them. The railway people came armed with evidence and with all sorts of arguments and reasons why nothing should be done, or, at any rate, whatever should be done should be limited to the smallest possible work, because it would involve a considerable expense and cause a great deal of labour, and would not have the effect which we supposed it would have, and that was the constant argument. The result of that inquiry is to be found in section 264 of the Railway Act. I think we shall have to live our lives through fighting this kind of scarecrow and go on and do our work notwithstanding.

The fourth and last contention is, that if we pass this measure as it is to-day it will put the railways at the mercy of the common jury. I heard the argument repeated in such a variety of ways that it became nauseous. No doubt juries some times do wrong. Sometimes judges do wrong. I have known them to do what I thought was wrong. I do not think that, in a country like this, we can afford to discredit the jury. We have no other real safeguard for the people as against tyranny, so far as the exercise of law is concerned, than the jury, and I do not understand why it should be argued in parliament constantly, as it has been in this case, that it is better for the railway company to escape trial by jury, and escape all the safeguards that the jury gives to the people. We ought to stand up for the jury; we ought to admit that the jury is the right kind of tribunal to deal with such cases, and although occasionally juries may do wrong, they are not the only people who do wrong. I do not, therefore, think these considerations should affect us in the slightest degree. I do not think that all of them together would justify us in rejecting this measure, which, in the last analysis, simply means if the railways do not sufficiently protect their highway crossings they must reduce their speed on those crossings to ten miles an hour. The Chairman of our Railway Committee is of an astute mind and a man of legal knowledge no doubt. If you read his amendment and keep in mind the explanation he made in the House yesterday, you will find that he himself is not at all certain that what he proposes by his amendment will be carried out. At least that is what I gathered from him, and his constant use of the word 'may' in his speech led me to believe that although he thought what he said might come to pass, he would not stake his reputation that it would. However, I may be wrong with regard to that. I move that the amendment now before the House be not concurred in, but that Bill (No. 6), together with the amendments thereto, reported from the Standing Committee on Railways, Telegraphs and Harbours, be committed to a Committee of the Whole House with instructions to report the Bill as it came from the House of Commons.

Hon. Mr. CLORAN—What pleased me most in this debate is the final remarks of the hon. and venerable senator from St. John. I had already the same ideas in one or two respects regarding the subject and I have put them on paper. During the able and skilful exposition of the amendment of the hon. gentleman from De Salaberry, he laid down a principle which I think would not receive the sanction of the general public, and which I do not think parliament will endorse, and that is when he challenges the usefulness of the jury system. I may say that I was amazed at that statement, and more amazed that no objection was taken to it.

Hon. Mr. BEIQUE—I did not challenge the usefulness of the jury system at all.

Hon. Mr. CLORAN—I will quote his exact words from memory: 'By this amend-

ment the jury will have no right to say whether the crossing was proper or not.' That was his statement.

Hon. Mr. BEIQUE—If the hon. gentleman will allow me to repeat what I said: It was merely this—and I will leave it to the judgment of any hon. member who is most competent to prescribe how railway crossings shall be protected, whether it is the jury after the accident, or the railway board with the expert knowledge that they have.

Hon. Mr. FERGUSON—That point is not involved in the Bill.

Hon. Mr. CLORAN—In the way it is put, there is nothing objectionable; but I go further and affirm, that the jury should have a right to say, even after the board has directed the railway company to protect a certain crossing, that that crossing was or was not a proper one. The jury, in all these matters, is the final tribunal of appeal, and we should not put arbitrary powers in the hands of any board without appeal, and, after all, it is not the board that directs the construction of the crossing or who will be there to see if it is efficient. They will simply send an inspector, a foreman, who will examine the surroundings, examine the conditions of the place and on his report the board will direct what protection, if any, is to be made. Are we—and the hon. gentleman says so in his explanation although he does not say so in his Bill—to take out of the hands of the jury the right to condemn the crossing and to say to the board: 'We must have one of a different character.' That is the right of the jury, and when the hon. gentleman stated that one jury will say one thing to-day and another jury will say another thing to-morrow, that is human nature. As the hon. member from St. John has said: 'Judges differ'. Juries are no more erratic and unreliable in dealing with human affairs than are judges and leading counsel. What one judge decides to-day, is reversed to-morrow, and the decision which is reversed to-morrow will be restored by another tribunal, and if you proceed through three or four courts you will find each upsetting the judgments of the other. You cannot rely upon the opinion of the highest court. They are liable to be upset by the opinion of the Privy Council, which is the final tribunal, so that it is no argument to say that the jury will render a decision in a certain case to-day and to-morrow a different decision will be rendered. It may be true, but it is not a sufficient argument, to say to the public that twelve of their peers shall not have anything to say in regard to the maintenance or construction of a crossing. I do not think the people of the country want that, and the board itself would not want such arbitrary, autocratic and unalterable powers. They would have under this amendment the final and definite say in this matter. It will be sufficient for me to object to the proposed first amendment of the committee, as far as that point is concerned. As far as the Bill is concerned, it has passed through the crucial test of severe criticism and opposition, has been tested, as hon. gentlemen have well said by the opinion in another place—a Bill which stands unparalleled in regard to the support it has received, initiated by a private member, securing the endorsation of the unanimous vote of the lower House, the approval of the Prime Minister and all the ministers in the Cabinet. I think that is correct, although the right hon. leader of this House has not expressed his opinion yet. I do not say that the government endorsed this as a political measure, but as a measure calculated to promote the public welfare, one which has received the sanction of the House of Commons for the past four years. While the Bill aims at a desirable and salutary object, it also destroys an equally desirable one. When the Bill says in section 1:

Section 275 of the Railway Act, chapter 37 of the revised statutes, 1906, is hereby repealed.

I think that is a mistake, and that the section should remain without any change. If you repeal that clause, you remove the obligation of the railway companies to fence their roads; for instance, going into the city of Montreal from St. Henry, a distance of two or three miles, where the population on both sides of the tracks is dense. Although there are brick

walls all along there, the railway has to be fenced and the fences kept in proper repair under section 275. It seems inexplicable to me that the House of Commons, which has had this measure before them so often, did not observe that they were taking away from the public a safeguard, while trying to accomplish a good object. I would suggest, if this Bill is to be adopted, that the first two lines should read as follows:

Section 275 of the Railway Act, chapter 37, of the revised statutes of 1906, is hereby amended by adding the following:—

This section is absolutely necessary, and I do not think the railways are anxious to have it repealed. I would have a general order go forth from the board that all dangerous crossings be protected at once. If the suggested amendment were adopted, and special instructions were issued for the construction, maintenance and protection of the crossings, the board would not get through their work in five or ten years. The inspectors would have to visit these different points and make reports, which would have to be submitted to engineers; plans would have to be drawn, which they are doing now, and it would take a long time. I have heard statements by inspectors working under the board that the reports are not acted on for months in small matters regarding stations, and those stations remain in a condition not at all suitable to public convenience. It would be necessary, under this amendment, to appoint half a dozen men, and consider what an enormous expense it would be to send inspectors to every crossing, and the government would have to pay for it all. The amendment is not fair to the board, to overload them with work, and not fair to the public to deprive them for such a length of time of what they are asking. I use the words 'dangerous crossings.' How are we going to find out whether a crossing is dangerous? The railway company is not going to inform the board, and the board may learn it from letters which are sent to them making complaint; but we know how much care is taken of correspondence of that kind. Of course, the board would be the judge of the nature of the protection, and their order would be subject to the decision of the jury in case of accident. The board issues its general order. It should not be the duty of a private citizen or corporation to interview the board and urge upon them either by attorneys or otherwise to order the protection of a crossing. I suggest that every municipality through which the railway passes should have the power to indicate what crossing, in their jurisdiction, endangers the lives of their citizens by the crossing of the trains. We know that in a municipality there may be a dozen railways traversing it north, south, east and west. We know that there are many small villages of four or five hundred, or a thousand. At country crossings where there is no real danger it would not be fair, in the present state of our population and the difficulties under which our railways are running, to force them to put up crossings, especially where there are only two or three trains passing in a day—say one in the morning and one at night. A railway might be running through a village fairly well populated, four or five hundred inhabitants, and if the municipality declared it to be a dangerous crossing, then it would be the duty of the board, if they wished to verify the correctness of the complaint, to send an inspector and have a report. That will be a fair proposition to the public, and to the company. The municipalities would not be unreasonable, and they would not ask for protection at every crossing in their riding. I know I never would do it, and I have been mayor of a municipality with a population ranging from four to five thousand, and there are streets which the railroad crosses in that municipality. I would not ask the railway company to protect a crossing and have a man there day and night when, probably, only two trains would cross in a day. This matter is one requiring careful consideration, and justice must be done to both sides. There must be protection for the public, and the public should be the judges of the danger. The board should have the right to supervise the decisions of the municipal council; but once a municipal council, in the interest of the public, has decided that a crossing is dangerous to human life, it will be the duty of the board to notify the railway company to erect protective barriers at once.

There is another principle which it is hard to overcome—the question of speed. I know from personal experience and the experience of many others, that a train travelling at a low speed sometimes is more dangerous than a very fast train. Why? Because if you are driving on a country road, or walking across a track in the city and see a train approaching slowly, you are likely to take the chance of getting across ahead of the train. If that train were approaching at lightning speed, you would stand and look and not try to cross. In Montreal there are crossings which are protected by barriers, and guards are there with lamps at night; still they are the very crossings where many of our people are killed. I know we take chances of crossing when the barriers are down—we get under the barriers and cross in spite of the gateman. In large cities, level tracks should be done away with, especially where there is a tremendous amount of traffic. At Bonaventure depot, a hundred trains cross many of the streets every day, through a portion of the city densely populated. All the way up to St. Henry there are probably 50,000 inhabitants on each side of the track for a distance of two and a half miles. The crossings in such a place should be by subways or over-head viaduct, because people will not wait when the barriers are closed. At Mountain street, which is the only avenue of traffic leading from the river up to the mountain apart from McGill street, the traffic is enormous. The freight sheds are there, and trains sometimes stand on the track at the crossings for five or ten minutes and people on their way home after six o'clock are frequently obliged to stand there for perhaps a quarter of an hour awaiting an opportunity to cross the track? What is the result? Dozens of people have gone under the very cars while they stood there, not knowing when the signal would be given to start the train, and I have seen people get between the cars to cross the track. People will risk their lives simply because they know the trains are not travelling fast. They think they will not be run down, but sometimes they are. In other places, where the danger is not so great, common barriers would be sufficient. In small towns and villages, where people live in the vicinity of where they are occupied, they are not in such a hurry; they can afford to wait until a train passes, but when workingmen leave their shops and have to travel two or three miles to reach their homes they are always in a hurry. Once the municipalities indicate that a crossing is dangerous, that crossing should be protected by an order of the board. I have looked at this question from every point of view, and at the end of four years I should say we should take heed of public opinion that has been so unanimously and strongly expressed in another place. We should enact a law so clearly expressed that it would not need to be interpreted by the courts.

Hon. Mr. PERLEY—The lawyers would not like that.

Hon. Mr. CLORAN—I am a lawyer myself, but I want the public to get all the advantage they can from clear and distinct laws laid down in plain language, so that they can be understood by the people without interpretation by a court. We are the Supreme Court, and our duty here is to pass our laws in such a shape that they will be as clear as a mathematical problem. I have advocated the retention of section 275 of the Railway Act; that could be done by striking out one line in the present Bill. As to the merits of this Bill, I am not prepared to say that it is perfect, that there never can be an amendment to it, that with the experience of coming years we shall not be able to improve on it, but I am prepared to say that the amendment which is proposed to take its place is not sufficiently clear and distinct, and does not protect the public adequately. It limits the power of the board to special instructions in special cases, and that is a principle we should not lay down in the common law.

Hon. Mr. DANDURAND—I should like to draw the attention of the hon. member from St. John to what I believe to be the irregularity of his motion. He wants to give an instruction to the Committee of the Whole House. I would draw his attention to this passage in Bourinot, page 652:

> Considerable misapprehension appears to exist as to the meaning of an instruction. An instruction is given to a committee to confer on it that power which, without such instruction, it would not have.

So I believe the hon. gentleman does not need to give the instruction, besides the practice is not to make it mandatory. The expression used is that power is given where there is need for instruction. If he moves to send the Bill to a committee of the whole House, that committee will have full power to reject the amendment and deal with the Bill, and I suggest to him to withdraw that part of his motion.

Hon. Mr. LANDRY—Do I understand the hon. gentleman has raised a point of order?

Hon. Mr. DANDURAND—I have made a suggestion to the hon. gentleman.

Hon. Mr. LANDRY—That an order cannot be mandatory.

Hon. Mr. DANDURAND—That there is no need of instruction, because the committee of the whole has the power.

Hon. Mr. LANDRY—I remember two years ago, in 1907, when a Bill came here on the same lines as the one now under consideration, that I objected because an instruction was given to a committee, and my hon. friend declared my point was not well taken. I raised the same question that he is raising to-day, because it was an instruction to a committee that had the power to do the thing without instruction, and secondly because it was mandatory, and I was ruled out of order by my hon. friend himself.

Hon. Mr. DANDURAND—There must be something on record of what the hon. gentleman states. I should like to see the point he raised and the decision rendered.

Hon. Mr. LANDRY—I can get it; I have it in my room. I call his attention to the following, at page 547, in Bourinot:

> Instructions may be mandatory or permissive in the case of special committees. When given to joint or standing committees they should be in the form used in committee of the whole.

It goes on to say, and it is on that point my hon. friend ruled that my point of order was not well taken:

> No such restrictions applies to committees on private Bills nor to committees of the whole house in the Lords. Mandatory or imperative instructions can be given to such committees.

Hon. Mr. FERGUSON—This motion is in perfect accord with what we do very frequently in this House every session. We move that a Bill be not now read the third time, but that it be referred back to the committee for the purpose of adding something. That is an instruction. That is the simplest way of doing. The House commands the committee, and we can instruct them.

Hon. Mr. DANDURAND—But they have the power, and the committee does not need instructions.

Hon. Mr. FERGUSON—We want to give them an instruction so they can carry out the views of the House.

Hon. Mr. CLORAN—Would it not be well to have that understood before a vote is taken?

Hon. Mr. POWER—There is a general, well understood rule that you cannot give instructions to a committee to do what a committee has already the power to do without instructions. That is the point of order, as I understand it, and I think the point is well taken.

Hon. Mr. LANDRY—I may remark that the hon. member from Halifax was the one that took exception to that, and pointed out that we had the right and he proved it. I will get his little speech.

Hon. Mr. DANDURAND—I did not raise a point of order; I only made a suggestion to the hon. gentleman.

Hon. Mr. BOWELL—If this motion carries, will the committee have the power to make any change in the Bill as it came from the Commons?

Hon. Mr. DANDURAND—No.

Hon. Sir MACKENZIE BOWELL—Then it is mandatory. You declare that the amendments made by the Committee on Railways be not concurred in, but that the Bill be referred back to the committee—for what purpose? For the purpose of reporting the Bill as it came to the Senate. That is mandatory, and the result

would be that the committee would be obliged to report the Bill as it came to the Senate. If that is the wish of the hon. gentleman, he is quite correct in the position he has taken, but if it be his desire that the committee consider the Bill on its merits, then the motion should be that the report be not concurred in, but that it be referred back to a Committee of the Whole for the purpose of considering the Bill; then you would have a chance to discuss it if necessary, but if it is to go back simply for the purpose of reporting the Bill as it comes from the Commons, there is no use in discussing it.

Hon. Mr. LANDRY—It has this advantage, that in going to the committee it follows our procedure; it goes to the committee with instructions and it comes out of the committee as the instructions say it should come, without any amendment. When it comes before this House it has passed through the committee stage, and then on the third reading another amendment could be moved, and any member could move to recommit the Bill with another instruction.

Hon. Mr. DAVID—I think we are losing time. If the Bill should be sent back to the House of Commons with the amendment which the Senate has made, there would be an opportunity to consider it before the end of the session; but if you delay the Bill, it will not be in the public interest. We are told that we ought to listen to the popular voice. I am one of those who believe that public men should listen to the popular voice; but there is something above the popular voice, our conscience and our judgment. We are told that we must respect the House of Commons. No doubt we must, but we must also respect our own House. We are told that the House of Commons has passed this Bill two or three times. That makes no difference; the Bill has been submitted to this Chamber, and the majority here has judged it proper to amend the Bill, being convinced that it should be amended. We ought to have some respect for our own opinion and judgment. There is reason to believe that last year the House of Commons did not have time to consider the amendment adopted by the Senate. It was not considered as it should have been. Why not give them a chance to consider the amendment this year? If you follow a course which will have the effect of delaying the Bill here, the House of Commons may not have sufficient opportunity to consider the measure. I have reason to believe that if we send the Bill back to the House of Commons as amended, it will be taken into consideration this session. I cannot affirm, but I have good reason to believe that this year they will be inclined to think as we think ourselves, that the Bill as amended is more in the public interest then it was as it passed the House of Commons. I intended to compare the two Bills, but the hon. gentleman from De Salaberry has done that work so well that I shall not repeat what he said.

I am convinced that the Bill as amended is better, for the reasons given by the hon. member from De Salaberry. First, because the Lancaster Bill removes section 275 of the Railway Act, which I think we should keep on our statutes, because it gives more protection to the public, coupled with sections 237 and 238. The hon. member from Victoria has been obliged to admit that section 275 should be retained. Since the Lancaster Bill repeals that section, and the Bill as amended retains it, we should pass the Bill as amended. In the Lancaster Bill the language used is 'properly protected.' Who will decide that a crossing is properly protected? Juries? We have great respect for juries, but there are cases where I have more respect for and confidence in the judgment and decision of an expert than in the opinion of ten juries. It depends on the matter to be decided. One jury will decide that a crossing is not properly protected on account of a variety of circumstances. What would happen? Suppose the railway company acted on the verdict of that jury and adopted a certain kind of protection, and a few days later another jury gives a different decision, will the company be obliged, in either case, to change its system of protection in compliance with the decision of the jury? A system established by the Railway Commission, as the amendment calls for, instead of by juries who do not know much about such matters, will be a decision given by competent men, and the

system will be uniform. Without some such control we would have as many systems as there are juries. Now, on the question of speed, if you remove section 275, what becomes of subsection 2 which deals with that matter? There will be no more rules about speed of trains in thickly populated places. The least we can do, since even those who have spoken against the Bill as amended have been obliged to admit they have doubt, is to pass the Bill as amended. The hon. member from Victoria has spoken all the time as if he were full of doubts about the efficiency of the Lancaster Bill. If I were not confident, as I am, that the Bill as amended was better than the Lancaster Bill, but had doubts, I would stand by the decision of the Senate and send the amended Bill to the House of Commons. It is a question of honour, of the dignity we ought to show, and the respect we ought to have for our own judgment. Were we sincere last year in making our amendments to the Lancaster Bill? We thought we were acting in the public interest. Let us show that last year we knew what we were doing. The amendment was prepared by competent men, and we must respect ourselves, and respect those who prepared that amendment.

Hon. Mr. POWER—There is a question of order to be decided.

The SPEAKER—I do not understand there is any question of order before the House. It has been withdrawn.

Hon. Mr. POWER—I hope that this will not be taken as a precedent, because I think to give instructions to a committee to do what that committee already has ample power to do without instructions, is altogether irregular. I am not going to raise the question if the hon. gentleman from De Lorimier thinks it should not be raised, but I hope it will not be drawn into a precedent.

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

CONTENTS:

Honourable Messieurs

Baird,	Macdonald (P.E.I.),
Bolduc,	McKay (Huron),
Boucherville, de (C.M.G.),	McMillan,
	McSweeney,
Cloran,	Montplaisir,
Ellis,	Perley,
Ferguson,	Ross (Halifax),
Gillmor,	Wilson.—16.
Landry,	

NON-CONTENTS:

Honourable Messieurs

Beique,	Jaffray,
Beith,	Jones,
Bostock,	Legris,
Bowell (Sir Mackenzie),	Mitchell,
	Power,
Campbell,	Ratz,
Cartwright (Sir Richard),	Robertson,
	Ross (Moosejaw),
Dandurand,	Ross (Middlesex),
David,	Scott,
Dessaulles,	Shehyn,
DeVeber,	Tessier,
Edwards,	Thompson,
Fiset,	Watson,
Gibson,	Yeo,
Godbout,	Young.—30.

The motion was agreed to.

LORD STRATHCONA'S GIFT.

Hon. Mr. CHOQUETTE—Before the House adjourns, I should like to ask the right hon. leader of the House if he can give me a reply to my question about Lord Strathcona's letter, in which he says that the money he contributes shall be devoted entirely to schools maintained by public funds?

Hon. Sir RICHARD CARTWRIGHT—I consulted the Minister of Militia and that gentleman is of opinion that he will be able to deal with the point raised by my hon. friend by regulation, and that Lord Strathcona will be perfectly content with such regulations as the department may propose.

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

THE SENATE.

OTTAWA, Friday, April 2, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (HH) An Act respecting the Canadian Red Cross Society.—(Hon. Mr. Ross, Middlesex).

Bill (II) An Act respecting the Equity Fire Insurance Company.—(Hon. Mr. Ross, Middlesex).

Bill (JJ) An Act respecting the Mexican Transportation Company, Limited, and to change its name to the Mexican Northwestern Railway Company.—(Hon. Mr. Riley).

CANADIAN MEDICAL ASSOCIATION BILL.

THIRD READING POSTPONED.

Hon. Mr. ROBERTSON (in the absence of Hon. Mr. McMillan) moved the third reading of Bill (CC) An Act to incorporate the Canadian Medical Association.

Hon. Mr. WILSON—We ought to have some explanation from the parties promoting this Bill. I am afraid they are asking for very unreasonable powers. I do not know what view the Private Bills Committee may have taken of it, but it seems to interfere to a certain extent with the curriculum of the colleges, and the colleges ought to have an opportunity of knowing to what extent, if any, it affects them. I do not desire to prevent the passage of the Bill, but we should have some explanation, and I hope the hon. gentleman who has undertaken to move the third reading will tell us something about it, otherwise it should be allowed to stand over.

Hon. Mr. ROBERTSON—The Bill does not interfere with the curriculum of any college. I am only moving the third reading because the Hon. Mr. McMillan is absent. If any objection is taken to the third reading to-day, I am willing to let it stand.

The order was discharged, and the third reading was fixed for Tuesday next.

THIRD READINGS.

Bill (EE) An Act for the relief of Evelyn Martha Keller.—(Hon. Mr. Perley).

Bill (FF) An Act for the relief of Frank Parsons.—(Hon. Mr. Derbyshire).

Bill (No. 49) An Act respecting the Ottawa, Northern and Western Railway Company.—(Hon. Mr. Derbyshire).

Bill (No. 62) An Act to incorporate the Prince Albert and Hudson Bay Railway Company.—(Hon. Mr. Talbot).

Bill (P) An Act to incorporate the Kootenay and Alberta Railway Company.—(Hon. Mr. Bostock).

Bill (No. 50) An Act to incorporate La Compagnie du Chemin de fer Internationale de Rimouski.—(Hon. Mr. Fiset).

Bill (No. 59) An Act to incorporate the Victoria and Barkley Sound Railway Company.—(Hon. Mr. Riley).

Bill (No. 38) An Act respecting the Canadian Northern Quebec Railway Company.—(Hon. Mr. Tessier).

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. BEIQUE moved the third reading of Bill (No. 6) An Act to amend the Railway Act as amended.

Hon. Mr. WILSON—Before this motion is carried—and I have no doubt from the vote recorded yesterday it will be carried—I desire to offer a few reasons why I am opposed to the amendment brought in by the Railway Committee. I am not in any way opposed to safeguarding human life upon railway crossings. This important question has been before the public for a length of time, and has occupied the attention of the electorate as well as of parliament. A good deal of time has been spent and wisdom displayed in trying to devise a scheme whereby the destruction of human life upon railway crossings may be prevented. It has been said, and I think quite correctly, that it is very difficult to protect crossings so that more or less human life will not be lost at such places. A law has been on the statute-book for a number of years, the object of which is to protect human life from destruction by the railroads. If the railways would observe that law, many accidents would be avoided. But the companies have neglected the law, and they are responsible to a large extent for many of the accidents that have happened. Not only have they neglected to enforce the law respecting crossings, but in the construction of buildings and stations for their own use they have shown no regard for the public interest. Many such structures are so located as to prevent people who have to cross the tracks from seeing approaching trains. Not only is that the case, but in

many instances they have curves on the line where they could, by good engineering, be avoided. The railway companies more than anybody else are to blame for the slaughter of the people, and it is our duty to provide against it without changing the law materially, further than the Lancaster Bill would enable us to do. The desire of parliament, in the other Chamber, is to see that under the law the lives of the people may be properly protected, and when I voted against the amendments introduced by the hon. chairman of the committee I had that object in view. I felt it was necessary that some amendment should be made, but the difficulty which arose in my mind was, whether the amendments introduced by the hon. gentleman were such as we ought or ought not to accept; therefore I voted against them. Unless I am permitted to explain my position and give a reason for the vote in this matter, the people from one end of the country to the other will say that I was opposed to the proper protection of human life at railway crossings. I am in favour of every protection we can give at level crossings. The interest of the public is of more importance to me at least, than the interests of the railway, and, therefore, the people of the country should have the first consideration. True, the railways have done a great deal for us, and are as necessary almost as any other means of transport; but are they to be superior to the people who came here and hewed out homes for themselves in the wilderness when there were no railways and no roads of any description? They worked industriously and did everything they could to develop the interests of Canada, and are we to treat them now with indifference and to say that they have not an equal interest with the railways? I do not think that is the feeling of the Senate. I have no doubt the hon. member who moved the amendment to the Lancaster Bill desired that the railway crossings should be so protected as to prevent the destruction of human life. The Lancaster Bill has been before the country for three or four years. The electorate had an opportunity, by the election of members to the House of Commons, to say whether they approved of the Bill that was presented, and they have approved of it. After having gone before the electorate, the members of the Commons returned and unanimously passed the Bill as it had originally been enacted. Are we to say that the amendments made by the Senate committee are as valuable as the Bill as it came from the Commons? There the legal lights of the cabinet, including the Minister of Railways, examined this Bill and declared that it did protect level crossings. It was submitted also to the Minister of Justice, and I suppose my hon. friend, the chairman of the Railway Committee, would say his legal knowledge is equal to that of the members of this Chamber. The government of the day are held responsible for the legislation which is enacted, and they assume that responsibility by placing this law upon the statute-book. There may be members of the government who do not entertain the same views as their colleagues. We have not had an opportunity to know definitely, excepting by the vote, which way the member of the government here feels in reference to the amendments made to the Lancaster Bill. All the members in the House of Commons voted for the Bill. The majority in the Senate cast their vote against the Lancaster Bill, or in favour of the amendments introduced here. Which House is right? Are the members, who are responsible to the country, right or wrong? Either the government in the Commons must be right or wrong, or the member of the government here voting against the wishes of the members of the government in the Commons must have a reason for voting in the way he did. The ex-leader of the Senate voted for the amendment as introduced in the Senate by the hon. chairman of the Railway Committee. Let us make a careful review of the conditions of the Bill as introduced, and the amendment as offered by the hon. mover. Hon. gentlemen remember that certain questions were asked him when he was explaining the Bill, and the replies that he gave were not satisfactory; he could not explain definitely and clearly that the amendments introduced by him were those which were to be carried. We have had an opportunity of learning what the sentiments of the country are in reference to this Bill; but we have had no opportunity to know whether they

would approve of the amendments introduced by the chairman of the Railway Committee. The Bill, as introduced in the Commons, has gone to the country three times, and it was passed in the Commons this session without a dissenting voice. I am not going to enter into the various negotiations which took place between the members of the House of Commons, the government and the Minister of Railways. It is not necessary to do so. Hon. gentlemen know what conclusions they come to, and they are also aware that the people of the country have declared that the Bill is a proper one. So anxious are the government of the day that crossings shall be properly protected that they have introduced a resolution granting a million dollars to do away with dangerous level crossings. When I asked the question in reference to that, my hon. friend tried to convey the impression that the government might or might not do so. If that be the case, I ask hon. gentlemen whether this Bill ought to be passed and placed upon the statute-book until such time as the House of Commons shall have had an opportunity of deciding whether it should or should not become law? I appeal to the chairman, who was so anxious for the people to have an opportunity to express their views, to move that the order of the day be discharged and allow this amended Bill to stand for a month to ascertain what the feeling of the country is in regard to it.

As to the two hundred thousand dollars, they say it is left to the Railway Board to decide how that shall be expended. If that be proper, why not leave this Bill as amended to be interpreted by the Railway Board? If they say it will furnish all the protection required, then I shall withdraw my opposition to the Bill, but they are given no opportunity, though they met today, to express an opinion upon it. The Bill as introduced in the other House, in the opinion of the Minister of Justice, and no doubt of the Privy Council, gave necessary protection. The Railway Board have had an opportunity of expressing their views, and no doubt they approve also of Mr. Lancaster's Bill. Now what are the chief causes of the destruction of life at railway crossings? Not the high speed of trains. I live in a town which is thickly settled, and where trains run through at a high speed, but so careful are the railway companies to enforce the law that very few accidents have ever occurred there. The Michigan Central Railway has a double track running for about a mile through the thickly settled portion of St. Thomas, and its trains pass at the rate of forty or fifty miles an hour, and I have known but one accident to have occurred on those tracks. In that instance, the man was partially deaf, and his friends did not blame the company for his death. A double track is more dangerous than a single tack, because trains are passing both ways at the same time. Why then limit the speed of trains to ten miles an hour unless the tracks are properly guarded? Are we getting the protection that has been demanded? We certainly are not under this amended Bill. The question was asked a day or two ago whether the notice would be a blanket notice covering all crossings. To that we got no satisfactory answer. Let me call attention to the reply I received when I asked the mover of the resolution how the grant would be appropriated:

> Hon. Mr. WILSON—Are we not making provision by the appropriation of $200,000 annually to defray the cost? And the hon. gentleman says the railways are called upon. I contend it is the Dominion that is doing it.
>
> Hon. Mr. BEIQUE—The contribution which shall be made by the parliament of Canada will take place only when a state of things such as has been suggested will have been provided for occurs. No money will be paid under that Bill, if it passes, unless and until the Railway Board has decided and determined in what the protection shall consist, and has apportioned the cost of the protection between the municipalities, the railway companies and the government.

Admitting that this contention has weight, is it not a strong reason why this Bill should not be placed on the statute-book now? We should wait to see what share of this expense that is to be assumed will be borne by the government and what proportion by the municipalities. I asked again whether the government or the parliament of Canada are making provision to pay the cost of the proposed changes. My hon. friend, the deputy leader in this House, stated that the government is making provision in a Bill for a change of policy. The Minister of Railways says

they are going to bring in a Bill whereby they will insist upon better protection in the future than we have had in the past at railway crossings. But in the past the country has been to blame; it made no appropriation for the protection of railway crossings. The mover of the resolution says: 'that has been the policy to this day; I understand that the government suggest that the policy be departed from.' Where does the hon. gentleman find it is departed from, with the exception of what has been stated by the Minister of Railways? We do not know whether the suggestion made by the Minister of Railways will or will not be accepted by the House of Commons. If it does pass, is that not a reason why this Bill should be deferred until we know what the policy of the government may be. The hon. gentleman from Glengarry asked whether this was or was not a blanket resolution. Supposing the Railway Commission should pass a resolution, will it not have to be applied individually to every single crossing in the country? We know that such would be the interpretation of the law. The original Bill provides that:

> 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 the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto. The board may limit such speed in any case to any rate that it deems expedient.

That is the Lancaster Bill as introduced here, and it meets all the requirements for the protection of the public. Why not let the Bill stand until the Railway Board decides what course they are to pursue? No time need be lost, because they are meeting to-day and could promptly decide any question submitted to them. Judging from the reports submitted to us, I do not think there is more liability to accident in thickly settled parts of towns and villages than in rural settlements. From Windsor to Niagara Falls there are several railways running through thickly settled cities and towns as well as through rural sections, and the reports show that more accidents occur in the country than in the towns. That being so, the protection ought to be provided at all crossings; but we confine ourselves, according to the amendment, to protecting only the crossings in cities and towns, leaving the country crossings entirely unprotected. At some they have electric bells, but often they get out of repair and ring for hours. They are not much of a protection at any time, because the rattling of the railway trains drowns the sound. Using electric bells and fencing the railways are ineffectual to provide proper protection at crossings. Give us the Lancaster Bill and let us see that the law is enforced, and we shall find these level crossings better protected than they are at the present time. The public do not know anything about the amended Bill; they have had no opportunity to learn what it contains. Even in this House there is a wide divergence of opinion as to the effect of the amendment. That being so, should we not hesitate before proceeding further with the Bill? I appeal to the Senate to consider carefully what they are doing on this occasion. We should not be asked to endorse this amended Bill, when there is such an agitation from one end of the Dominion to the other on the subject of level crossings. I do not know what the policy of the government is, whether they want the level crossings as they exist protected, or whether they want to do away with level crossings altogether, as in the old country. I shall not divide the House, but I regret exceedingly that the hon. member cannot see his way to have the third reading postponed. He frequently can see his way to the postponement of measures from day to day and week to week, and I think he should in this case consent to a postponement until the people are given an opportunity to decide what they desire.

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

THE LIBRARY OF PARLIAMENT.

REPORT OF JOINT COMMITTEE ADOPTED.

Hon. Mr. POWER moved the adoption of the report of the Joint Committee of both Houses on the Library of Parliament. He

said: there is nothing in this report which calls for action on the part of the House. It simply states certain facts. The committee met for the first time on the 19th of March, and the report of the librarians was read and adopted. A petition from Mr. Todd, asking that he be made deputy librarian, was ordered to be sent to the government for its favourable consideration; and the Speakers of the Senate and the House of Commons were appointed a committee to consult with the Minister of Public Works in regard to the enlargement of the Library of Parliament I hope that the last recommendation may have some effect, because the library has now reached such a condition of congestion that it is highly discreditable to the Dominion. I trust that a sum will be placed in the estimates, if it has not been already placed there, to provide for the enlargement of the capacity of the library.

Speaking for myself, I do not think there is any necessity for a deputy librarian. There are now two joint librarians, with salaries of $5,000 each, and under those librarians there is a staff altogether of ten clerks. I see no necessity for a deputy librarian to carry on the work.

Hon. Sir MACKENZIE BOWELL—Are they all permanent clerks, or are some of them sessional?

Hon. Mr. POWER—They are all permanent. It seems to me that there is no necessity for more generals or colonels to officer so small an army.

Hon. Mr. FERGUSON—I presume what is meant by recommending Mr. Todd's request for favourable consideration of the government is that in the absence of Mr. Griffin, the librarian, there should be some person who would be authorized and responsible for the business of the library specially during the session of parliament. Mr. Griffin must take vacations, and even when he does not he cannot be always in the library, particularly when parliament is sitting, there are matters coming before the library staff upon which somebody would require to act with authority. I know Mr. Todd very well, and also other gentlemen who are in the library, all of whom are very capable. I presume the committee consider that it would not involve necessarily an increase of salary, or much at all events—I am sure it should not—but it would put some of the officials in a position of responsibility in the absence of the librarian.

Hon. Mr. POWER—I really cannot understand how the efficiency or the powers of Mr. Todd or Mr. Sylvain would be increased by a change of name from chief clerk to deputy librarian, as the senior chief clerk has charge in the absence of the librarian, and just as much charge as if he were called deputy librarian.

Hon. Sir MACKENZIE BOWELL—I fancy the object would be more to get a higher salary than anything else.

Hon. Mr. POWER—Either that, or to give the holder of the title a higher position in the table of precedence.

Hon. Mr. FERGUSON—I cannot see how the House can become enthusiastic over the report, since it is opposed by the hon. gentleman who is introducing it.

Hon. Mr. POWER—I am not opposing it.

The motion was agreed to.

SECOND READINGS.

Bill (No. 94) An Act respecting the Cedar Rapids Manufacturing and Power Company.—(Hon. Mr. Belcourt).

Bill (GG) An Act for the relief of Hannah Ella Tomkins.—(Hon. Mr. Mitchell).

The Senate adourned until three o'clock on Tuesday next

THE SENATE.

OTTAWA, Tuesday, April, 6, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MORNING SITTING.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friends opposite that, if they do not object, I will move to sus-

pend rule 24 (a), and also, for precaution's sake, that we have two sittings to-morrow, one at twelve and one at three.

The motion was agreed to.

BILLS INTRODUCED.

Bill (KK) An Act for the relief of Mildred Gwendolyn Platt Patterson.—(Hon. Mr. Jones).

Bill (LL) An Act for the relief of Charles Bowerbank Lowndes.—(Hon. Mr. Young).

Bill (MM) An Act for the relief of Isaac Moore.—(Hon. Mr. Campbell).

Bill (NN) An Act to confer on the Commissioner of Patents certain powers for the relief of Washington R. McCloy.—(Hon. Mr. McHugh).

CANADIAN MEDICAL ASSOCIATION BILL.

THIRD READING.

Hon. Mr. McMILLAN moved the third reading of Bill (CC) An Act to incorporate the Canadian Medical Association. He said: I understand that objection has been taken to this Bill because it is supposed to interfere with medical Acts in existence in the several provinces. I may say that it does not at all interfere with those Acts.

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

THIRD READINGS.

Bill (GG) An Act for the relief of Hannah Ella Tomkins.—(Hon. Mr. Mitchell).

Bill (No. 71) An Act respecting a patent of Thomas L. Smith.—(Hon. Mr. Watson).

Bill (No. 27) An Act to incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.—(Hon. Mr. Kirchhoffer).

Bill (L) An Act respecting certain letters patent of Franklin Montgomery Gray.—(Hon. Mr. Talbot).

Bill (F) An Act to incorporate the Governing Council of the Salvation Army in Canada.—(Hon. Mr. Ross, Middlesex).

SECOND READING.

Bill (No. 80) An Act respecting the Kootenay and Arrowhead Railway Company.—(Hon. Mr. Bostock).

Hon. Sir RICHARD CARTWRIGHT.

FRENCH COPY OF EXPERIMENTAL FARM REPORT.

Hon. Sir RICHARD CARTWRIGHT—I have the pleasure of laying on the table the report of the Minister of Agriculture on Experimental Farms, printed in French, being, I think, the first instance in which a French copy of this document has ever been laid on the table within four days of its publication in English, and I deeply regret to observe that my hon. friend from Stadacona is not present to take notice. I hope the fact will be brought to his attention.

Hon. Mr. DERBYSHIRE—I shall take care that the hon. gentleman is informed of it.

Hon. Mr. FERGUSON—There has been certainly a considerable amount of alacrity in presenting this French copy to the House four days after it was printed in English; but it is brought down late in the session, and somebody must have been tardy.

Hon. Sir RICHARD CARTWRIGHT—I think it only goes to the 1st of January—not to the ordinary period. However, my hon. friends cannot complain that the French edition is not down as quickly, nearly, as the English edition on this occasion.

The Senate adjourned till twelve o'clock to-morrow.

THE SENATE.

OTTAWA, Wednesday, April 7, 1909.

The SPEAKER took the Chair at Twelve o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (No. 75) An Act respecting the Canadian Northern Ontario Railway Company.—(Hon. Mr. Jones).

Bill (No. 78) An Act to incorporate the Superior, Western Ontario Railway Company.—(Hon. Mr. Young).

Bill (No. 81) An Act respecting the Manitoba and Northwestern Railway Company.—(Hon. Mr. Watson).

Bill (No. 84) An Act respecting the Athabaska Northern Railway Company.

Bill (No. 85) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Bostock).

Bill (No. 86) An Act respecting the Cobalt Range Railway Company.—(Hon. Mr. Belcourt).

Bill (No. 96) An Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Ross, Middlesex).

Bill (No. 102) An Act to incorporate the London and Northwestern Railway Company.—(Hon. Mr. McMullen).

SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 117) An Act for granting to His Majesty certain sums of money for the public service of the financial years, ending respectively the 31st March, 1909, and the 31st March, 1910.

The Bill was read a first time.

Hon. Sir RICHARD CARTWRIGHT—I move that rules 24 (f) and 24 (b) and 63 be suspended in so far as they effect this Bill.

Hon. Mr. FERGUSON—Is it proposed to take all the three readings at this sitting?

Hon. Sir RICHARD CARTWRIGHT—I think we might as well under the circumstances, but that is as my hon. friend pleases. If he has no objection we shall do that.

Hon. Mr. FERGUSON—Could we not take the second and third readings at the next sitting of the House? However, I have no objection, but I would like to look over the Bill for two or three minutes.

Hon. Sir RICHARD CARTWRIGHT—I will have great pleasure in handing it to my hon. friend.

The motion for suspending the rules was agreed to.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill.

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

Hon. Sir RICHARD CARTWRIGHT moved the third reading of the Bill. He said: A certain portion of this measure only grants supplies for three months, so that we shall have ample opportunity for discussing all the items if any of them appear specially to require discussion at our hands.

Hon. Mr. FERGUSON—What is the total amount we are voting?

Hon. Sir RICHARD CARTWRIGHT—We are voting $3,371,935 toward defraying charges and expenses of the public service from the 1st of April, 1908 to 31st of March of this year. They are supplementary estimates for the year just passed, and a sum of $45,772,253 for the service from the 1st of April in the present year to the 31st of March, 1910.

Hon. Mr. FERGUSON—The whole Bill only amounts to the paltry sum of fifty million dollars.

Hon. Sir RICHARD CARTWRIGHT—I think a little less, but this growing country is becoming—I am not sure it is a matter to be congratulated on—so indifferent to a quarter of a million, that my hon. friend's statement, I am afraid, will have to be taken as fifty million dollars.

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

EASTER ADJOURNMENT.

MOTION.

Hon. Sir RICHARD CARTWRIGHT—I beg to move in pursuance of the notice given, that when the Senate adjourns at its second sitting this afternoon, it stands adjourned till the 21st of April at three o'clock in the afternoon.

The motion was agreed to.

THIRD READINGS.

Bill (No. 79) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Watson).

Bill (S) An Act respecting the Grand Trunk Pacific Branch Lines.—(Hon. Mr. Watson).

Bill (No. 69) An Act to incorporate the Fort Erie and Buffalo Bridge Company.—(Hon. Mr. Domville).

Bill (No. 33) An Act respecting the Niagara-Welland Power Company.—(Hon. Mr. McMullen).

Bill (No. 41) An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.—(Hon. Mr. Wilson).

Bill (DD) An Act respecting the Manitoba Radial Railway Company.—(Hon. Mr. Watson).

Bill (No. 30) An Act respecting the subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway, as amended.—Hon. Mr. Watson).

Bill (I) An Act respecting the Quebec Oriental Railway Company.—(Hon. Mr. Tessier).

Bill (R) An Act respecting the Ottawa Fire Insurance Company, and to change its name to Ottawa Assurance Company.—(Hon. Mr. Belcourt).

PRINTING OF PARLIAMENT.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. POWER (in the absence of Hon. Mr. Ellis) moved the adoption of the second report of the Joint Committee on the Printing of Parliament. He said: There is no reason for postponing concurrence, because the report does not contemplate the printing of anything, so that there is no expense involved.

Hon. Mr. FERGUSON—I wish the hon. chairman, or some other member of the committee, were in his place to give an explanation. It is stated that the report does not authorize the printing of any document. I therefore conclude that there is no order yet made by the committee for the printing of the Railway Commissioners' report. I had not time to go over this report in detail, but as the general explanation is made, that there is no order for printing anything, therefore there could be no order for printing the report of the Railway Commissioners. My right hon. friend the leader of the House will remember that we had a good deal of discussion on this matter at an early day in the session, and that finally a typewritten report was laid on the table, which we know does not go into general circulation and is not what is necessary for such an important report as this. I have not heard of that report being distributed among the members in printed form, and it would seem as if it had not been referred to the Printing Committee and that no order has been made with regard to it.

The SPEAKER—This report has been standing for some time.

Hon. Mr. FERGUSON—It was submitted to the House on the 3rd April. That was a very few days ago, and apart from this report I was going to make an inquiry as to whether we would have the report of the Railway Commission in a printed form?

Hon. Mr. POWER—My impression is that the statute under which the commission is constituted provides for the publication of their report, and it would not, therefore, need any recommendation from the committee.

Hon. Mr. FERGUSON—That was my view when it was up in the House before. There is, as a matter of fact, what is called a blanket order that would cover all such reports as that, and the Printing Bureau would be authorized to proceed at once with the printing whenever they are furnished with the manuscript. When on the Printing Committee, I was aware of the existence of that order, and on one occasion quite a discussion took place on the floor of this House with regard to what we thought was an unauthorized publication by the then Minister of Justice; but it was explained that there was what was called a blanket order which covered all this.

Hon. Mr. SCOTT—There is one item in which my hon. friend takes a very deep interest not to be printed, that is the return to the House on the 10th February, 1909, showing since the constitution of the Railway Board in how many cases they have ordered protection of highway crossings by gates, &c., and other details.

Hon. Mr. FERGUSON—I saw that notice. That is only a mere matter of detail. What we want is the whole report of the commissioners in printed form.

Hon. Mr. ROSS—I was going to ask in regard to item 104 (a). The committee has made a recommendation with regard to the report of the International Waterways Commission, but the rider attached says it is not to be printed. That is a very important document. I have not seen a copy of it. I was in hopes it would find its way into print in some manner.

Hon. Mr. DANDURAND—It must be printed, because it comes here for sanction.

The motion was agreed to.

SECOND READINGS.

Bill (HH) An Act respecting the Canadian Red Cross Society.—(Hon. Mr. Ross, Middlesex).

Bill (II) An Act to incorporate the Equity Fire Insurance Company of Canada.—(Hon. Mr. Ross, Middlesex).

Bill (JJ) An Act respecting the Mexican Transportation Company, Limited, and to change its name to Mexican Northwestern Railway Company.—(Hon. Mr. Riley).

Bill (KK) An Act for the relief of Mildred Gwendolyn Platt Patterson.—(Hon. Mr. Jones).

Bill (LL) An Act for the relief of Charles Bowerbank Lowndes.—(Hon. Mr. Campbell).

Bill (MM) An Act for the relief of Isaac Moore.—(Hon. Mr. Campbell).

WASHINGTON R. McCLOY PATENT BILL.

SECOND READING.

Hon. Mr. McHUGH moved the second reading of Bill (NN) An Act to confer on the Commissioner of Patents certain powers for the relief of Washington R. McCloy.—(Hon. Mr. McHugh).

Hon. Mr. FERGUSON—Is there any contentious feature about this Bill?

Hon. Mr. McHUGH—No, there is no contentious feature. It is reviving a patent that has lapsed. It has only lapsed for a very short time. It is not a contentious Bill.

Hon. Mr. FERGUSON—The position seems to be that any one who petitions this House for the revival of a lapsed patent will get it as a matter of course.

Hon. Mr. DERBYSHIRE—Is it in the interests of the people that these requests be not complied with?

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

The Senate adjourned until three o'clock.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

THIRD READINGS.

Bill (KK) An Act for the relief of Mildred Gwendolyn Platt Patterson.—(Hon. Mr. Jones).

Bill (LL) An Act for the relief of Charles Bowerbank Lowndes.—(Hon. Mr. Campbell).

Bill (MM) An Act for the relief of Isaac Moore.—(Hon. Mr. Campbell).

BILL INTRODUCED.

Bill (OO) An Act for the relief of John Dennison Smith.—(Hon. Mr. Mitchell).

The Senate adjourned during pleasure.

BILLS ASSENTED TO

The Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada, acting Deputy of His Excellency the Gouvernor General, being seated at the foot of the Throne.

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: "It is His Honour's the Deputy of His Excellency the Governor General'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 Kootenay Central Railway Company.
An Act respecting the Grand Trunk Railway Company of Canada.
An Act respecting the Collingwood Southern Railway Company.
An Act respecting the Brandon Transfer Railway Company.
An Act to amend the Animal Contagious Diseases Act.
An Act to amend the Post Office Act.
An Act respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba, at Portage la Prairie.
An Act to incorporate the Salisbury and Albert Railway Company .
An Act respecting the Huron and Ontario Railway Company.
An Act respecting the Alberta Central Railway Company.
An Act respecting the Southern Central Pacific Railway Company.
An Act respecting the Toronto, Niagara and Western Railway Company.
An Act respecting the Hudson's Bay and Pacific Railway Company.
An Act respecting the Guelph and Goderich Railway Company.
An Act respecting the Walkerton and Lucknow Railway Company.
An Act respecting the Vancouver, Westminster and Yukon Railway Company.
An Act respecting the joint section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company at Fort William, Ontario.
An Act to incorporate the Canadian Western Railway Company.
An Act to amend the Government Railway Act.
An Act respecting the Edmonton and Slave Lake Railway Company.
An Act to amend the Railway Act.
An Act respecting the Bank of Vancouver.
An Act respecting the Crawford Bay and St. Mary's Railway Company and to change its name to 'The British Columbia and Manitoba Railway Company.'
An Act to amend the Dominion Lands Act.
An Act respecting the Winnipeg and Northwestern Railway Company.
An Act respecting the Burrard Westminster Boundary Railway and Navigation Company.
An Act to incorporate the Western Canadian Life Assurance Company.
An Act to incorporate the British Columbia Life Assurance Company.
An Act to incorporate the Canada National Fire Insurance Company.
An Act respecting the St. Mary's and Western Ontario Railway Company.
An Act respecting the Athabasca Railway Company.
An Act respecting the Alsek and Yukon Railway Company.
An Act respecting the Abitibi and Hudson Bay Railway Company.

The SPEAKER.

An Act respecting the Montreal Terminal Railway Company.
An Act respecting the Vancouver Fraser Valley and Southern Railway Company.
An Act respecting Mexican and Irrigation Company, Limited.
An Act respecting Brazilian Electro Steel and Smelting Company, Limited.
An Act respecting the Canadian Pacific Railway Company.

These bills having received the Royal Assent, The Senate was adjourned until Wednesday the 21st instant at 8 p.m.

THE SENATE.

OTTAWA, Wednesday, April 21, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SUSPENSION OF RULES.

Hon. Mr. BEIQUE—On behalf of the hon. gentleman from Ottawa, I beg to present a petition in connection with the incorporation of the Commerce Insurance Company, and therefore ask, the time for presenting petitions having expired, that the rules be suspended in so far as they relate to this petition.

Hon. Mr. LANDRY—I desire to know why this suspension is asked?

Hon. Mr. BEIQUE—Because the time for the presenting of petitions has expired. Bills may be presented until the end of the session, but as regards the presentation of petitions the time has not been extended, and, therefore, the petition cannot be presented without permission of the House.

Hon. Mr. LANDRY—I think there is another way to obtain what the hon. gentleman is asking for. That is, by a petition asking leave to present a petition. That is the correct way.

The SPEAKER—There is no doubt the procedure which the hon. gentleman from Stadacona mentions is the correct practice, but as we are at an advanced stage of the session, the question is whether the motion to suspend the rules would be permitted to go. If the other course were adopted,

and a petition were presented asking leave to present a petition, it would mean delay.

Hon. Mr. LANDRY—Another rule is that any suspension of the rules, in case of a private Bill, should be recommended by the committee ieself.

Hon. Mr. BEIQUE—I am asking to suspend the rule. I am acting on behalf of the hon. gentleman from Ottawa in this matter. I am not concerned at all with the Bill, and as the hon. gentleman has been ill for two or three weeks it may account for the necessity of asking the House to be lenient in regard to this matter.

Hon. Mr. LANDRY—I should not like to raise an objection to the procedure in this House, but I think we are setting our rules aside every day. We do not require any rules now.

Hon. Mr. BEIQUE—The hon. gentleman has the right to object.

Hon. Mr. POWER—I quite concur with the hon. gentleman. I think we had better let the rule be suspended; but the almost uniform practice up to last session was that a party who had failed to present a petition in time, presented a petition asking for leave to present a petition, and setting forth the reasons why the petition had not been presented in due time. I think that is the preferable practice.

The motion was agreed to.

BILLS INTRODUCED.

Bill (PP) An Act respecting the Royal Victoria Life Insurance Company.—(Hon. Mr. David).

Bill (QQ) An Act to provide for the incorporation of Railway Companies.—(Hon. Mr. Davis).

Bill (No. 90) An Act to create a Department of External Affairs.—(Hon. Sir Richard Cartwright).

THE SHALE FIELDS OF CANADA.

MOTION WITHDRAWN.

The notice of motion being called:

By the Hon. Mr. Domville:

That he will move for a Select Committee of five, to inquire into the oil shale fields of Canada, with power to employ a shorthand reporter.

Hon. Mr. DOMVILLE—When I gave notice of this motion there was no committee to which I could refer this subject, a very interesting subject to a good many, as it covers the very large oil shale fields of New Brunswick and Nova Scotia; but if the House will consent, instead of moving this motion now in its present shape, I would move that it be sent to the Select Committee on Mining Industries.

Hon. Mr. LANDRY—How does the hon. gentleman's motion read?

Hon. Mr. DOMVILLE—I suppose the better way is to ask that the order be discharged.

The motion was withdrawn.

THE DAM ON THE SCUGOG AT LINDSAY.

INQUIRY.

Hon. Mr. McHUGH inquired of the government:

1. Is there in the Department of Public Works a plan, survey, or tracing, made by John Ryan, P.L.S., of the dam on the River Scugog at Lindsay?

2. Does Mr. Ryan's plan, survey or tracing, both show and state the dam at Lindsay, as erected by the Board of Works of Canada, in the year 1843, to be a dam 246 feet in length and 7 feet in height?

3. Is the government aware that, for damages caused by flooding from a dam of the above dimensions, compensation was by order in council, dated the 2nd day of December, 1858, granted as follows, viz.:—

John Pyne, lot 12 in 4th con., tp. Ops.. $400
P. Hanavan, lot 10 in 4th con., tp. Ops. 200
M. Lenihan, s ½ 7 in 4th con., tp. Ops.. 200
Oliver Bourke, s ½ 7 in 4th con., tp. Ops. 200

And that to be paid in other lands.

On the 5th April, 1860, by order in council compensation was given to John Hogan, Patk. Hoey, Bryan Hoey, Thos. Pyne, M. O'Brien and Widow Miller—making ten persons that received compensation for damages to their land caused by this dam?

4. Did the Department of Public Works, by letter of the 5th June, 1847, permit the mill owners at Lindsay to raise the water one foot by use of a flashboard on top of the dam—stipulating in said letter that 'the department would not be responsible for damages caused to individuals owning property in the vicinity of the lake'?

5. Did Mr. Page, government engineer, investigate the complaints made to the department by the land owners as to the injury done to their lands by this additional penning back of the waters?

6. Is this engineer's report on file in the Department of Public Works? What are its

contents? Was it acted upon? If so, what action was taken? And if not acted upon, why not?

7. Is the government aware that in the year 1881 the Ontario government, who then had charge of these waters, removed this extra foot of planking from the top of the dam?

8. On the passing of the control of these waters back to the Dominion, did the Public Works Department, by leter dated 9th May, 1885, renew the permission to Sadler, Dundas & Co., to again replace the planking on top of the dam—subject to the conditions contained in the letter of 5th June, 1847?

9. Will the government give the names of the persons to whom compensation for this increased servitude by the additional penning back of the waters was paid as stated in the affirmative given to question No. 14 of my inquiry of the 31st March, such question and answer were as follows: Was any compensation ever paid any of these riparian land owners on account of damages to their lands by the shortening and raising of this dam? Answer—Yes; the lots on which it was paid and the amount so paid.

10. Will the government give the names of all persons other than the ten named in question No. 3 to whom compensation was paid for damages caused by the construction of the dam proper?

11. What will be the height of the structural work from the bed of the river to the crest of the proposed new dam?

12. Will this at any point be an increase over the crest of the old dam in its present form?

13. What will be the increase in height (if any) from the present lowest point of the old dam to the crest of the new dam—and for how many feet along the present existing crest of the old dam will the height be increased?

14. Will the government carefully take into their consideration the claims of the riparian land owners, many of whom purchased and paid for their land prior to the building of a dam on this river, with a view to adjusting claims where it is found serious injury has been done for which compensation has not heretofore been made?

Hon. Sir RICHARD CARTWRIGHT—The replies to the hon. gentleman's questions are as follows:

1. Yes, in the Department of Public Works.

2. Yes.

3. Orders in council, 3rd May, 1854; November 29, 1858; December 2, 1858; April 5, 1860.

4. Yes.

Mr. Page, on a report from J. W. Rainey, then superintendent of the Trent canal works, considered it distinctly objectionable that the mill owners should be allowed to keep the water so high as to damage persons and property on the shores of Lake and River Scugog, and recommended that the mill owners be informed 'that the department object to their having slashboards on the top of the dam or doing anything in any way whatever that would have a tendency to raise the water above the level originally intended.' The superintendent of the canal was notified by the Department of Railways and Canals in accordance with Mr. Page's report.

6. The engineer's report is on file in the Department of Railways and Canals. See No. 5 for balance of answer.

7. The department has no information.

8. Yes.

9 and 10. See orders in council as above.

11. It is not practicable to answer the question as framed, owing to the irregular bottom. The elevation of the crest is to be 46·6 over datum.

12. Yes; the old dam in its present form has settled to a greater or less extent, making an irregular crest.

13. The elevation of the crest of the proposed dam will be about seven inches along the lowest point in the existing crest. The proposed crest level will be higher than the present uneven one for a distance of 139 feet.

14. The intention is to so regulate the flow as to give no cause for any claims arising, and to this end, an inquiry is under way to determine beyond doubt the exact elevation the dam is entitled to be fixed at.

FRENCH TRANSLATION OF SENATE MANUAL.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to inquire from the proper authority if the translation in French of our Manual has been completed. The hon. leader of this House the other day called attention to the fact that he had presented the French translation of the report of the Department of Agriculture, and I think the hon. member from Brockville said he would bring that fact to my notice, but he has not yet done so.

Hon. Mr. DERBYSHIRE—I was waiting till the orders of the day were called.

Hon. Mr. LANDRY—That was a report printed this year. I hope that the Manual, which was printed in English two years ago, will soon appear in French, so that the French senators will have an oppor-

tunity of reading the rules and complying with them. I hope it will be given to us this session, and that proper orders will be issued to the officers to have it rushed through. We have waited two years for it, and I think it is not too harsh on my part to inquire if we shall soon be furnished with that document.

Hon. Sir RICHARD CARTWRIGHT—As I understand, the translation is completed, but there is some considerable difficulty, owing to the translator having altered the verbiage or the form of the words that were adopted in the statute.

Hon. Mr. LANDRY—I do not quite understand what the hon. gentleman understands or what he does not understand.

Hon. Sir RICHARD CARTWRIGHT—I think the translators have taken it upon themselves to alter the language of the constitutional Act.

Hon. Mr. LANDRY—We might replace the translators.

Hon. Sir RICHARD CARTWRIGHT—I think it is in the power of the House to correct it.

Hon. Mr. DANDURAND—I was just endeavouring to find out who the translators were, and I have ascertained that it was the hon. gentleman from Stadacona and myself.

Hon. Mr. LANDRY—I think the hon. leader of this House and his lieutenant are not up to date in the information they are giving us. We never translated the Constitutional Act. We translated the rules of this House, and they were printed in French, and we have that part; but, as I have already said, the Manual comprises three parts. It comprises the rules adopted by this House, of which we have a translation; it comprises, secondly, the manual of procedure, which is prepared by one of the officers of this House, which is not yet translated, and it comprises, thirdly, the Constitutional Act. But the Constitutional Act has already been translated. We have the revised statutes and there is no good reason given to explain the delay in furnishing us with that document. I suppose the hon. gentleman understands these explanations, and will see that we are placed in possession of that document before the end of the session.

Hon. Sir RICHARD CARTWRIGHT—I will endeavour to have it done.

RECIPROCAL TRADE RELATIONS WITH GERMANY.

Hon. Mr. LOUGHEED—Would the hon. leader of the House be good enough to say whether there is any truth in the reports which have been published from time to time as to the government having entered into negotiations looking to reciprocal trade relations with Germany? So often have these reports appeared in the press, apparently as coming from inspired sources, the impression is that there is considerable truth in the rumour that the government has entered into those negotiations. If so, it is certainly very desirable that parliament should be placed in possession of the facts before the information is given to the press.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend—and I think I mentioned it to him before—that there have been no formal negotiations between Canada and Germany. Any communications which have been had at all have been of a strictly informal and pour parlers character. There has been no negotiation in the proper sense of the term.

Hon. Mr. LOUGHEED—Would my hon. friend be at liberty to say to what extent those informal negotiations may lead to a treaty being negotiated between the two countries?

Hon. Sir RICHARD CARTWRIGHT—My hon. friend knows it has never been the custom, nor is it in all probability expedient or possible, to discuss conversations of an informal character. They bind nobody, and it would prevent any sort of approach being made if they were repeated publicly. I am sorry to say that I am not in a position to give any further information to the hon. gentleman.

Hon. Sir MACKENZIE BOWELL— It strikes me that the answer given by the hon. gentleman is the correct one under

ordinary circumstances. Could he inform the House whether these informal negotiations or conversations were with German state officials, or were they with some of the consuls or consuls-general? Because the answer to that question might be of great importance. If these informal communications had been between the members of this government and the government of Germany, there would be much more importance attaching to them than if they were with representatives of Germany who may be in this country or elsewhere.

Hon. Sir RICHARD CARTWRIGHT—They have not been with any authorized representative of the German office.

THE WATERWAYS TREATY.

Hon. Mr. LOUGHEED—Before the orders of the day are proceeded with, I might ask my right hon. friend if the government has arrived at any determination as to the rider which has been attached by the United States Senate to the Waterways Treaty? Considerable discussion has taken place in the press on the subject, and it is very desirable that parliament should be in possession of any determination at which the government has arrived.

Hon. Sir RICHARD CARTWRIGHT—I will be happy to state the determination of the government as soon as possible; but I am not in a position to speak on that subject just yet.

EVILS OF DIVORCE RESTRICTION BILL.

SECOND READING.

Hon. Mr. CLORAN moved the second reading of Bill (T) An Act to restrict the Evils of Divorce. He said: This Bill, to my mind, and to the minds of many here and elsewhere, is one which involves a problem of the gravest nature that can affect human or Christian conditions in civilized life. It reads as follows:

Whereas it is in the interest of society that the evils of divorce be restrained: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The offending and guilty party to a marriage contract shall have no right to remarry in the Dominion of Canada after the obtention of a Bill of divorce through the parliament of Canada, and if such party remarry he or she shall come under the provisions of the Criminal Code relating to bigamy; and further if such party remarry outside the jurisdiction of the parliament of Canada such remarriage shall be consiered, for all purposes, invalid and illegal; and such party remarried shall be considered a bigamist within the territory of Canada.

I should like this House to approach the question not from any party point of view—that is too small—or from any religious point of view—that is larger. I should like parliament to approach this question from a point of view that involves the welfare of the nation—from a national point of view, and that is about the largest standpoint we can get at. The Bill involves a question that attracts and has attracted the attention of the best minds and most deserving and conscientious men in all countries. However, the Bill does not propose to deal with the question of divorce in its entirety. If that were the case, from the religious point of view which I hold I should be unable to discuss it. The hon. senator from Montarville (Hon. Mr. DeBoucherville) the other day made the remark that the adoption of this Bill involved the sanction of divorce. If it did so, I, as a member of the Catholic Church, would not be able to discuss it; but I hold that the Bill does not involve the sanction of divorce, as my hon. friend will see if he studies the question. The Act is clear in its title and phraseology. It is simply to restrict divorce and not to sanction it. I know from personal observation, and by remarks passed by members of this body outside of the Chamber, that public opinion is in favour of the principle laid down in this Bill. Although many of them are not in favour of divorce, they believe in preventing the guilty party from propagating his evil methods of life elsewhere. We take every precaution to guard the honesty of commercial life, and if the member of any firm is guilty of crime in any shape or form the law punishes him, removes him from society and keeps him in the penitentiary for a term of years, separating him from his wife and family. That is the punishment for stealing a few paltry dollars; but our laws and the laws of nearly every nation reward the guilty party in a

divorce case by granting him anew the privileges which should belong alone to those who are virtuous and conscientious in discharging the duties of family life. That is a state of things against which the best minds and the most honest, conscientious Christians protest. Now, why should we be more lenient to the man who robs a woman of her honour and destroys the prospects of his family than to the man who simply steals a five or a ten-dollar bill or a loaf of bread? That is one of the arguments which appeal to the common sense and consciences of the people of this country. I have not met any one yet who has said that I am not right, even among those who lead fast lives. They admit that I am right, and that guilty divorcees should not have the privilege of breaking up families, especially by Act of parliament. I was told the other day by the hon. member from Brandon: 'If you do not accord to these divorced people the right to remarry, they will commit crime.' I will say to him let them commit their crimes, but not with the sanction of the law. And why should there be sympathy for the guilty party, whether male or female? We have no sympathy for the thief, for the murderer, or those who violate the commandments of the decalogue.

Hon. Mr. POIRIER—Is the hon. gentleman in favour of the party who is not guilty marrying again?

Hon. Mr. CLORAN—I cannot discuss that. I am not placing before parliament a proposition that the innocent party has the right to remarry, because I must keep myself within the bounds of the Roman Catholic doctrine. What I ask parliament to do is to prevent the man who ruins the prospects of his family from having the right to do the same thing over again under sanction of our laws. I have put it to many Senators, 'Would you take any man who has been divorced by this House as a member of your family? Would you give him one of your daughters?' and the answer, in every case, was an indignant 'no.' Why? Because we are conversant with the facts in every case. We know that the people against whom divorces are brought are unfit for social and christian life, and we would not admit them into our families. But, by our votes, we cast them on the surface of social life where they can grasp at innocent creatures who know nothing of their past, who know nothing of their immoral career and their brutality. We would not allow one of them to take the hand of one of our daughters or the heart of one of our sons, but by our vote we rehabilitate them in society, and it is the innocent who are liable to suffer. That is a condition of things to which we should put an end. Parliament takes great care to safeguard the health and lives of animals, but when it comes to human domestic life we lift the barriers and let immorality flow broadcast throughout the land. I am not alone in expressing these views. I hold here a number of documents; I will quote one or two of them to show that I am justified in the course I have taken with respect to this subject. I hold here the opinions expressed by nearly all the Protestant churches of the province of Quebec, a resolution adopted at a meeting of the Sherbrooke Ministerial Alliance held last month. The letter is addressed to the member for Sherbrooke. The resolution is as follows:

Whereas the Hon. Senator Cloran has introduced into the Senate of Canada a Bill to restrict the evils of divorce by providing that the guilty one of a divorced couple shall not remarry, therefore be it resolved that this association, representative largely of the Protestant churches of the counties of Sherbrooke, Stanstead, and Compton, do express our approval of said principle and trust that the parliament of Canada may so enact.

G. ELERY READ, president.
A. E. SANDERSON, secretary.

There is a statement of opinion from men who have at heart the interests of this country and the moral and social welfare of the people of Canada. I also have in my hand the statement of his Lordship the Bishop of Ottawa, one of the prominent lights of the Anglican church in the Dominion. In his letter he distinctly states that the Anglican church is dead against divorce, not only from the point of view that I am discussing, but against the principle of divorce. This was signed by His Lordship himself. He said:

The difficulties connected with an innocent party being permitted to marry again, while his or her partner lives, are most serious.

I am not discussing that point at all. He continues:

If the first marriage still exists for the one, how can it be dissolved for the other?

The Anglican church, as well as the Roman Catholic church, favours the absolute perpetuity of marriage. It is a perpetual contract which no man can put asunder. We do it by brute force, but not by conscience or just right. The law is there; it is as plain as A, B, C. I will give to this House in a few words the opinions of a statesman, a religious man who is held in highest esteem, not only on this continent but throughout the world, a man who seeks the advancement of human society in all its aspects, religious, political and national—I refer to Cardinal Gibbons, of Baltimore. He is a man who commands the universal respect of his own people, the admiration of people who do not know him, on account of the solid opinions and views he has expressed during the last 25 or 30 years in regard to public, national, religious and political matters. The other day he was asked what was the great problem the United States was confronted with at the present time. His answer was:

The root of the commonwealth is in the home of the people. The social and civil life springs from the domestic life of mankind. The official life of a nation is ordinarly the reflex of the moral sense of the people.

We are now confronting our moral Hell-Gate, which threatens our ship of state, and which it requirer more than the genius of a Newton to remove. We are confronted by at least three great evils—polygamy and divorce; imperfect and vicious systems of education; the tendency of women to become more like men and less womanly, and a lack of appreciation and reverence for the real treasures of life. When I speak of polygamy I do not mean that of Utah alone. I refer to the polygamy of divorce that exists in every state and strikes at the root of the family and society.

Any divorced man or woman who is married the second time while having a wife or husband living, but 'legally' separated by the decree of some court, is a polygamist. According to the United States official reports, in the twenty years between 1867-1886 there were 328,716 divorces in the United States.

In twenty years. Did it decrease? We will see. He proceeds:

In the same period between 1887-1906 there were 943,625 divorces granted, or nearly 50,000 a year! The United States has granted more divorces than all the European countries combined. This is certainly a most awful blot upon our fair name.

The unthinkable crime of bigamy is another blemish on our civilization. With uniform and adequate marriage laws the crime of bigamy, which is of frequent occurrence in our country, causing untold suffering and disgrace to innocent women and children in every state, would be next to impossible.

Both the terrible crimes of polygamy, made possible by divorce, and which exists in every one of the forty-six states, and bigamy should be abolished in this country. No other kind of legislation is so important as the enactment of laws that will prevent and make impossible these twin evils.

There is the declaration of a man whose opinions everybody respects; whose convictions might be shared by every one, and nobody can question the fact that his desire and wish was for the welfare of society. Here is a man who, by his status in society in general and in public life, is naturally in touch with everything that is noble as well as low in the development of the human race, and he tells his people, and, through his people, he tells the world that divorce is one of the great evils that underlie the conditions of domestic life to-day. I do not wish to press this matter very much further. I feel that time will ripen and open the minds of many of my colleagues in this House who have been opposed to this measure. I feel that with due consideration for the facts that surround human life, they will realize that the offending party to a marriage contract should not be entitled, by Act of parliament at least, to repeat the evil that he has been convicted of. I feel that this honourable House and parliament, when they have given the question full and mature consideration, will coincide with the views of the Ministerial Association, representing a large part of the Protestant churches of this country, and will coincide with the views presented by his Lordship the Anglican Bishop of Ottawa, and a man like Cardinal Gibbons, and need I say with the views of the Roman Catholic church, which is at one with a large section of their Protestant fellow citizens. I feel that, after fair and due consideration, they will come to that conclusion, and that they will not find it in their hearts to further

sanction a practice which will bring dishonour, disgrace and hardship into another family when they will not allow it to be done in their own homes. I feel that members of the Senate and the House of Commons would, knowing the details of each divorce case, refuse the hand of one of their children to a man or woman against whom a divorce was granted, and that they will not, by their vote, allow these people to go abroad and accomplish elsewhere what senators and members of parliament would not allow them to accomplish in our own homes. Under the circumstances, and in view of the fact that parliament has already during the present session passed a large number of these divorce cases, against some of which I protested, and not wishing to have on the statutes contradictory declarations during the same session, I ask the honourable House to allow me to withdraw the Bill, as it is now the fag end of the session, when, probably, it would be among the slaughtered innocents in the lower House, and when there would not be sufficient time to discuss it properly. I promise, however, that on the first day of next session, if God gives me strength and life, this Bill shall be introduced before any divorce Bills can be granted without this proviso being placed in them. Not saying whether I am for or against such bills, but that when the committee reports a divorce Bill they shall report that the guilty party in or out of Canada shall have no right to remarry.

Hon. Mr. ROSS (Halifax)—There is considerable force in the statement made by my hon. friend from Victoria division. We punish men for theft, we hang them for murder; what are we going to do with those who commit adultery? That part of the ten commandments is just as binding upon us as the other commandments. I am not going to discuss this question. I am not favourable to divorce, and I am very much against the tribunal of divorce which we have in this Chamber. I intend to discuss the question at some future day, but with all respect to my friends of the Presbyterian church in the province of Quebec, to the high authority of Cardinal Gibbons, whom we must all respect for the high position that he occupies, I think if those people would turn their attention closely to the 24th chapter of the Book of Deuteronomy, they would find there where divorce is sanctioned, and not only that, but that the man is allowed to marry again after divorce. What are you going to do with the innocent man or the innocent woman in either of those cases? Here is a man betrayed by a faithless wife, or a wife by a dishonourable or disgraceful husband. They are both pure and innocent, and what are you going to do with those people? Will you allow them to marry again? If you do not, then you are acting contrary to the scripture. If my hon. friend would turn to the chapter I have mentioned, as it is translated in his own church, he would find that after a man is divorced he can marry again.

Hon. Mr. CLORAN—What about the doctrine of Christ? Does Christ not count at all?

Hon. Mr. ROSS (Halifax)—Christ refers to the law of Moses granting a divorce.

Hon. Mr. CLORAN—He upset the law of Moses.

Hon. Mr. ROSS (Halifax)—I am not going to discuss the question of church, but I think if my hon. friend will look closely at that chapter he will find it is as I have stated.

Hon. Mr. CLORAN—That law was abrogated by Christ. The hon. gentleman ought to know that.

Hon. Mr. ROSS—I know what the law of Moses is, pretty well; at least I should know. All we old Presbyterians do. I may have an opportunity of again referring to this matter, and if so I will quote what Moses states in the chapter referred to.

Hon. Mr. CLORAN—We do not deny that, but that law was abrogated.

The Bill was withdrawn.

SECOND READING.

Bill (OO) An Act for the relief of John Denison Smith.—(Hon. Mr. Mitchell).

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

THE SENATE.

OTTAWA, Thursday April 22, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (OO) An Act for the relief of John Denison Smith.—(Hon. Mr. Mitchell).

SECOND READINGS.

Bill (No. 75) An Act respecting the Candian Northern Ontario Railway Company. —(Hon. Mr. Jones).

Bill (No. 78) An Act to incorporate the Superior and Western Ontario Railway Company.—(Hon. Mr. Young).

Bill (No. 81) An Act respecting the Manitoba and Northwestern Railway Company of Canada.—(Hon. Mr. Watson).

Bill (No. 85) An Act respecting the British Columbia Southern Railway Company. —(Hon. Mr. Bostock).

Bill (No. 86) An Act respecting the Cobalt Range Railway Company.—Hon. Mr. Belcourt).

Bill (No. 96) An Act respecting the Kettle River Valley Railway Company.—(Hon. Mr. Ross, Middlesex).

LONDON AND NORTHWESTERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. ROSS (Middlesex)—(In the absence of Mr. McMullen) moved the second reading of Bill (No. 102) An Act to incorporate the London and Northwestern Railway Company.

Hon. Mr. WILSON—This Bill should be explained. If there is such a thing as provincial rights, this Bill would come under that classification. It provides for the construction of a road from London to some point on the St. Clair river, and also from the city of London north, and the hon. gentleman who is making this motion should explain why it is that this measure is introduced in the federal parliament instead of the Ontario legislature at Toronto. The project is wholly within the province, and we find that in the other branch of parliament they are endeavouring to restrict legislation so as to have companies which should come under provisional jurisdiction chartered by the province, and where undertakings are for the general advantage of Canada they are to obtain their charters here.

Hon. Mr. ROSS (Middlesex)—I fear the question is one which it is difficult to answer. I moved the second reading of the Bill out of courtesy to the hon. member from Wellingtton, but I do not like to assume any responsibility for it. Perhaps if the hon. gentleman were here he could explain why the Bill is before this House and not before the provincial legislature. If we allow the Bill to take this stage today, the question could be raised before the Railway Committee, and by that time the hon. member from Wellington will be here.

Hon. Mr. CAMPBELL—The Bill passed the House of Commons.

Hon. Mr. ROSS (Middlesex)—The House of Commons sets itself up as an authority on provincial rights, yet that chamber has pased the Bill and declared this road to be a work for the general advantage of Canada. It would therefore seem to be within our jurisdiction.

Hon. Mr. WILSON—I do not think the statement of the hon. member can convince any of us that this Bill comes under the jurisdiction of the Dominion.

Hon. Mr. ROSS (Middlesex)—I did not try to convince anybody.

Hon. Mr. WILSON—The Bill provides—

> 8. The company may lay out construct and operate a railway of the gauge of four feet eight and one-half inches (a) from a point in or near the city of London, in the county of Middlesex, to a point in or near the town of Sarnia, in the county of Lambton, and (b) from a point in or near the said city of London to a point on Lake Huron, in the county of Huron, passing through or near the towns of Ailsa Craig and Parkhill, or either of them.

If the hon. gentleman can show me that such work comes under the jurisdiction of this House, I should like to hear the explanation. It is time that we either assume the full control of all railways in the

Dominion, or call a halt and let the provincial legislatures charter their own local companies. If the hon. gentleman is not prepared to show why this Bill should be passed here to-day, he should be given time to try and bring it within the jurisdiction of the Dominion. I do not apprehend that the road will be constructed. Any number of railways of this nature have been chartered, and very few of them have been built. Let this Bill rest for another year until it can be shown that it is within our jurisdiction.

Hon. Mr. POWER—I do not think the position is exactly as the hon. member from St. Thomas puts it. It is not a local road. It is a road which begins at the city of London, one branch running to Sarnia, and another to a port on Lake Huron. Naturally the traffic will not stop at Sarnia or at a port on Lake Huron. It must necessarily go beyond the province of Ontario. I notice that the last clause of the Bill provides for the making of arrangements between this company and the Grand Trunk Railway, the Canadian Pacific Railway, the Père Marquette, the Michigan Central Railway, and the Wabash, so that clearly it is not intended to be a purely local road, but a road which is to do business outside of the province of Ontario, and I think the balance of convenience is altogether in favour of having the incorporation take place here.

Hon. Mr. LANDRY—I suppose the money paid will be Canadian money and not provincial?

Hon. Mr. POWER—If money is paid on freight going west it will be Canadian; if on freight going east it will be United States money.

Hon. Mr. WILSON—Will the hon. gentleman explain where this road is to connect with the Père Marquette? The Père Marquette Railway runs about 16 miles south. The hon. gentleman is drawing very largely on his imagination.

Hon. Sir MACKENZIE BOWELL—It would be interesting to know how connection is to be made with the Michigan Central Railway. I do not know that there is any provision in the Bill for the establishing of a ferry across Lake Huron or the Detroit river. No one knows better than the hon. senator from Middlesex that this is a purely local road. That the traffic to be carried to these ports is not to remain there is quite possible. In all probability it will go by steamer to the United States or to some port in another part of Canada. Would the hon. gentleman from Middlesex explain the second clause, which provides that the work is for the general advantage of Canada? Upon what ground is it justifiable to put that clause in this Bill? If it is not a local road, then there is no necessity for this clause, and that is the best answer that can be given to the position taken by the hon. member from Halifax. If the hon. member from Middlesex can explain why this second clause appears in the Bill, there may be some reason for giving it the second reading. Otherwise we should hesitate before proceeding further with it. I am glad to see that the other House, from the premier down, is taking a decided stand against encroaching on the exclusive rights of the provinces.

We all know the fight we had a year or two ago in the committee, and also in this House, upon Bills that were introduced affecting hydro-electrical power development which certain private parties were endeavouring to procure through Dominion legislation. And we also remember the strong ground taken by the province of Quebec when the government of that province sent a legal gentleman from Montreal to the committee to protest against encroachments upon their rights, and they were also sustained by a gentleman from Ontario, and by telegrams from the western provinces as far as British Columbia, yet we are still pursuing a course which, I think the House will admit—and the country must admit, if we will only take trouble to consider—is diametrically opposed to the provisions of the constitutional Act, as the courts of law have already declared that the adopting of this second clause in local Bills is a mere subterfuge through which to secure by Dominion legislation powers the local governments will not grant. For that reason I think we should be very careful how we lend our aid and support to Bills of this kind.

Hon. Mr. ROSS (Middlesex)—I moved this resolution merely as a matter of courtesy to my hon. friend from Wellington, and, in view of what has been stated, with permission of the House, I will withdraw the motion and move that the order of the day be discharged and placed on the orders of the day for Wednesday next.

The motion was withdrawn.

CENTRAL RAILWAY BILL.

REFERRED TO COMMITTEE.

Hon. Mr. BEIQUE moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill Y) An Act respecting the Central Railway of Canada.

Hon. Mr. EDWARDS—With the permission of the House, I move that the amendments be not now concurred in, but that this Bill be referred back to the committee for further consideration. Since the measure was dealt with before the committee, matters of some importance have come up with regard to it which make it desirable that it should be referred back, and I hope there will be no objection to my motion.

Hon. Mr. LOUGHEED—Can the hon. gentleman say what his purpose is in having it referred back to the committee? I have had communications from some of the parties respecting this Bill. It would appear that they are relying upon these amendments being embodied in the Bill, particularly the amendment with reference to the payment of claims outstanding against the company. If the object of my hon. friend be to strike out that clause, or to prejudice the rights of the creditors, then it is very desirable they should be notified so that they could be present. I have no personal knowledge upon the subject except the communications which I have received.

Hon. Mr. EDWARDS—With regard to that matter, I am interested myself that the claims against this railway company shall be paid. The parties to whom these accounts are due, live in the district which I have the honour to represent for a long time in parliament, and are people in whom I am interested. I would not anticipate doing anything which would defeat in any way the claims of these creditors; but with regard to the parties who, I understand, are now taking up this enterprise, it is their desire that they should come before the committee and explain why the insertion of these amendments in the Bill would destroy, in a large measure, the prospect of their project going ahead. For that reason I should like to see it referred back. If the committee, after the explanation, desires that the amendment as made shall still remain in the Bill, then certainly the committee has the power to say so, and that disposes of the question. There is no further explanation that I can make. I have made the statement which has been given to me. Further than this, I do not know anything about it.

Hon. Mr. LANDRY—I think the question at this stage of the Bill would be are those amendments, the concurrence in which we are asked to adopt, covered by the notices given by the company.

Hon. Mr. BEIQUE—The amendments in question are amendments which were introduced not by the company but at the request of creditors for the protection of their own rights; so that the question of notice does not arise.

Hon. Mr. LANDRY—I do not know whether it arises or not.

Hon. Mr. BEIQUE—No, the question of notice does not arise.

Hon. Mr. LANDRY—Well I do not know about that. It is a debatable question.

Hon. Mr. BEIQUE—I will explain why the question of notice cannot arise. The company introduced a Bill for the purpose of obtaining an extension of time for the building of the work, and their notices were published in the usual way. When the Bill came before the committee, the creditors of the company appeared and claimed that they had certain rights, that a deposit had been made with the government, of $25,000, and that they had the right to be paid out of that deposit, and if the delay was granted, then it might delay the payment of their claims for five years and for the protection of those

creditors an amendment was introduced to this effect: that is, if the claims referred to in the clause were not discharged by the company within six months, that such claims would then be paid out of the deposit made with the government. The hon. gentleman will see that the question of notice cannot arise.

Hon. Mr. LANDRY—If I understand my hon. friend, the people who appeared before the committee came there just because the notice had been given desiring to protect their own rights.

Hon. Mr. POWER—I would like to do anything I could to oblige my hon. friend from Russell, but I really do not see what reasonable objection can be taken to this amendment, that if within six months from the passing of this Act the claims now existing against the company for engineering, board, labour and material supplied, have not been paid in full with interest and costs, such claims shall be paid out of the deposit made with the government. It seems to me that this deposit of $25,000 is intended to cover just such a case as this. The matter was fully considered in the committee, and it would be establishing a rather bad precedent to refer the Bill back for the purpose of having that clause reconsidered. This company propose to construct a railway which is to cost some millions of dollars, and if the mere fact that they may be obliged to part with something less than $25,000 is going to stop them, they cannot be very much in earnest.

Hon. Mr. EDWARDS—As I understand it, these gentlemen do not take that position at all, and do not wish to avoid the payment of any claim; but the position is this: They were not here, and they regarded the clause as being a blot upon the Bill which would affect the position of their finances, and they desire to come before the committee and make their explanation. There can be no harm in permitting them to do so. They cannot appear before parliament. The committee is the only place they can be heard, and they ask for that privilege.

Hon. Mr. OWENS—I understand the promoters of the Bill wish it referred back, not with the object of striking out the amendment, but they expect to be in a position to pay off these claims, and start with a clean sheet. That is the object; it is not to avoid the payment.

The amendment was adopted.

SENATE REFORM.

DEBATE RESUMED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Scott, that it be resolved:

1. That in the opinion of the Senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element, applying it approximately to two-thirds of the number of senators would bring the Senate more into harmony with the principles of popular government than the present system of appointing the entire body of senators by the Crown for life.

3. That the term for which a senator may be elected or appointed, be limited to seven years.

4. That the provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this Chamber. That the provinces of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the province of Prince Edward Island into two electoral districts for election to this Chamber; and that for the present, and until the four western provinces have been given increased representation in this Chamber, that Manitoba, Saskatchewan and Alberta be each one divided into three electoral districts, and that the province of British Columbia be divided into two electoral districts, all for the election of candidates for representation in the Senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience, local interests and county boundaries.

5. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing Senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence, local interests or other reasons.

6. That as vacancies arise in the representation of the said electoral districts the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

7. That in order to diminish the expenses attending elections over wide areas, and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of

election expenses. Provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising the franchise.

8. That the remaining eight senators in each of the provinces of Ontario and Quebec; the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining senator in each of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, who had not been allotted to any constituency, shall be classed as senators for the particular province at large, and as a vacancy arises in that class, it shall be filled by appointment, as at present by the Crown.

9. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the government, the principle laid down in sections 26 and 27 of the British North America Act shall apply; that is to say, the incoming administration may appoint an additional number of senators, not exceeding nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a resonable one, but not more than one of the senators to be appointed, shall be taken from any one province; and that no more arisen; thus reverting to the original number of senators allotted to the said province.

10. That the senators representing the several different provinces be requested to meet and suggest the best mode of dividing the province into Senate electoral districts and also the name of the senator who will represent each particular district.

11. That the House of Commons be asked to concur in the proposed changes in the constitution of the Senate.

12. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the Union, be so amended as to conform to the foregoing resolutions.

Hon. Mr. DAVID—I beg to move an amendment:

That all the words after the word 'That' in the first line be struck out to the end of said resolutions and the following words substituted in lieu thereof: 'in the event of a change in the present constitution of the Senate being deemed necessary and asked for; by, among others, all those provinces who were a party to its original constitution under the British North America Act, 1867, the most practical and satisfactory way of doing so, would be, as new seats would be created, or vacancies occurred, to have fit and qualified persons summoned for life to fill the same as now, under the said Act; but leaving the selection of one half of said persons to the provincial governments of the respective provinces entitled to said seats. The right of selecting such persons beginning always with the provincial governments and alternating thereafter.

He said: Having already spoken on this subject many times, and not desiring to repeat, my remarks will be very short. There is no doubt that the resolutions proposed by the hon. gentleman from Ottawa are worthy of consideration, and the hon. gentleman has supported those resolutions by a speech which does honour to his intellect and ability. His remarks contain valuable information and material for the consideration of public men who may desire later on to reorganize the Senate. I concur in the preamble of those resolutions. I think, with the hon. gentleman from Ottawa, that it is proper to discuss the question of the reorganization of the Senate, although the hon. member for Middlesex was right when he said that no modification of the organization or the constitution of the Senate could be made without the consent and approbation of all the provinces, and, he went so far as to say, on the initiative of the provinces. Nevertheless, I think the House of Commons and the Senate have to do with that question. A political agitation takes place in the country and although the agitation so far has not been very important, hon. members must not forget that little clouds arising in the sky are sufficient to induce a good sailor to take precautions to protect his vessel against the storm that may come. In the same way, little clouds arising in the political horizon should induce thoughtful public men to pay attention to them.

I think something should be done to give satisfaction to reasonable people. When I speak of people I do not allude to those who are unable to foresee the needs of the future. I do not allude to the hon. member in another place whose intellectual level seems to have been disturbed by the famous question of the level railway crossings. I do not allude to those who are always inclined to think that we must be satisfied with the present condition of things. But we must not forget that very good institutions have perished because reforms which were asked for were not made, or came too late, and I am with the hon. member from Ottawa in the opinion that if we do not act now, some day the agitation will become so powerful that it will not merely modify, but will sweep the Senate out of existence. I am alluding to those reasonable people who, although favouring the maintenance of the Senate, think also that

it should be more popular and more in touch with public opinion, and who think it necessary, in the interest of maintaining the Upper House, to remove certain grievances. The principal grievance expressed by those who have discussed the question is that when the government is Liberal the Senate is likely to become entirely Liberal, and when the government is Conservative to become entirely Conservative, as may happen before many years. It cannot be denied that this is a serious grievance, and an imperfection which lessens the usefulness and the stability of the Senate and that we ought to adopt some plan to remove that grievance. I must admit that the resolutions of the hon. gentleman from Ottawa would have that effect to a certain extent, but in some other respects, I humbly submit, they are defective because they are not in accord with the spirit of the constitution and the object which the fathers of confederation had in view when they established the Senate. What was that object? It was to give the Senate the permanency and independence required to control the legislation of the country, to protect the rights of minorities and provincial rights, and to act as a court of arbitration in cases of conflict between the federal government and the provinces, or between the provinces themselves. The Senate, if reorganized as proposed by the hon. member from Ottawa, would not have the independence necessary to fulfil its mission. It is proposed that the Governor in Council shall appoint one-third of the Senate for a term of seven years. A Senate so appointed cannot be independent of the government, for this reason: in the later years of their term, those who wish to be reappointed—and we know the weakness of humanity—will necessarily be induced to please the government that may appoint or drop them. The resolutions of the hon. gentleman propose that two-thirds of the Senate shall be elected by the people. Would senators so elected be independent of the electors? It is impossible to suppose that they would. Necessarily they would try to please those to whom they would have to appeal for reelection. They will do what people do generally—try to reconcile their principles with popular clamour. For these reasons, and others which I have not time to mention, I think the resolutions before the House should not be accepted as they appear. If the Senate were prepared to accept the amendment which I am about to submit, I would be disposed to vote for the resolutions so amended. If one-half of the senators were appointed by the Governor in Council for life, and the other half by the provincial governments, for life, it would give reasonable people all the satisfaction that is desired, because that system would give the federal government the protection which they require. They would have one-half of the senators upon whom they could rely in cases of emergency, and at the same time the provinces would have the protection which they require, and which the fathers of confederation had in view when they established the Senate. They would be also more in accordance with the views which have been expressed many times in this House, and resolutions adopted once or twice in the House of Commons. In 1874, the Hon. Mr. Mills moved the following resolution:

> That the present mode of constituting the Senate is inconsistent with the federal principle in our system of government; makes the Senate alike independent of the people and the Crown; is in other material respects defective; and that our constitution ought to be amended so as to confer upon each province the power of appointing its own senators, and to define the mode of their appointment.

This resolution was sustained by Mr. Mills in a powerful speech. It was carried by a vote of 77 to 74, and in the majority I find the names of the following gentlemen: Cartwright, Fournier, Gibson, Ross (Middlesex), McKay (Colchester), Landerkin, McKenzie (Lambton), McKenzie (Montreal), Paterson, Oliver, Moss, and about 60 others. So that you see I am in very good company, and have a right to say that the project which I am advocating is not new.

Hon. Mr. POIRIER—Did the motion call for the appointment of half the senators by the government and half by the provinces?

Hon. Mr. DAVID—No. The proposition was that all the members should be elected by the legislatures. That does not constitute a great difference, but I think it is preferable to have them appointed by

the provincial governments. Their appointment by the local governments would offer a better guarantee, because those governments are responsible to the people and to the legislatures. Since the hon. member has put a question, I may remind the House that in 1892 or 1893 he moved resolutions in that direction himself with a view of having senators appointed by the provincial legislatures, and he made a very good speech, as good as the speech he made the other day for another project.

Hon. Mr. POIRIER—The speech of the other day was not for another project; it simply went into details. The principle is the same, the appointment by the provinces or the legislatures. There is no change in the principle I advocated, except that the other day I took the liberty of giving the programme in extenso; the principle was the same; it was not a Senate appointed half by the provinces and half by the federal government.

Hon. Mr. BEIQUE—The hon. gentleman must have grown wiser since 1893.

Hon. Mr. DAVID—Perhaps the principle is the same, but the application is very different, and I think the plan of the hon. member is a little too complicated. If I were one of those called on to take part in the reorganization of the Senate, I would give a great deal of attention to the plan propounded by the hon. gentleman. If half the members of the Senate were appointed by the federal government, and the other half by the provincial government, you would have a system which would induce them to make the best possible choice. The provincial governments would have nobody to blame but themselves if they were not properly represented in the Senate and their rights were not protected as they would have them.

Hon. Mr. SCOTT—I quoted the resolution, and at the same time the speeches delivered on that occasion. Some, while supporting the proposition that there should be a change, declined to commit themselves to the mode of selection. Mr. McKenzie in particular was exceedingly careful in that direction. He said it would be for the government to consider what plan ought to be adopted. He thought some change should be made, but was not prepared to say what it should be.

Hon. Mr. DAVID—The hon. gentleman cannot deny that the resolution I have just read was adopted by the House of Commons at the time.

Hon. Mr. SCOTT—I explained before that the principle only was adopted, and not the mode of selection. They qualified their votes. They said we vote for the principle only.

Hon. Mr. DAVID—The resolution says: 'And that our constitution ought to be amended so as to confer upon each province the power of appointing its own senators.' They went a little further than the hon. member says, and consequently accepted the principle that the members of the Senate should be appointed by the provinces. It means that or it means nothing at all. Mr. Power, the father of our distinguished colleague, also voted for that resolution; I do not blame him. We are proud to say that we are building a nation which will be great in the future, and we should be very particular in our legislation to establish that nation on a strong foundation. The Senate should be the corner stone of that structure, and we ought to make it a national and social bulwark. The best way to accomplish that object is to put it under the care and protection of the provincial governments. That is the reason why those who are in favour of maintaining the Senate, who believe it is necessary and will in the future become more and more necessary, ought to vote for my amendment. I know there is a disposition in this House to avoid a vote being taken, but after having discussed this question so many times, we should express our opinions definitely. It is not necessary to vote for my amendment, or the resolutions of the hon. member from Ottawa. Other amendments may be proposed. If my amendment should be defeated, and an hon. member thinks proper to propose that one-half of the members of the Senate be appointed by the government and the other half elected by the people, I shall vote for that amendment. Should that amendment be defeated and another pro-

posed by which half the senators will be appointed by the government and the other half by the legislative assemblies, I shall vote for that amendment. If that amendment should be defeated and it were proposed that one-third of the senators should be appointed for life by the government, and two-thirds elected by the people, as the hon. gentleman proposes, I would be willing to accept that.

Hon. Mr. EDWARDS—I should like to have the debate adjourned for a week.

Some hon. GENTLEMEN—Go on.

Hon. Mr. EDWARDS—I am not prepared to proceed now, and I move that the debate be adjourned.

Hon. Mr. SCOTT—I do not see what objection there can be to granting the adjournment. I know there are some gentlemen who are not here to-day who wish to take part in the debate.

Hon. Mr. POWER—I should like to oblige the hon. gentleman from Rideau, but we discussed this subject at great length during the session of 1906, and at very great length last session, and really I think that the agitation with respect to the Senate is now confined almost to the Senate itself. It is desirable to get this notice off the paper. It has been there now for two months, and the impression created amongst people who happen to see our notice paper will be that the Senate is really doing nothing this session but discussing its own constitution. I do not think anything can be more unfortunate for the Senate. The hon. gentleman from Ottawa smiles at my suggestion. Something occurred to me which I shall not mention.

Hon. Mr. SCOTT—The hon. gentleman has not been reading the press. I have seen articles on the subject which would surprise him.

Hon. Mr. POWER—They cannot surprise me more than the fact that the hon. gentleman has brought this subject before the Senate. It was discussed at great length in 1906. The hon. gentleman was here then, but he never opened his mouth on the subject.

Hon. Mr. SCOTT—I was a member of the government at that time.

Hon. Mr. POWER—It was discussed at length last session, and the hon. gentleman not only did not speak on the subject, but he objected to the time of the Senate being wasted in discussing academic questions. Naturally I was surprised when I found the hon. gentleman was taking so much interest in the constitution of the Senate this session. With respect to the fact that the hon. member was a member of the government last session, I notice that the present leader of the government in this House made quite a vigorous and effective speech on the subject. He did not seem to think he as prevented from expressing his views from the fact that he was a member of the government.

Hon. Sir RICHARD CARTWRIGHT—I spoke for myself alone.

The motion was agreed to.

Hon. Mr. SCOTT—When is the debate to be resumed? I think it should be fixed for Wednesday next.

Hon. Mr. EDWARDS—My suggestion was that it should be adjourned for a week.

Hon. Sir MACKENZIE BOWELL—We are getting into an exceedingly irregular mode of conducting the business of the House. The motion was simply to adjourn the debate. That was carried. It is now suggested that it should be amended by adding something. I frankly admit something of the kind has been done in the past, but the sooner we put a stop to such irregularities the better. When the motion is declared carried, there is an end to it until the question comes up again. Let it go on the order paper in its regular place.

The SPEAKER—I put the motion twice that the debate be adjourned, and no one suggested that a time should be fixed for taking up the subject again.

Hon. Mr. POWER—The natural way is when the matter comes up to-morrow to postpone the debate to a later date.

BILLS INTRODUCED.

Bill (No. 82) An Act respecting the Monarch Fire Insurance Company.—(Hon Mr. Coffey).

Bill (No. 95) An Act to incorporate the Royal Guardians.—(Hon. Mr. Casgrain).

A CORRECTION IN THE JOURNALS.

Hon. Mr. LANDRY—Before the House adjourns, I wish to call attention to a petition presented yesterday of which no mention is made in the 'Journals.' Senator DeVeber moved the suspension of the rules and introduced a petition. If something happens in this House should it not be recorded? Who is going to correct the doings of this House? When a motion is passed should it not be entered in the 'Journals,' or is the clerk or his assistants authorized to make necessary corrections? That is the question.

Hon. Mr. POWER—I quite concur with the hon. gentleman.

The SPEAKER—I think we are all agreed about that, but I suppose, from the way the motion was made, at the last moment, by an hon. gentleman who obtained a suspension of the rules for the purpose, that it was not noticed, and that it was a mere slip. I quite agree that it would be advisable to understand exactly what has been done, whether it was regular or irregular.

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

THE SENATE.

OTTAWA, Friday, April 23, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (RR) An Act respecting the Brockville, Westport and Northwestern Railway Company.—(Hon. Mr. Derbyshire).

THIRD READINGS.

Bill (94) An Act respecting the Cedars Rapids Manufacturing and Power Company. —(Hon. Mr. Belcourt).

Bill (Z) An Act respecting the Bank of Winnipeg.—(Hon. Mr. Ross, Middlesex).

PRAIRIE PROVINCE TRUST COMPANY BILL.

AMENDMENT CONCURRED IN.

Hon. Mr. THOMPSON, from the Committee on Banking and Commerce, reported Bill (AA) An Act respecting the Prairie Province Trust Company, with amendments, and moved that the rules be suspended and that the amendments be now concurred in.

Hon. Mr. LANDRY—I do not want to make an objection to this motion, but according to rule 30, my hon. friend should state the object of the suspension of the rules. What rules are we to suspend? Here is a report made by a committee recommending a number of amendments, and we are asked to suspend rules in order that we may concur in those amendments. We do not know what they are or what their effect on the Bill will be. We have not had time to study them. I do not see why we are in such a hurry to adopt the amendments before knowing what they are. The hon. gentleman should give a little more explanation than merely reading the amendments at the table of the House. We have not the Bill in hand when the amendments are read. We do not know what the effect is.

Hon. Mr. THOMPSON—I have exactly the same explanation to make as was made in regard to another Bill reported by the hon. gentleman from Middlesex. This Bill originated in the Senate, and will be referred to the House of Commons. I do not think the amendments made in the Bill were of any great importance; at all events, they do not affect the principle of the Bill. They were technical in a large degree, and met with the general approval of the committee. It was thought better to improve the Bill by making them. I have no particular object in view other than the reasons which were accepted by the Senate in a similar motion on a previous Bill—that

the session was coming to a close, and as this Bill had to be referred to the House of Commons we could expedite the measure by concurring in the amendments and allowing it to go to the House of Commons. As far as I am personally concerned, if my hon. friend persists in his objection I will have to move that the amendments be taken into consideration on Tuesday next.

Hon. Mr. ROSS (Middlesex).—I am not in charge of the Bill. I was present on the committee when the Bill was discussed. The amendments were made, speaking from memory, in the first place that two provisional directors were added in clause 1. Speaking again from memory, the amount of money to be paid before the company could commence business, was increased from two hundred thousand to four hundred thousand dollars, and that was agreed to by the representative of the government, the inspector of insurance, who was present, The final amendment was that this Bill should expire unless within two years they commenced actual operations. That was a clause added to the Bill. The amendments were purely formal, strengthening the Bill considerably as compared with the original clauses, and they were accepted by the committee without any protest whatever. Of course we must expedite the passing of our Bills, or we shall be blocked elsewhere. I am speaking in the interests of the Bill purely as a member of the Senate.

The motion was agreed to.

Hon. Mr. THOMPSON moved concurrence in the amendments.

The motion was agreed to.

GREAT WEST PERMANENT LOAN COMPANY'S BILL.

THIRD READING.

Hon. Mr. THOMPSON, from the Committee on Banking and Commerce, reported Bill (No. 40) An Act to incorporate the Great West Permanent Loan Company, with amendments.

Hon. Mr. BEIQUE moved the suspension of the rules so far as they relate to the Bill. He said: This Bill was reported to the House by the Committee on Banking and Commerce some two weeks ago. I drew attention to the fact that the Bill should be amended in some respects, and the promoter of the Bill consented to having it reconsidered by the Committee on Banking and Commerce. Now, the promoters of the Bill have been here for several days. They are anxious to see the Bill through as soon as possible as they may be required in connection with these amendments when they go before the House of Commons. It is only fair to suspend the rule and let the Bill go through. I can explain the amendments to the House if necessary.

Hon. Mr. LANDRY—Are the amendments in accordance with the suggestion made by the hon. gentleman the other day when he spoke on the subject of this Bill?

Hon. Mr. BEIQUE—Yes.

The motion was agreed to.

The Bill was then read the third time and passed.

EQUITY FIRE INSURANCE COMPANY OF CANADA BILL.

THIRD READING.

Hon. Mr. THOMPSON, from the Committee on Banking and Commerce, reported Bill (II) An Act to incorporate the Equity Fire Insurance Company of Canada, with amendments.

Hon. Mr. ROSS (Middlesex) moved that the rules be suspended so far as they relate to this Bill. He said: This Bill was carefully considered by the Finance Department, and the few amendments that were made—very insignificant themselves really—were made with the approval of the inspector of insurance, except the amendment to clause 6, which seemed to be somewhat inconsistent with the jurisdiction of the province in such matters. The clause was amended to leave the adjustment of the matter to the province. It was proposed to transfer the company's property to the new company to be formed. It was held that the Dominion had no power to make a transfer of property; that was a provincial right, and the Bill was adjusted to that

view of the situation. Then the schedule which related to clause 6 was struck out.

The motion was agreed to.

The Bill was then read the third time and passed.

BILLS INTRODUCED.

Bill (SS) An Act respecting the Quebec and New Brunswick Railway Company.—(Hon. Mr. Costigan).

Bill (TT) An Act respecting the Montreal Bridge and Terminal Company.—(Hon. Mr. Choquette).

Bill (UU) An Act respecting the Prudential Life Insurance Company of Canada.—(Hon. Mr. Derbyshire).

CANADIAN RED CROSS SOCIETY BILL.

THIRD READING.

Hon. Mr. McHUGH, from the Committee on Miscellaneous Private Bills, reported Bill (HH) An Act to incorporate the Canadian Red Cross Society, with amendments, and moved that the rules be suspended so far as they relate to the Bill.

The motion was agreed to.

Hon. Mr. ROSS (Middlesex) moved that the amendments be now concurred in. He said: Although there are several amendments, they are not by any means important. For instance, in clause 1, a number of gentlemen who are promoters of this Bill are wrongly designated. Some are called lieutenant-colonels, who are really colonels, so we dropped the lieutenant in that case. Lady Tilley is designated Alice Tilley, and the Bill is amended to properly describe her title. The society was allowed to hold as much property as it might consider advisable; that was corrected by limiting the amount of property that the society might hold, which is the usual clause in Bills of this character. Then the Bill was supposed to be within the jurisdiction of the Dominion of Canada, but the law clerk thought the word 'Dominion' was incorrect, so we substituted 'the parliament of Canada.' Then the society might be supposed to suffer injury by the unlawful use of the society's title, and the offence was described in the Bill as a misdemeanour. There is no such offence under the Criminal Code, and we are changing it to indictable offence. Then at the end there is a penalty attached for any delinquency on the part of the society in not sending its reports to the minister. These amendments are purely formal.

The motion was agreed to.

The Bill was then read the third time and passed.

COMMITTEE ON MINERAL RESOURCES OF CANADA.

MOTION.

Hon. Mr. DOMVILLE moved:

That the evidence given before the Select Committee on the Mineral Resources of Canada be printed from time to time for the use of senators.

The motion was agreed to.

ROYAL VICTORIA LIFE INSURANCE COMPANY BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading (Bill PP) an Act respecting the Royal Victoria Life Insurance Company, and to change its name to Royal Life Insurance Company of Canada.—(Hon. Mr. David.)

Hon. Mr. McSWEENEY—I have been asked to object to this Bill on the ground that it has not been printed either in English or French, and there is another objection to it——

The SPEAKER—The first objection is sufficient.

Hon. Mr. POWER—I move that the order of the day be discharged, and that it be placed on the orders of the day for Tuesday next.

Hon. Sir MACKENZIE BOWELL—Before the motion is put, I should like to inquire if this is a second Bill in reference to changing the name of the Royal Victoria Life Insurance Company to the Royal Life Company of Canada? The Banking and Commerce Committee considered a Bill in connection with this company this morning somewhat of a similar character. I do not know how this order appears upon to-day's paper. I am under the impression that that

was considered this morning and a report was made.

Hon. Mr. SCOTT—Oh, no; it is another Bill altogether.

Hon. Sir MACKENZIE BOWELL—In connection with the same company?

Hon. Mr. SCOTT—There were two Bills this morning, but this was not one of them.

Hon. Sir MACKENZIE BOWELL—Then the same objection will be raised to this as to the other?

The motion was agreed to.

SENATE REFORM.

RESOLUTION POSTPONED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Scott, that it be resolved—

1. That in the opinion of the senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element, applying it approximately to two-thirds of the number of senators would bring the senate more into harmony with the principles of popular government than the present system of appointing the entire body of senators by the Crown for life.

3. That the term for which a senator may be elected or appointed, be limited to seven years.

4. That the provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this Chamber. That the provinces of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the province of Prince Edward Island into two electoral districts for election to this Chamber; and that for the present, and until the four western provinces have been given increased representation in this Chamber, that Manitoba ,Saskatchewan and Alberta be each one divided into three electoral districts, and that the province of British Columbia be divided into two electoral districts, all for the election of candidates for representation in the senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience, local interests and county boundaries.

5. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence, local interests or other reasons.

6. That as vacancies hereafter arise in the representation of the said electoral districts, the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

7. That in order to diminish the expenses attending elections over wide areas, and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of election expenses. Provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising the franchise.

8. That the remaining eight senators in each of the provinces of Ontario and Quebec; the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining senator in each of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, who had not been allotted to any constituency, shall be classed as senators for the particular province at large, and as a vacancy arises in that class, it shall be filled by appointment, as at present, by the Crown.

9. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the government, the principle laid down in sections 26 and 27 of the British North America Act shall apply; that is to say, the incoming administration may appoint an additional number of senators, not exceeding nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a reasonable one, but not more than one of the senators to be appointed, shall be taken from any one province; and that no more arisen; thus reverting to the original number of senators allotted to the said province.

10. That the senators representing the several different provinces be requested to meet and suggest the best mode of dividing the province into senate electoral districts, and also the name of the senator who will represent each particular district.

11. That the House of Commons be asked to concur in the proposed changes in the constitution of the Senate.

12. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the Union, be so amended as to conform to the foregoing resolutions.—(Hon. Mr. Edwards.)

Hon. Mr. McKEEN—I move that this order of the day be discharged, and that it be placed on the orders of the day for Wednesday next.

Hon. Sir MACKENZIE BOWELL—I should like to say, in connection with this motion, that I hope this is the last of it, and that it will not be delayed any longer. I, for one, am fully in accord with the hon. gentleman sitting on the left of the hon. ex-Secretary of State, that this motion has

been standing upon the Order Paper altogether too long, and that it should be disposed of. I would respectfully suggest to the hon. member that after the debate, whatever it may be, on Tuesday next, he should withdraw this resolution or permit it to be dropped. Otherwise, some hon. member will have to test the question of the propriety of passing a resolution of this kind. When the matter comes up on Wednesday next, I shall not hesitate to give my opinion on the whole proceedings in connection with resolutions of this character—at least this is my present intention.

Hon. Mr. SCOTT—I suggested Wednesday because I thought the debate perhaps might continue until Thursday. I can give no undertaking, however. It should be disposed of on Wednesday and Thursday.

The motion was agreed to.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, April 27, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADIAN PATRIOTIC FUND ASSOCIATION BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (BB) An Act to amend chapter 96 of 7-8 Edward VII., respecting the Canadian Patriotic Fund Association.

The Bill was read a first time.

Hon. Mr. SCOTT moved that the Bill be read a second time on Thursday next.

He said: This Bill has been treated in the past as a public Bill. Last session we made some changes in it, and it passed the various readings and went to the House of Commons. The difficulty, as was explained last year—and it has not altogether been overcome—is that this fund is administered by gentlemen who were very hard to get together. His Excellency the Governor General is the head of the association, and the lieutenant governors of the several provinces are the directors of the board. It has been found impossible to get them together, and applications have to be considered from time to time with regard to the widows and orphans of those who were killed in South Africa, and the full board decided that it was better to name a body of directors who would be at hand near the seat of government in order that, when an emergency case arose, a meeting could be promptly held, and they are known as 'the executive committee.' The board consists of Sir Frederick Borden, Sir William Mulock, Sir John Carling, Hon. Mr. Foster, Hon. Sir Louis Davies, Hon. Justice Girouard, Sir Sandford Fleming, Hon. George A. Cox, and others.

The motion was agreed to.

BILL INTRODUCED.

Bill (WW) An Act to incorporate the St. Maurice and Eastern Railway Company.—(Hon. Mr. Tessier).

THIRD READING.

Bill (AA) An Act to incorporate the Prairie Provinces Trust Company.—(Hon. Mr. Chevrier).

DEPARTMENT OF EXTERNAL AFFAIRS BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 90) An Act to create a Department of External Affairs. He said: The object of this Bill, as hon. gentlemen will perceive on reading it, is to assign to a branch of the office now presided over by the Secretary of State the duty of collaborating and keeping note of all communications which the Canadian government may require to have officially with foreign governments. At the present moment, or till lately, these have been conducted with the department to which the particular subject in hand seemed more especially to belong, and the result has been that at times there has been considerable confusion, and a good deal of delay, in dealing with the questions which were

taken up. Under the circumstances, the government have thought it would conduce to the speedy dispatch of business if a branch of the Secretary of State's office were especially charged with the filing and recording and dealing with despatches from all foreign governments, and keeping a much more perfect record than has been hitherto kept. I need not say to my hon. friends that Canada is now growing so fast and extending itself in so many directions, and is assuming, I may say, a semi-independent position with respect to our connection wth foreign powers, that it is desirable we should have a more perfect record of all communications passing by and between the government of Canada and all other countries, although, as a matter of course, they will still come under the purview and supervision of the home government. For these reasons, the government propose, as declared in this Bill, to create what is called a Department of External Affairs, which shall be a branch of the Secretary of State's Department, and over which the Secretary of State shall preside. There is no considerable expense attendant upon it. The chief expenditure will consist in the appointment of an Under Secretary of State, and some three or four clerks to file and take charge of the various despatches and other matters that come under that department. I presume my hon. friends will not object to the principle of the Bill, and if there are any questions that may require to be discussed in connection with its details, we can deal with them when it is referred to the Committee of the Whole.

Hon. Mr. LOUGHEED—I must confess that I am somewhat at a loss to understand the necessity for this legislation. This looks to me to be a prelude to establishing another portfolio of departmental service in our civil government, which, I have no doubt, in the near future will blossom into that of a cabinet portfolio and the appointment of an additional minister. There is no good reason why all the machinery of a department should be incorporated into this legisaltion for the purpose of performing the duties outlined by my right hon. friend. We have a Department of State, which presumably should be sufficiently wide in its ramifications to perform the public business already pointed out. In the United States, under their government, they have a Department of State which is practically a foreign office in itself, which transacts all business with foreign governments, the same as might be done within our own Department of State. If the Act respecting the Department of State were considered not sufficiently wide to permit of this class of work being done, it was the duty of the government, in my judgment, to have brought down legislation enlarging the duties of that department, and not to place upon the statutes what must apparently be to every hon. gentleman in the Chamber the ground work for the building up of another department. This, in my judgment, is utterly indefensible. We have already before us this present session of parliament a Bill to create another department in addition to this. Our attention was directed to a Bill introduced by the Prime Minister last week to establish a Department of Labour. That, of course, will involve all the expenditure necessarily incident to any department of the public service. This, as I have already said, in my judgment, is simply a prelude to the doing of the same thing. My right hon. friend has already referred to its being presided over by an Under Secretary of State. Of course there will be an Under Secretary of State. There will be a chief clerk or chief clerks, and all the other clerkships which are attached to any other department in the public service. So far as I can ascertain, there is no constitutionally governed country with as many cabinet positions as we have in the Dominion of Canada. I think under the United States government they have eight departments.

Hon. Mr. POWER—Nine.

Hon. Mr. LOUGHEED—Certainly less than the Dominion of Canada. The number of cabinet positions up to recently in the imperial government is, I think, less than we have in Canada.

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. LOUGHEED—It alternates. It is largely in the hands of each government as to the cabinet representation which

would be established, but if my right hon. friend will make an investigation into the number of cabinet portfolios of constitutionally governed countries, few of them will equal Canada in numerical strength. I have some hesitation in harking back to what may be termed ancient history, and particularly the attitude taken by my hon. friends on the opposite side of the House, of whom my right hon. friend was the chief exponent, as to the desirability of economy in the departmental service of civil government. I can recall the opposition which the late Conservative government met when the two portfolios of Inland Revenue and Customs were inaugurated by the late government to be presided over by under secretaries. My hon. friends of the Liberal party condemned the extravagance incident to the inauguration of that system, owing to its being absolutely unnecessary at that particular time, but we find during the present session of parliament, as I have before said, legislation looking forward to the establishment of two additional portfolios. It seems to me that the present departments of the public service are not overwhelmed with work. Certainly the work involved in this particular branch of the public service could have been transacted by the Department of State, by the Department of the Privy Council, by the new Department of Labour which is to be formed, or by two or three other of the minor departments of the public service, that we know are not overwhelmed with work. Even the department so ably presided over by my right hon. friend the leader of this House might very well have assumed the duties of this particular office of civil government. Another consideration which presents itself to my mind in connection with this Bill is as to the possible extent of its interference with the Colonial Office and with the Foreign Office in Great Britain. Am I to understand that the Dominion of Canada is to establish what will be, practically, tantamount to a foreign office? Will there be attached to this particular Department of External Affairs high ambassadorial officers of state, plenipotentiaries and attaches and all that kind of thing, to transact the business of Canada, the same as if it were a distinct power, or a separate national entity, or what is the object of establishing this particular department? It cannot be for the few communications which we must necessarily have with foreign governments or with the imperial government. That certainly could be undertaken and very satisfactorily assumed by the present Department of State. The establishment of such a department would suggest, it seems to me, the assumption of power which, up to the present time, Canada is scarcely assumed to have. At any rate, the powers which the government of Canada could exercise under this department cannot be any larger than those that have been assumed and exercised in the past. Canada is not arrogating to itself or assuming any greater national powers than we have under our constitution. No legislation has been passed of an imperial character which would look to the enlargement of this field of civil government. Under the circumstances, the government, on the ground of economy as well as on the ground of utility, might have performed the duties which have been outlined by my right hon. friend and embodied in this Bill quite as satisfactory under the present machinery as under that suggested.

Hon. Sir RICHARD CARTWRIGHT—I took occasion to turn up the English ministry, and I see they have twenty-one members of the cabinet, independently of a large number of gentlemen who are under secretaries, &c., who though not in the cabinet are directly connected with it.

Hon. Mr. LOUGHEED—They have not an arbitrary number.

Hon. Sir RICHARD CARTWRIGHT—They are able to enlarge the number from time to time.

Hon. Mr. FERGUSON—I do not think the question of enlarging portfolio positions comes up properly for discussion under this Bill. It would come up under the Bill to create a portfolio of Labour. As I understand the Bill before us, and the observations of the right hon. gentleman in introducing it, it will not interfere in the slightest degree with the conduct of negotiations between Canada and the imperial government. That remains with the Secretary of State and the Under Secretary of State, as already provided by law. Nor will it have

anything to do with the correspondence conducted between the government of Canada and any of the provinces of Canada. That will still remain with the Department of the Secretary of State as at present constituted. It will deal with matters arising between the government of Canada and foreign countries. By the third clause of the Bill it would seem that the correspondence with other colonies is also included—' or to the conduct and management of international or intercolonial negotiations.' International would be with foreign countries and intercolonial with any colonies of Great Britain apart from those embraced in the Dominion of Canada. That is the way I understand it.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is correct in his interpretation.

Hon. Mr. FERGUSON—That being so, I can scarcely agree with my hon. friend to the right (Hon. Mr. Lougheed) that there is very strong objection to this Bill, because it provides for a rather better subdivision of the work than has heretofore obtained. I understand my hon. friend to say—and in fact I know from my rather limited experience—that when questions arose between Canada and an external country it has been customary for the particular department connected with the subject to deal with it. It is now considered to be better that that should be done under the Department of the Secretary of State, and that all such correspondence should emanate from the one department. Of course, that department would consult the particular department affected. For instance, if it was a question of agriculture, while the Department of State and the Under Secretary of State for External Affairs would conduct the correspondence, it would, I think, be always understood that the department which had charge of this particular matter would be consulted and its views would be carried out. Necessarily this should not increase very materially the number of officers. There is one practical difficulty that I see in the way which may arise from political exigencies, which we know are very strong in this country and especially with the present administration. It may be, with the keen eye to political advantage that my right hon. friend and his colleagues have, that some politician they want to reward may be appointed to this new position. If it should happen that this particular friend of theirs is a well-qualified man, there is no complaint to be made.

Hon. Mr. LANDRY—It might be a Preston.

Hon. Mr. FERGUSON—It might. My right hon. friend will not deny my proposition, that when political exigencies come in, the public interest does not always obtain the uttermost consideration with his government or with any other. The difficulty that I foresee arises rather from this fact of creating a new official. I know something of the present Under Secretary of State. Every member of this House knows the experience he has had, in what we might call a diplomatic sphere. Under the Conservative government and present government we know that Mr. Pope has been the right hand of the government in transacting matters of this kind. If this Bill would necessarily—and I am afraid it would—take the supervision of that worok out of his hands and place it in the hands of a new and raw man who may be appointed simply because he is a supporter of my hon. friend's administration, injury to the public interest may arise. Everybody knows that Mr. Pope's experience is very prolonged, and that he has qualifications for that position as the result of that experience as well as from his own ability, which render him very capable; and if the effect of the passage of this Bill would be the appointment of some person who has had no experience in conducting these affairs, which may be very delicate in themselves, and who has no qualification for the position, it would certainly be inimical to the public interest. I shall not say anything here on the larger question of the increase in the number of portfolios. This Bill should not lead to increasing portfolios. If it should, it is altogether wrong. The Secretary of State for Canada should be the head of any department that conducts negotiations, whether with the British government, with the provinces of Canada or with outside countries. If we are going to have such, they should be under the Secretary of State. And if the effect of this Bill would be that a man brought in now

under political exigencies, and made an under secretary would, in a year or two, to help to carry some constituency, be given full rank with the Secretary of State, it will certainly be injurious to the public interest. I hope nothing of the kind is in contemplaton, and that political exigencies will never again make it necessary to do what has been done with regard to the creation of a Department of Labour, which I consider to be wholly unjustifiable and not in the public interest.

Hon. Mr. LANDRY—Perhaps my right hon. friend might give us the assurance that it is not the intention to create a new portfolio under this Bill.

Hon. Sir RICHARD CARTWRIGHT—All I can say is the intention of the government is as defined in the Bill. We do not propose to create any new Department of State.

Hon. Mr. LANDRY—For the time being.

Hon. Mr. FERGUSON—My right hon. friend will remember there is a place paved with good intentions.

Hon. Mr. LANDRY—When my hon. friend speaks of the capacity of Mr. Pope, is it not possible that Mr. Pope might be given that position and his place filled by another man? Is there any intention of that kind?

Hon. Sir RICHARD CARTWRIGHT—I cannot say as to that.

Hon. Mr. LOUGHEED—Do I understand my right hon. friend to say that the government does not look forward to the appointment of a Minister of External Affairs, because I cannot forget that the Department of Labour started precisely in this way?

Hon. Sir RICHARD CARTWRIGHT—I do not undertake to predict what may occur in the future. Canada is a growing country, and no one can tell to what dimensions it may attain in a few years; but it certainly is not our intention to create a new cabinet minister.

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

Hon. Mr. FERGUSON.

ROYAL GUARDIANS BILL.

SECOND READING POSTPONED.

The order of the day being called:

Second reading of Bill (No. 95) An Act to incorporate the Royal Guardians—(Hon. Mr. Casgrain).

Hon. Mr. DAVID moved the second reading of the Bill.

Hon. Mr. LOUGHEED—Is this an insurance Bill, or what is its character? It seems to be a very unique measure.

Hon. Mr. LANDRY—Guardians of what?

Hon. Mr. DAVID—Perhaps it would be as well to let the Bill stand until to-morrow. I have only moved it in the absence of Mr. Casgrain.

Hon. Mr. LOUGHEED—This appears to be peculiarly a provincial matter. The society is intended to operate only in the province of Quebec.

Hon. Mr. LANDRY—Surely it cannot be of that character, because my hon. friend would never have moved the second reading of such a Bill.

Hon. Mr. DAVID—I did not know anything about it.

Hon. Mr. POWER—The third clause of the Bill says:

3. The objects of the association shall be to promote the welfare, social and fraternal, of its members to protect those dependent upon such members, to aid them during sickness or other disability, to care for the living, and bury the dead, to pay annuities to members or a stipulated sum to such beneficiary as a deceased member has, according to the rules of the association, designated while living, to secure for its members such other advantages as are designated by the constitution and laws of the association, and generally to act as a fraternal charitable, beneficial nd benevolent association.

There does not seem to be any objection to those objects, and I suppose the intention is that the society shall operate over the whole country.

Hon. Mr. DAVID—I think it will be better to let the Bill stand until Mr. Casgrain is here.

The item was discharged and placed on the orders for to-morrow.

ROYAL VICTORIA LIFE INSURANCE BILL.

SECOND READING.

Hon. Mr. DAVID moved the second reading of Bill (PP) An Act respecting the Royal Victoria Life Insurance Company, and to change its name to Royal Life Insurance Company of Canada.

Hon. Mr. LANDRY—This Bill is not printed in French.

Hon. Mr. LEGRIS—If it is not printed in French, I object to the second reading.

Hon. Mr. SCOTT—There is another objection to the Bill passing, and that is using the word 'Royal' in the title.

Hon. Mr. DAVID—The intention is to drop that word. The promoters will consent to drop the name when the Bill is before the committee.

Hon. Mr. LANDRY—The notice does not say that the object of the Bill is to change the name of the company. The notice says it is merely to give additional powers. If there is another company with a similar name, nobody has been notified that this Bill is before the House.

Hon. Mr. LEGRIS—In view of the explanation of the hon. member, I withdraw my objection.

Hon. Mr. LANDRY—I suppose it is understood that the present title of the company, 'Royal Victoria,' will be retained?

Hon. Mr. DAVID—I am instructed to state that it will.

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

BILLS INTRODUCED.

Bill (No. 77) An Act respecting a patent of the Submarine Company.—(Hon. Mr. Wilson).

Bill (No. 87) An Act to incorporate the Arnprior and Pontiac Railway Company.—(Hon. Mr. Watson).

Bill (No. 122) An Act to incorporate the Cabano Railway Company.

CANADIAN SEAMANSHIP AND NAVIGATION.

MOTION.

Hon. Mr. ROSS moved that:

In the opinion of the Senate, liberal provision should be made at once for the instruction of Canadian mariners in seamanship and navigation, with a view to the development of the shipping interests of Canada, and, if need be, the protection of Canadian commerce in costal waters and on the high seas.

He said: My object in giving notice of this motion and in inviting the attention of the Senate to what is comprised in it, is to call attention to what appears to be the inadequate education now provided, as far as I can ascertain, for mariners and seamen. I have no intention of opening the large question of naval defence. I suppose it would be a sort of anti-climax to do it at this stage in any case. It has been fully discussed in another place. Public opinion has been very largely aroused in regard to it, and I am delighted to know that both parties have agreed to a line of action in regard to that very important matter. There appeared to be for some time an excited state of public opinion which it was somewhat difficult to control, and the whole question of naval defence, so far as Canada was concerned, seemed to be in such an uncertain position that it was somewhat hard to arrive at a conclusion as to what was best to be done. Happily in this case, as I hope will always occur when the national honour is at stake and when the defence of the whole country is involved, both parties have agreed as to the policy that is to be pursued, and for the present at all events the public mind is quieted and public attention will later on be directed to such means as may be considered prudent to take in order to meet what, I suppose, we must meet and ought to meet, as soon as a proper scheme can be evolved. It is very gratifying to notice from the English press that the position taken by Canada on this question is very satisfactory. My attention was called by His Honour the Speaker the other day to a very interesting communication sent by Lord Winston Churchill, President of the Board of Trade, to the London 'Times,' in which was indicated perhaps more clearly than from

any other source the attitude of the British government and its possibilities and capabilities for its own defence and the defence of the empire against aggression from any quarter. The House will permit me to quote two or three sentences from this letter. Referring to the defensive position of Great Britain, he says:

> We have to-day, and we shall have in 1912, besides officers, more than one hundred and twenty thousand seaman in regular service, all chosen volunteers trained upon a twelve year system, that is to say, more than double the number which any other power, and more than equal to the nmbers which any other two powers will possess of naval conscripts trained only for three years at sea.

I make this quotation in order that it may go to the country, if possible, as the opinion of a rising statesman and member of the present government, and one who, no doubt, fully recognizes the importance of putting the empire in a defensive position. I may supplement his remarks by saying that in the Spanish war the Americans had only twenty thousand seamen engaged, although they were actively prosecuting a naval attack on both oceans. Britain has more than five times as many active seamen for the defence of the empire as the United States people had during the Spanish war. I may be permitted to make another quotation, which is perhaps more technical, but is also reassuring. He says:

> Apart from the ships of the 'Dreadnought' class, we have to-day, and shall still have in 1912, forty first-class battleships under twenty years of age to Germany's twenty, and thirty-five first-class armoured cruisers to eight. The aggregate displacement of the British battleships is five hundred and eighty-five thousand tons to the two hundred and forty-one thousand tons of the German battleships. The British battleships carry six hundred and fifty guns to Germany's three hundred and eighty-four. The aggregate displacement of the British armoured cruisers is four hundred and sixteen thousand tons to the seventy-five thousands tons of the German armoured cruisers. The British cruisers carry four hundred and seventy guns to a hundred and twelve. Our superiority is most marked in the heaviest type of guns. The British battleships carry one hundred and fifty-two twelve-inch guns against forty German eleven-inch guns; and the British crusiers, sixty-eight nine two-inch guns, against six German nine four-inch guns. Surveying these figures and others more detailed, which might be quoted, I believe it no exaggeration to say that the British navy at this moment is more nearly thrice than twice as strong as the navy of Germany.

Hon. Mr. ROSS (Middlesex).

I read the figures for the assurance they give to us Canadians that the old sea-dogs of England are quite as capable to make the defence of the empire as ever they were, and that we, perhaps, have nothing to fear in the interval that may arise between the time that the colonial governments and the imperial government may arrive at some conclusion as to what the colonies should do in order to strengthen the naval supremacy of the empire and maintain her sovereignty at sea as of yore.

Now, I come to discuss the question that more particularly pertains to the notice I have given, and that is, what are Canadians doing to educate the seamen, not only for efficiency as seamen, but with the subsidiary object of fitting them later for purposes of naval defence? For the foundation of all success, either on land or at sea, education is indispensable. It may be true that Providence is still on the side of the biggest battalions, but no matter what the size of the battalions may be, efficiency and expert knowledge will add to their strength and their power. Then how are we to get anything in the shape of naval education? I have looked carefully through the reports of the Minister of Marine and Fisheries, and I find very little to meet that inquiry. For instance, I find on page 192 of the report of last year a statement to the effect that at a few places in Canada there is a course of lectures delivered under the Department of Marine and Fisheries, which go, in my judgment, but a small way to meet the requirements of the case. I find there were in all receiving instructions under the Department of Marine 208 mariners; that that instruction was given at eight points in the Dominion of Canada, namely, Victoria, Vancouver, Lunenburg, Collingwood, North Sydney, Toronto, Quebec and Yarmouth; that the maximum attendance, as I have stated, was 208, the minimum being about half of that number. When we consider that we have over seventy-one thousand seamen, it will be seen at a glance how meagre is the education provided. The course of instruction reported by the Minister of Marine and Fisheries refers to the rule of the road. The errors of the compass have also occupied the attention of the lecturers, and more time has been devoted

to those two subjects than to any other. The report says:

> Though in some localities, the attendance has been rather discouraging, still on the whole, I think the efforts of the government to increase the efficiency of our seamen, have been duly appreciated.
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> No lectures were given in Halifax St. John and Kingston, owing to the fact that examiners were not appointed for these three places.
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> The college authorities at Canso have, last winter, made an attempt to teach the rudiments of navigation, which proved so satisfactory that it is the intention for this coming winter to have a series of lectures delivered at that place on the same basis as followed in other schools and under control of his department.

When we consider that we have a merchant marine, and have had one ever since Canada had an existence, and perhaps a merchant marine before we had any form of military organization, it seems deplorable that so little should be done to promote the efficiency of that marine. I am aware that there is an examination for masters and mates, and that certificates are issued by the Department of Marine and Fisheries testifying to their ability. That is all very well, but where is the education provided on which that examination is based? I find that none is provided except in the instances I have named. Now, we are spending on our military education at the rate of about seven million dollars a year. That is a large sum. If I would be permitted to enter a mild protest against that very large expenditure, I would say we have reached a point in military expenditure at which, if possible, we should pause at least and consider, if not, perhaps, call a halt. I believe we must maintain some form of military organization. In fact we have had some such form of organization for over a hundred years, and it has rendered us valuable services during the war of 1812. The Duke of Wellington, I believe, admitted that Canada was preserved to the empire by the heroism and loyalty of the Canadian volunteers. It rendered us a service in the rebellion of 1837, and it rendered service in 1867 and 1870 during the Riel trouble in the west, and latterly in 1885, during the second rebellion, and it showed its efficiency was illustrated by these views presented at the tercentenary at Quebec last year. Having done so much for military education—that is for the education of our land forces—it is surely time for us to consider what may be done and done usefully for the education of our sea forces. While we are spending seven million on military education of our people, we are not spending a thousand dollars, so far as I can ascertain, on naval matters. It may be more, but I have no figures, and can find no figures in the reports of the department that really indicate how much we do spend. Surely when we consider the immense importance of our Canadian commerce, it would be well for us to sit down and consider what can be done. It will be noticed that while we are spending so much on military education in all its branches, that the provinces are also spending generously on education in every department. We have schools of engineering, we have schools of survey, and we have schools of domestic science and household economy. Schools of architecture, agriculture and technical science, theological schools, schools for the medical and legal professions, in fact you can swing round the circle and find every profession in Canada that has any pretense to be a profession, or to contribute to the industrial or the intellectual outlook of the country, has its regular school supported regularly by the state. We are spending about half a million a year on the University of Toronto. The provinces of New Brunswick, Nova Scotia and Quebec all have their universities, and it is one of the encouraging features of our generous young sisters to the west that while they are laying the foundation of their parliamentary institutions, they are contemporaneously with that laying the foundation of universities, which, no doubt, will be a credit to them in the future. Let us see what is involved in my thesis. In the first place, we have 7,528 registered vessels, Canadian tonnage. It is to be regretted that the number of ships built in Canada is fewer now than it was thirty years ago. In my time, when I had the honour of a seat in the Commons, Canada ranked about fifth in the naval nations of the world. She is now down to tenth. Our registration of Canadian vessels is not as great as it was, but nevertheless 7,528 vessels require a large corps of naval officers and seamen of various grades in order to man them and in order to carry out the

purpose for which they are built. The value of these is put at twenty million dollars, and when you add to that the value of the cargo they carry, and the value of the lives of the passengers they carry, and when you consider the importance of our coast and lake trade and the lives and money involved, one can see that so much property should not be left at haphazard, and that the lives of so many people should not be imperilled, if imperilled they are, for the want of education of our Canadian seamen. The crews of the vessels represent inwards 48,887. The crews of the British vessels calling at Canadian ports represent 133,022 seamen, and the foreign vessels 86,389. Last year we shipped 18,013 seamen. Now, how many of these were qualified we do not know. They have to be taken from such supply as may be offered. True the masters and mates have certificates. True some captains and other officers may have received such instructions as have been given at the places I have named, but there seems to be, so far as the record goes, no evidence of that training in seamanship and navigation which an outsider, a landsman like myself, would consider a great want in the naval education of our seamen. Then I notice that last year thirty-five vessels were wrecked within Canadian waters. Since 1870 there were 11,118 wrecks in Canadian waters; lives lost, 5,630; property lost, $65,521,623. One is naturally disposed to ask, were any of these wrecks avoidable? We complain, and rightly too, of the lives lost on our railways, and we have legislation this year which is intended to prevent that constant loss of life which is so appalling and so distressing. Here we have 5,630 lives lost and sixty-five million dollars destroyed in that period. Are we doing anything to inquire whether these wrecks are preventable or to ascertain why those wrecks occur? Of course there is a report upon them in the department. That report may or may not indicate whether the officers in charge were efficient; but there is the appalling fact of great loss of life and property without anything being done to provide that education which, in many cases, might have prevented some of that loss. There is the difficulty in the right of way some times of vessels. Officers some times misunderstand the signals given by a vessel going in the opposite direction, or from the shore. There are variations of the compass which skilled officers should understand. There is so much to learn about seamanship that I feel we owe it as a first duty to those who travel by sea and those who go out into the deep sea fisheries, to those who coast along our lakes and sail up our rivers, or to those who go further journeys afield, to say that their lives are reasonably secure and that the officers in charge of ships shall possess certain qualifications. That is one side of the question. Then the materials to be operated upon is most encouraging. With the exception of Great Britain we have the greatest fleet of fishermen of any country in the world. The number of fishermen reported last year was 71,254, about one-half the number of men required to man the British service, and nearly three times as many as were required to man the whole United States fleet during the Spanish war. Besides those fishermen, we have engaged in canneries 11,442, and in the salmon fisheries on the Pacific coast 13,000 men, a total of 95,696. We have this number engaged in perilous pursuits, perilous all the more if they have not the proper qualifications, if they possess no knowledge of seamanship and do not understand with some degree of professional knowledge the duties which pertain to their occupation. We have engaged in fishing 1,390 vessels and 38,711 boats, with a capital invested of $14,826,952. Now, if there is any great industry in this country like agriculture or great enterprises like railroads, or if there is any pofessional pursuit requiring skill like surveying or engineering, we provide colleges to prepare men to enter those professions, but here we have an army of nearly one hundred thousand men for whom adequate educational facilities are not provided. Let it not be supposed that I am censuring the Department of Marine and Fisheries. Far from it. That department has shown most commendable energy in what it has done to improve our navigation. The St. Lawrence has been deepened and lighted until it has been said by the Montreal board of trade that it is quite as safe to navigate the St. Lawrence and the gulf as it is to navigate the coast of Nova Scotia, New Brunswick or Newfoundland. Then our lakes have been lighted very much

better than they were ten or fifteen years ago. We are spending $6,000,000 in that department for the improvement of our navigation and developing our commerce, and giving between two and three millions in subsidies to improve our trade in foreign countries, while the very men who are to carry on that trade, the men who are to navigate the St. Lawrence and our lakes and to carry us and our friends from point to point, and the immense commerce which is pouring down our lakes and the St. Lawrence seem not to be provided with an education suited to their occupation. What the Marine and Fisheries Department has done with such commendable enterprise in improving our commercial facilities and in developing the trade and commerce of Canada—and there is yet much more to be done—might be extended to the seamen on whom that commerce so much depends. We have those eighty or ninety thousand seamen and those connected with them to educate, and besides we have a small fleet of our own, not a very ambitious one, but it may be the mustard seed which will grow to much greater significance. We are said to own a fleet of 28 steamers of our own, 12 cruisers for patrol and 20 tugs. Those in charge of these cruisers require training and experience in navigation. Our vessels sometimes run ashore, and sometimes get into trouble while making arrests of poachers from the United States, though perhaps they do not do enough of that. In any event, those in charge of our protective cruisers should be well qualified. I am not reflecting on their qualifications, because I do not know anything about it, but the facilities are not provided for a thorough education, and it is possible that some of these vessels may be in charge of men who are not as competent as they might be. We paid in pilotage fees last year $360,011. That is one of the most critical and responsible duties that a sailor can be engaged to undertake. He goes on board a valuable steamer and is supposed to pilot her safely, avoiding shoals and rocks and bring two or three thousand passengers safely to their destined harbour and to see that the valuable freight she carries is properly landed, and yet, although we receive in fees for pilotage that large sum, I do not see in any report which has come before me the slightest evidence that our pilots are being properly educated. It may be said here that seamen and fishermen, and those engaged in kindred employments, would consider that any education of an academic character would be infra dig—would scarcely meet the condition. I understand the profession of a seaman is exceedingly practical in its nature, and is better learned on the deck of a vessel than in any school. That is true of any profession. The medical man, after getting all the degrees that the colleges of Canada or Great Britain can confer upon him, learns everywhere after he enters upon his practice, and no matter what his college training may have been, it is when he is brought face to face with contagious diseases and all sort of ailments his education helps him and gives him status as a medical man. I remember some 30 years ago, when we established the Agricultural College of Ontario, the old farmers looked upon scientific agriculture as an imposition. They said a man could not learn anything of agriculture in that way, and that the only result of establishing such an institution would be to raise a number of gentlemen farmers. In their opinion the man with the hoe was the only one who was qualified to cultivate the soil, and he could not learn anything about agriculture except with the plough or the hoe in his hand. All that is dispelled now. Our agricultural college, which was attended in the first place by a bare dozen or so, is now filled to the doors and other colleges are being established. The other provinces are following the example of Ontario, and in the old land and New Zealand and Australia agricultural schools have been established.

My hon. friend from Brockville knows the progress that has been made in dairying, and yet twenty-five years ago people thought the best way to make butter and cheese was the mode which had obtained in the past. We have grown out of that, and are now sending thirty million dollars worth of our cheese to outside markets. We have outgrown primitive method. We see the value of expert knowledge and scientific investigation, and although there might be for some time indifference on the part of our seamen and others to methods of edu-

cation such as I will suggest a little later on, it would require only a few years to so impress them with the advantages of these methods of education that they would readily accept the improvement, and we would be greatly benefited thereby.

Then my proposition is that there should be schools at all our leading seaports, schools of some sort or another. Our fishermen are practically idle during the winter months. There you have an excellent opportunity to bring them under educational influences. It may be, as was the case in our Normal schools in early times, that a bonus might have to be given to bring those people under that education. It would be money well spent, as well spent as in subsidizing steamships, but however brought about, there should be at every seaport of any importance where fishermen spend the winter months some school that they might attend. The justification for such an expenditure need not be dilated upon. It would add dignity to their profession; it would add to their independence; it would develope the latent talent of our young men engaged in naval pursuits and give them greater pride in their profession. They would be more trustworthy when put on board ship, more companionable to each other, and their whole horizon would be brightened. Instead of having a race of fishermen and seamen whose educational advantages are limited, and whose horizon is narrow, we would have a better educated class—I am not reflecting on them at all—just as we have a better class of dairymen and farmers now than we had some years ago.

That leads to the next subject. The first, as I stated, was that there should be some school, night school or day schools, equipped by the government, and teachers provided by the government. The course of education should be one which would commend itself to practical men, and there should be a school in nearly every seaport where fishermen congregate, so that the fishemen on the upper lakes, on the Pacific coast, and all down the Gulf of St. Lawrence and the Atlantic coast to the banks of Newfoundland, could fit themselves better for their professional engagements, and in that way add materially to their value as citizens and as seamen. Let me give as a concrete case an example from the military side of our education which has proved of incalculable advantage to the province of Ontario—that is the establishment of the Royal Military College at Kingston. I had the advantage of being a member of the House when that college was established.

Hon. Mr. ROSS (Halifax)—I introduced the Bill.

Hon. Mr. ROSS (Middlesex)—It has cost us considerable money. Now, some people will say, if you are going to propose anything in the direction of education for our seamen, you might follow on the lines of the Military college. To a certain extent we might very well do so, but the Military college is not necessarily a school of militarism in which aggressive and blood-thirsty character is developed. The Royal Military College is a school of citizens. They have no intention of pursuing a military career, but they receive the military training and education in engineering, land surveying, good English, penmanship plus a degree of physical drill which is in itself a most valuable education to any young man, and you will find in almost every profession in Ontario to-day graduates of the Royal Military College who have received their training and in the event of an emergency will be a most valuable adjunct to the volunteer service of the Dominion of Canada. They are, perhaps, a reserve force in a certain sense. Their education does not interfere with their citizenship. They may be no more aggressive in mind and character than the ordinary citizen, but they have the knowledge necessary, if battalions have to be formed, to be of service in case of any emergency. I am now leading to the same provision being made in some form or other for our seamen. I think we should have a naval militia. Some provision should be made for training our seamen, not only in seamanship, as you would call it, on a physical basis, but seamanship with a view to their employment in naval service in case of such service being required. They have such services in the United States. They have enlisted about four or five thousand men in what is called the naval militia of the United States, and in the Spanish war it was found that those who had re-

ceived some training in the naval militia were the most valuable men they were able to put their hands upon for equipping their navy, and the report which I have beside me here from a commission appointed by the United States government to consider the whole question of naval education, decided that the Gloucester fishermen furnished the best men they were able to find in the whole of the United States for a naval service in that war. We could, at very little expense, organize a naval militia. The drill might be on naval lines combined with such military drill as might be necessary in order to promote their physical development, and otherwise qualify the fishermen for naval service. Training ships could be found for this purpose quite easily. In the United States they have not only the naval militia, but they have a naval reserve and the United States government places at the disposal of the states 20 ships where those who enlist in the service for two years receive training and instruction in navigaton on all sorts of vessels sailing and steam. That is another line where, by the expenditure of a very small amount of money, considerable efficiency could be given and a foundation laid for a naval force which, if we are going to do anything for the defence of Canada, must come sooner or later. Last year there were enrolled in the United States in the naval militia 4,280 persons. The enrolment came from seventeen states. The United States government supplies them with uniforms and the state government with training ships, and the other local expenses. The cost to the United States government for the naval militia last year was only $60,000. Twenty ships are used, of smaller or larger tonnage, as the case may require. Suppose we organize a naval militia in Canada, there is no doubt the British Admiralty would lend us training ships. The old 'Victory,' on whose deck Nelson fought over one hundred years ago, is still used as a training ship and one can imagine what an inspiration her presence in Canadian waters would be to our people. But we have vessels of our own which are tied up at the ports during the winter months. They could be used for training ships. There would be no difficulty finding training ships nor would the expense be great. Besides the naval militia enrolled by the United States, they have what they call a naval reserve and merchant marine. That naval reserve is organized for two purposes. One purpose is to qualify the seamen for the ordinary commercial pursuits of the United States. Here is the preamble of a Bill adopted by the United States Senate on February 14, 1906, which says:

> There shall be enrolled, in such manner and under such requirements as the Secretary of the Navy may prescribe, from the officers and men now and hereafter employed in the merchant marine and fisheries of the United States, including the coastwise trade of the Atlantic and Pacific and the Great Lakes, such officers, petty officers, and men as may be capable of rendering service as members of a naval reserve, for duty in time of war, and who are willing to undertake such service, to be classified in grades and ratings according to their capacity as shown at time of enrolment. No man shall be thus entitled who is not a citizen of the United States either by birth or naturalization. These members of the naval reserve shall be enrolled for a period of four years, during which period they shall be subject to render service on call of the President in time of war. They shall also possess such qualifications, receive such instruction, and be subject to such regulations as the Secretary of the Navy may prescribe.

That is the foundation of the naval reserve of the United States, and what is easy for them to do is quite easy for us to do. We have more fishermen than they have. We may not have as many ships afloat, and yet we could, from our fishermen and our merchant marine, established a naval reserve who would receive training in seamanship and who by that training would be available and useful in time of war. I am not so much asking the attention of the Senate to the naval necessity of this training or the military necessity of this training as I am to the educational necessities of it. If we had a naval reserve enrolled as they are in the United States, the limit being 10,000 men, then when we get our own cruisers, as we are going to have by and by, and when we are going to have our own Dreadnoughts, as I suppose we shall, and when we have a fleet as formidable as our wealth and population will warrant, we shall have the men to man them. As Winston Churchill points out in that admirable letter, England has the men—120,000 men—she has the ships, and I suppose, following the refrain of the old song of 30 or 40 years ago, she has

the money too. We have the men but they are untrained. We may have the ships—we have for they are afloat now some 7,000 of them, and we have money enough to put our naval forces on such a footing as would render them efficient in any emergency. Some ten years ago, a commission was appointed by the United States government to consider the whole question of the naval forces of the United States. Out of that commission, to a certain extent, grew the present navy of the United States. That commission made its report, which I have here. As the result of that report, they secured the passing of that Bill of the United States Congress from the preamble of which I quoted. The commission reported:

> This consideration of the serious threefold disadvantages which American shipowners and seamen must now meet brings us to the definite imperative question, what remedy does the Merchant Marine Commission propose to Congress? Our answer is embodied as the result of eight months of inquiry and reflection in the accompanying Bill to promote the national defence, to create a force of naval volunteers to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

These four different purposes were embodied practically in a Bill from which I have read, and it was to carry out these purposes that the commission made their report. Now, we want all of them. But as that is not my line of thought now, we will skip over the national defence, and I will emphasize the establishment of the Canadian ocean mail lines to foreign markets, which we subsidize to the extent of over two millions, the promotion of commerce, and to provide revenue from our tonnage. We ought to have more ships afloat, Canadian bottoms, than we have. There should not be so much of the coasting trade of Canada done in foreign vessels as there is. The seas should be dotted with our sails. That cannot be done unless you are prepared when the ships are built to man them with trained men, and that service is maintained to protect the property in this way provided. Then again, in the report from which I have quoted, they refer to the policy of other nations. Imitation is the sincerest form of flattery. They say:

> France and Japan both pay what is in effect a naval bounty to their deep sea fishermen. Canada gives to her vessels and men annually $160,000, American money, the proceeds of the Halifax award.

They do not seem to have got over their regrets yet that in the only arbitration we had with them we had fair-play. They continue:

> Great Britain includes the hardy fishermen of Newfoundland in her naval reserve, paying retainers and furnishing instruction. The British reserve altogether, merchant, seamen and fishermen consists exclusive of officers, of upwards of 30,000 men, who each receive annual retainers of from $15 to $50. The method adopted in the proposed Bill is, therefore, not only in harmony with American tradition, and indeed founded on authoritative precedent, but is in accord with the practice of the chief maritime powers of the world.

So that what I am suggesting is not my own invention and discovery, for I have no expert knowledge on the subject, but what I am suggesting is in harmony with the policy of the United States, and the policy of almost every other country in the world. Again, they make another observation as to the purpose of this naval reserve. They say:

> The proposed Bill will especially aid and insure the construction of commercial vessels that can most easily be built, owned and managed by men of moderate means—vessels adapted to the present requirements of American ocean commerce.

In establishing a naval reserve, it will be seen that two objects in view were: One that of defence, and the other the development of American commerce. We ought to be as ready to make an effort to develop Canadian commerce as the Americans are to develop their commerce, and if we are to do our duty to the empire, we will see that our seamen are as well educated as the seamen of the United States. England pays for her naval defence the sum of fifteen shillings and a penny per head, whereas her colonies all told only pay four pence per head, and of that four pence not a farthing is contributed by the Dominion of Canada. So the old land, knowing the importance of her commerce and of maintaining the sovereignty of the sea, knowing the importance of being supplied with better commercial material than any other country, taxes herself to that extent, while we are

not contributing for naval education, as far as I can see, even the widow's mite.

There is one other step, a higher step still; every army requires officers, marshalls, generals, men of the greatest fame, men of wide knowledge and experience to be gained perhaps later on. The United States has used West Point for the defence and the preservation of the automony of the nation. Grant was a student at West Point, and so I believe was General Lee. What General Grant's education cost was a trifle compared with what he did for the maintenance of the American union. No man would think of grudging for a moment the paltry expense to the United States of the few years Grant spent at West Point, compared with the safety of the nation and the integrity of the American Republic. And that leads to this thought, that while we provide for naval and military drill in its lowest stages, and provide for naval reserves in two years' training on ships and such knowledge as men would get in instruction on board ship, and the management of a ship in all its details, there must be provided some higher department, a naval university, at which education could be given in the higher branches of the naval services, not for purposes of war simply, but for purposes of peace as well. In 1847 the United States established the Naval Academy at Annapolis for the training of her seamen, and have spent on that the sum of twelve million dollars. England has had her naval schools for many years, and in 1905 there was opened at Dartmouth a school which cost £1,500,000 sterling. It was opened by His Majesty the King as a school for the training of English boys in naval practice, preliminary to their going on board training ship for the practical part of their education. I hope our government will be able, and our people will support them, if they make the attempt to establish some sort of naval academy out of which to graduate men who shall be the admirals of our fleet on the high sea, men who shall take charge of the largest vessels on the ocean, and men with the ability and training to fill the most responsible positions in the service of the empire. I have no doubt that in the conference with the imperial authorities an interchange will be agreed upon, that England will send to us her best scholars in seamanship; that she will send to us those who are accustomed to training boys on board training ships, and that we, later on, will be able to exchange fishermen and seamen with her in order that the education of our people may receive that advantage which could not be obtained anywhere else but on board a training ship.

My whole purpose in calling the attention of the Senate to this question is that at an early day a forward step should be taken. A vote of one hundred thousand dollars this session would not frighten me, nor perhaps double that amount, in the way of providing education for our seamen, in lay ing the foundation, it may be, of a college for the education of those who might join the naval reserve forces, or if something more advanced is required, in laying the foundation of a naval academy where special instructions could be given. Its effect upon our Canadian seamen would be inspiring. It is not enough to show that we can defend ourselves on land; we have proved that time and again.

We have shown to the world on the veldt of South Africa that we can, jointly with the imperial government, defend the autonomy of the empire. Why not take a step to show that jointly with the imperial government, or separately if necessary, we can defend the sovereignty of the British navy wherever the British flag flies. That cannot be done without an effort, nor without the exepnditure of some money and let me say for myself that I confess my own dereliction in the matter that at an earlier stage I did not bring the matter before the people of Canada in some sort of official form, but it is never too late to mend. It is now before this august body in the feeble way in which I have presented it. I am sure it will receive the attention of the government, for I believe we have a progressive government, and I am sure the Minister of Marine and Fisheries, judging by his record in other respects, will look upon this as one way by which he can add to the importance of his office and greatly benefit the people of Canada. It is in this spirit and in this purpose that I humbly submit this motion to the consideration of the Senate.

Hon. Mr. POWER—I think this is a matter in which we should have an expression from the hon. member representing the government in this Chamber.

Hon. Sir RICHARD CARTWRIGHT—If any hon. gentleman wishes to speak, he can do so now, if not I will say a word or so.

Hon. M. POWER—I am not prepared to speak. I do not, however, think that the speech of the hon. gentleman from Middlesex should be allowed to go unnoticed. This House is under obligation to the hon. gentleman for a great many very valuable and informing speeches which he has made on the floor of the Senate, and I think that, although this is the last speech up to date, it is certainly not the least. I think it is a very important speech, and contains a great deal of valuable information and valuable suggestions. At the same time, I hope that the hon. gentleman will not press his motion to a division. It is not really, just at the present moment, a vital or what we may call a political question, and I think it is not wise that the Senate should at present commit itself to such a broad resolution as this. The suggestion which I venture to make to the hon. gentleman from Middlesex is this: He is the Chairman of the Senate Committee on Commerce and the Trade relations of Canada. This resolution of his, and the information which he has given to the House, and the expressions of opinion which he has given, I think, would form very proper material to go before that committee and be reported upon whether favourably or otherwise by the committee to the Senate, after due consideration. I am not going into any extended criticism of the hon. gentleman's speech. I just look at the notice which the hon. gentleman has given, which says:

> In the opinion of the Senate liberal provision should be made at once for the instruction of Canadian mariners in seamanship and navigation——

The natural conclusion which any one would draw from reading the introductory portion of this notice is that the seamen of Canada at the present time have not been properly instructed in seamanship and navigation. I do not think that that statement is borne out by the facts. Of course I cannot speak of what is done on the lakes, but in the maritime provinces our masters and mates have to pass examinations similar to those passed by the masters and mates of the old country. The Marine and Fisheries Department of Canada, as a rule, has followed I think at not too great a distance, the example of the mother country in the matter of requiring certain qualifications from the men to whose care the lives and property of other people are entrusted, and I have not heard—I have never understood that the captains and mates in the maritime provinces have not been properly trained, and that they have not done their duty fairly well. An hon. friend suggests that certificates are issued. Of course they pass examinations substantially the same as those which are passed for the same office in the old country. The impression that any one would get from the opening of the hon. gentleman's resolution is that our masters and mates and our seamen were more ignorant than those of other countries, and that there was not proper provision made for their training. That statement is incorrect; and I do not think it is desirable, in the interests of the reputation of Canada and of the reputations of our mercantile marine, that any such impression should go abroad. My hon. friend suggests that a good many of our men have entered the United States navy. When the hon. gentleman called attention to a report made by a United States commission as to their navy, that the Gloucester fishermen were the best subjects they had in the United States navy. I could not forget the fact that there are hardly any native United States citizens fishing out of Gloucester. The men who fish out of Gloucester are, to a certain extent, Norwegians, Swedes, Portuguese—perhaps not so many Swedes, but Norwegians and a good many Portuguese and a great many Newfoundlanders, Nova Scotians and Prince Edward Islanders.

Hon. Mr. ROSS (Halifax)—And Cape Bretonians.

Hon. Mr. POWER—Does Cape Breton not form part of Nova Scotia? It did not when the hon. gentleman was born, but it does now.

Hon. Mr. ROSS—It did not when I was born.

Hon. Mr. POWER—That is what I say. While the information which we have received is very valuable, and while the views which the hon. gentleman has expressed with respect to what may be done at some future time, are of great value, as I said when I began, I do not think the Senate would be wise just now to commit itself unreservedly to this resolution. The resolution proceeds:

> – with a view to the development of the shipping interests of Canada, and, if need be, the protection of Canadian commerce in coastal waters and on the high seas.

The hon. gentleman apparently thinks that all that is necessary for the purpose of increasing our mercantile marine is that we should give sailors a training that they have not to-day. But the hon. gentleman himself stated that Canada did not occupy the position now that she occupied say 40 years ago in the matter of mercantile marine. The fact that we have dropped back is due in no respect whatever to the want of men who are qualified to man and command these ships. Our losing ground is due to altogether different circumstances. It is due largely to the fact that steam has supplanted sails, and that iron and steel ships have supplanted wooden ships, and it is due also to a certain extent to the change in the tariff in our country. Whether it is desirable that Canada should go into the business of creating a navy is a question as to which I do not suppose we are called upon to pronounce just now, and, consequently, I do not sympathize with the hon. gentleman's proposal that we should create a navy now and establish a naval academy for the purpose of training admirals for a navy which does not exist. At the present time we have, speaking of the maritime provinces, enough qualified officers for our requirements. It is desirable, no doubt, that the education of any class of our people should be improved. I do not think that the education of our master and mates has been neglected; but it might be desirable that more should be done, and the modus operandi and the limitations under which these should be undertaken are matters that might very properly be considered by the committee to which I have referred, of which the hon. gentleman is himself the chairman. Before that committee, the hon. gentleman's views will certainly have very great weight indeed I wish to call attention to this fact: If you stipulate that every master and mate of a coasting vessel is to have a certain order of training, masters and mates of coasting vessels will not go into naval academies or schools of seamanship unless they are obliged to go. If you oblige them to go, and make that kind of education compulsory, I am afraid you will interfere very seriously with the coasting trade and with the fisheries of the country, without producing, to my mind, any result sufficiently desirable to call for such drastic action. The hon. gentleman spoke about the wrecks which took place, and about the large number of lives which are lost, and he seemed to think that if we had better training and better education of our Canadian seamen, that loss of life would be very much less. I think there is something in that, but there is not so much in it as the hon. gentleman would suppose. In the first place, hon. gentlemen will bear in mind that of the wrecks that have taken place in Canadian waters, the majority have not been wrecks of Canadian vessels, they have not been wrecks of vessels manned and officered by Canadians. As a rule the more serious wrecks have been wrecks of vessels which are not registered in Canada. The hon. gentleman has referred to the very serious loss of life which has accompanied wrecks that have taken place in Canada during a certain number of years. A comparatively small number of those who lost their lives have been Canadians. One steamer, the 'Atlantic,' was lost a few miles from Halifax in 1873, and there were over 500 lives lost in that one wreck. I dare say that in 20 years there have not been that number of lives lost in Canadian vessels in Canadian waters, and we should bear that in mind. Our seamen and officers, while they may not have the high technical education which the hon. gentleman thinks they should have, as a general thing have been very well able to take care of the lives and property committed to their care. The hon. gentleman said something about the pilots. I know that the pilots about Halifax have to undergo examinations, and, as a rule, are quite up to their work.

I do not propose to say anything further. I do not think the House should pass this

resolution in its present unqualified form, although I feel that we are all under a very great obligation to the hon. gentleman for having laid this very important matter before us. When reading the notice which the hon. gentleman gave, I did not think he proposed to dwell as much upon the navy feature of the subject as he has actually done; but I am satisfied now, in fact I should have been prepared to take that view in any case, that, as this question of a future Canadian navy, or the future action of this country with respect to naval defence is to be considered very shortly, as I understand, by representatives of the government in Canada in conference with the imperial admiralty authorities, the government would make no mistake whatever in securing the services of the hon. gentleman from Middlesex to accompany the Minister of Militia and the Minister of Marine and Fisheries to that conference. While I do not believe in spending money, I should be fully prepared to say that any reasonable sum which the government might devote for the purpose of sending the hon. gentleman over with the other two hon. gentlemen, would be well spent and would have the hearty approval of parliament.

Hon. Mr. DOMVILLE—I cannot say that I am overwhelmed with the speech made by the hon. gentleman from Halifax. It seems to me that the criticism has been made because the subject was brought up by the hon. gentleman from Middlesex. That hon. gentleman made a speech which, I venture to say, will ring through the press of England to-morrow. I predict that there is not a newspaper or a magazine published in the old country that will not speak of the great work emanating from the Senate to-day, and is there any less force in it because it emanates from the Senate? We are told now and then that the Senate does nothing. We hear outside —I would scarcely care to repeat the epithets which people apply to us. But here is an hon. gentleman who meets the necessities of the hour, and points out what we may do and what we may be called upon to contribute. He points out the duty of the hour in Canada, looking to the future. There are several million people in Canada to-day. If they contributed one dollar per capita, it would be seven million dollars a year, and nobody would feel it. We would then have a fund for this purpose commensurate with what we should have. I do think the hon. gentleman from Halifax should not have criticised that speech. Perhaps the hon. gentleman may feel that we have been over-topped in New Brunswick. We have given the country one of the sea lords of the admiralty, whose name I forget. We have given the country Admiral Scott, who commanded a fleet, and we have Admiral Kingsmill who commanded the 'Canada,' and Admirals Drury and Douglas. This resolution is a decided step in the right direction. Why should we frown down the effort of the hon. gentleman to continue that good work? We are not to care anything about trade and commerce. My hon. friend from Halifax says the hon. gentleman should go before the committee. There they will discuss the fish question from Nova Scotia or any other question from New Brunswick; but let this question of marine education and training stand on its own merits and on its own bottom, as a great imperial issue which we must deal with. I do think that no better move could be made by my hon. friend than to show that the Senate proposes to be a little more independent, being outside the reach of the taxpayer, that they may lay down a doctrine to be acted upon which the public generally would commend, and we could support the hand of the government in voting the money, or passing a measure which would accomplish our object. England is looking to Canada to-day. She has not now the same opinion of Canada as she had twenty years ago when we were a struggling community; to-day her people are coming here to make a British home. This is going to be a British country. The wealth follows the people who come here, and, imperceptibly, without any effort of our own, we will become a very important part of the empire, and the imperial destiny. It must be so, and I congratulate my hon. friend from Middlesex and I hope the House will excuse the hon. member from Halifax for treating such an important question as this in such an ordinary way.

Hon. Mr. FERGUSON—I do not sympathize with the view put forward by the hon.

gentleman from Halifax, that the passing of the resolution would be a reflection on our seamen. If so, we have been slighting and depreciating our farmers very much, and nearly every class of people in this country, by the legislative action which we have taken from time to time to improve their methods. At the same time, I am quite prepared to admit that although I was born near the sea, and have lived there all my life, I am far from having much nautical knowledge, and I question very much whether this House has the information before it at this moment which would justify the passing of the resolution in the form in which my hon. friend has presented it to the House. But I do think that we would be performing a very useful duty if at an earlier day of the next session my hon. friend, from the excellent start he has made, would move for a committee to investigate the position of our seamen, and the necessity for instruction and education. If a committee of investigation should be appointed by the Senate, and we had some of the best experts before us to give us their views on it, the parliament of Canada could not undertake a better work than to endeavour to make our good seamen better sailors, if we could possibly do it. With that object in view I would suggest to the hon. gentleman from Middlesex not to divide the House on the motion at the present time, that he might allow it to drop for the present, and if he approves of my suggestion, at an early date next session he would move for a committee of inquiry into the whole subject matter, which committee would be able to report to the House some tangible system by which we might improve the skill and seamanship of our sailors.

Hon. Mr. ELLIS—As the motion appears on the order paper it declares that provision should be made at once for the instruction of Canadian mariners in seamanship and navigation, with a view to the development of the shipping interests of Canada, and, if need be, the protection of Canadian commerce in coastal waters and on the high seas.

The speech that the hon. gentleman has delivered went much beyond what the motion covered. I thought the resolution referred solely to educating navigators on and along the coasts to do their duty; but the hon. gentleman brought into it an imperialistic idea, with regard to war, &c., which the resolution does not on the face of it, cover. I agree generally with what my hon. friend on my right said, that since confederation was formed the government of Canada, without regard to political interests, has done a great deal to develop good and capable seamanship; and he properly, I consider, pointed out that there were schools of navigation in the provinces. The hon. gentleman who proposed the motion in his speech, seemed to imply that the government of Canada had been neglectful entirely of the educational interests of navigators. I think that is not the fact. I think we have as good navigators as can be found anywhere. One of the great troubles we have is that, as soon as you have thoroughly and properly trained a navigator, he will be picked up on the other side of the boundary, and, if he becomes a citizen of that country, he will be sure to obtain a good situation. Therefore it is reasonable to infer that the work of instructing the navigator in Canada is very well done. If the question is to become a national question, and to be discussed altogether, or almost entirely, with a view to a military or naval future, it had better be postponed and be brought down by the government and dealt with as a national policy.

Hon. Sir RICHARD CARTWRIGHT—The House will agree with me that my hon. friend has made, as he always does make, a very interesting and informing speech in many respects on the subject he has seen fit to bring up. At the same time he will remember that this is a question which is at this very moment under the consideration of the government of Canada, who are about to depute several of their number to confer with the imperial authorities on a question to which, though not specifically mentioned in this motion, he has devoted a good deal of attention—the best mode of aiding and assisting in the naval defence of Canada. Under the circumstances, while he can have no objection in the world to having the benefit of the

hon. gentleman's views on this subject, as this is a question which of necessity involves a large expenditure of public money, the Senate is aware, it is not exactly at the disposal of this Chamber, and as it is under the consideration of the government at this present time, without in the least degree wishing to dissent from or disparage the view my hon. friend has been taking, it would hardly be politic for us as a Senate to pass a resolution calling on the government to make a considerable expenditure of money for a purpose that they are already engaged in considering. Therefore my hon. friend, having made his speech, which no doubt will attract a very considerable amount of attention both here and elsewhere—having brought this question before the House and country, could afford to allow the matter to drop for the moment and withdraw his motion. If at a later period in a succeeding session he deems it wise, after the government had brought down any scheme that they may succeed in devising for the purpose of promoting the very important object that he has in view—if he thinks it is desirable then to revive it he will have the opportunity no doubt, and while I do not in the least degree wish to interfere with the views of the House, I think that my hon. friend would be well advised, under the circonstances, having made his speech, to withdraw the motion.

Hon. Mr. ROSS (Halifax)—I listened with a great deal of pleasure and attention to the very able address that has been given to us by my hon. friend and namesake from Middlesex. I wrote some letters stating that while we had colleges and experimental farms for farmers and everything of that kind, that we had nothing in the world to show we were doing anything to educate our fishermen. They are allowed to grope along and follow the system that was in vogue perhaps one hundred years ago, when they should be taught the proper size of packages, the proper method of curing, salting and drying and preparing fish of the best quality for the markets. But nothing of that kind has ever been done. Now, as to our sailors; they are taken from our fishermen. A fisherman takes his sons out with him in large boats, and they go nine or ten miles off the coast to fish. The crew that are qualified to man that boat are also qualified to man and sail a schooner of 100 tons. Every soul on the hundred of vessels now on the banks, from the county of Lunenburg was a fisherman. They are all fishermen to-day and are capable of manning these vessels. They build, rig and sail them, and do it very successfully. I know of two captains of the fast steamers that frequented Halifax last winter; one belongs to Pictou and the other to Sydney, C.B., in his younger days. They advanced step by step until they reached their present prominent position. I do not think that we shall have any trouble, after the Minister of Marine and Fisheries and the Minister of Militia come back, to find the men that will be required to man a Canadian navy from our own people. The schools of navigation are not as far advanced as I should like them to be. As my hon. friend has said, while the deck of the vessel is the best school for training, the sailor has to learn navigation ashore. He has to learn lunar observation and dead reckoning. Then he puts them in practice on board a vessel and goes forward step by step. It has been remarked that in the days when we had sailing ships from Pictou, Arichat and Yarmouth going to all parts of the world, our people were fully as capable in transacting everything in connection with ships as those who came from England or Scotland. Those who came from the old country put their ships in the hands of their agents, and did not look into anything until they were ready to sail again, while our own men, being more enlightened and trained to business, are capable of looking after the interests of their own vessels very closely. In that respect, they have been more successful and of more advantage to their owners. I am not so sure but we are spending too much money on our present military system, and that if we reduced the number of men trained and train them better at such places as Halifax, St. John, Quebec, Montreal, Toronto, Hamilton, the principal towns, it would be a better foundation. You cannot make soldiers of men in a short time. It requires a year in Great Britain to train a soldier as he should be trained. It is different with our seamen, because they commence as fishermen, and

go up step by step. It is not likely, as the leader of the government has observed, that we can bring this matter to a practical issue this session, because we cannot initiate any grants of money in this body; but the subject is one of importance, and I think my hon. friend deserves a large amount of credit for the study and research he has given to it, as he does all subjects to which his attention is drawn. If we should be spared for another session, we might take up this question and deal with it intelligently, and we would be doing better service than discussing how the Senate should be reformed in the future.

Hon. Mr. LOUGHEED—I do not desire to discuss the merits of the resolution, but to say that I appreciate the difficulty under which my hon. friend from Middlesex laboured when introducing a subject of this kind without striking a martial note. He consequently had to introduce it so to speak under a flag of truce so as not to excite the martial instincts not only of the House but of the public. His resolution is subject to this comment, that it is too general in its terms. One branch of it I should be very glad to support indeed, and that is as to the establishment of a naval academy to train our men for naval defence and the protection of our coasts. I am not prepared without hearing further discussion on the subject to say that the government of Canada should enter upon the training of seamen for commercial shipping. In the early days of England's supremacy on the sea academic training was never resorted to by the British government. It has never been done by the government of any great maritime nation so far as I know. Such establishments have been maintained for the protection of the national interests of those governments from a naval rather than a commercial standpoint. If my hon. friends' resolution had been of a concrete character in this direction I should be very glad to support it. I was about to say before the leader of the House made his observations in view of the fact that both sides in the Commons have given a unanimous support to the resolution adopted by the government on this very important question — a question which is agitating the empire at this very critical time and on which opinion is accute—I think it desirable that this policy should be further matured and submitted to parliament before generally discussing it. I congratulate my hon. friend on his very eloquent and interesting speech. It will attract attention not only in Canada but throughout the empire, and will be received I am satisfied with the greatest degree of gratification in England. They will be pleased to know that there is a response in the colonies at this critical time to the feelings of apprehension which have been expressed in the imperial parliament. I coincide with everything my hon. friend has said as to the necessity of Canada giving a hearty response to the imperial authorities on the subject. At the same time I concur in the views expressed by the leader of the House as to the propriety of letting this matter remain in abeyance until the policy of the government has been elaborated and submitted to parliament. It can then be discussed in a more intelligent form than in the way it is embodied in the resolution.

Hon. Mr. ROSS (Middlesex)—I have to thank hon. members for the kind manner in which my motion has been received, and the very kind references to the feeble attempt I have made to present it adequately to the House. I want to disabuse the mind of my hon. friend from Halifax as to one view he took of my speech, that was that I reflected on our seamen, or upon their education. If I did so it must have been an inadvertence on my part. Of course I had to predicate my speech on something, and if I were sure that the education was adequate my speech would have been unnecessary. I was not sure, but I did not intend my uncertainty on that point should be a reflection on those connected with our merchant marine. I have to say also that in view of all the circumstances, perhaps the main purpose I had in mind has been served, by calling attention to what appears to be the inadequate means of educating our merchant marine, and also the importance of laying a foundation for a naval force later on. That foundation must be laid, and it can only be laid by training our seamen in the art of navigation, and all that pertains thereto. Another observation of the hon. member from Calgary might

require notice. He made the remark that the Merchant Marine of England was equipped not from naval academies, but from another source. The fact is, however, that those in command of the mercantile marine were trained in the naval academy, but not being required in the regular service were employed in the commercial service, and the commercial service got the benefit of their training. It does not follow that because a man goes to a military school he must be a soldier. The benefit of that training may be got in some other way, and it would not follow that because a man has taken a course of training in a naval academy he must go as a fighting seaman. His education would be quite as useful in time of peace, and times of peace have to be provided for as well as times of war, and the more peace we have the better we are for it. In view of what the right hon. leader of the House says as to what is on hand, and is to be undertaken by the government, I need not press my motion on the attention of the House. I am quite confident that something will result from this conference, and perhaps the observations I have made may help to strengthen public opinion so that the government may approach this matter with greater determination, and that a comprehensive scheme may be submitted to parliament. With the consent of the House, I withdraw the motion.

The motion was withdrawn.

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

THE SENATE.

OTTAWA, Wednesday, April 28, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (XX) An Act to incorporate the Fundy Power Company.—(Hon. Mr. McSweeney).

NEGOTIATIONS WITH NEWFOUNDLAND.

INQUIRY.

Hon. Mr. LOUGHEED—Before the orders of the day are proceeded with, may I direct the attention of the government to certain reports which have appeared in the press yesterday and to-day respecting negotiations between Sir Frederick Borden, Minister of Militia, and an intermediary on behalf of Sir Robert Bond, representing the government of Newfoundland, touching the question of the inclusion of Newfoundland in the federation of Canada, and as to the terms alleged to be agreed upon between the negotiating parties, and may I ask my right hon. friend if there is any truth in the reports that have just been published? Apparently the Minister of Militia has been, according to his own statement, acting as negotiator. I should like to know whether he has been authorized by the government of Canada to so act? I might say that this is another illustration of the press and the public securing information on very important state matters before it is communicated to parliament.

Hon. Sir RICHARD CARTWRIGHT—As regards the last part of my hon. friend's remarks, I can entirely relieve his mind. This is not a case of the press having earlier information, but this is a case, such as frequently occurs, of the press inventing information for the benefit of hon. gentlemen who desire to make some remarks in parliament. If my hon. friend had looked a little closer at the newspaper report he would have seen, probably, that there was no foundation whatever for the statements made, and I believe Sir Frederick Borden has expressly denied them. In any case, no such negotiation is going on.

Hon. Mr. FERGUSON—I did not understand that Sir Frederick Borden denied that there was correspondence. He admitted there was.

Hon. Sir RICHARD CARTWRIGHT—I have not seen him since.

Hon. Mr. LOUGHEED— I would direct attention to an interview with Sir Frederick Borden, published in to-day's 'Citizen,' in which he apparently discussed the whole subject and assumes responsibility for the insertion of the report.

Hon. Sir RICHARD CARTWRIGHT—In any case, I may say that these newspaper reports are not only previous, but utterly unfounded.

Hon. Sir MACKENZIE BOWELL—In view of the statements made by the hon. leader of the House, and the declaration of the Minister of Militia and Defence that he would like to have all the correspondence published or laid before the House, with the permission of the House I give notice that on Friday next I will move that an order of the Senate do issue that all correspondence between Sir Frederick Borden and others relating to the admission of Newfoundland as a province of the Dominion be laid on the table of the Senate. I should not have given this notice were it not for the fact that it has been reported either in the official debates or in the newspapers—I am not at this moment prepared to say which—as a declaration by the minister himself that he would like the whole of the correspondence to be published. I should like very much to see it, because if his statements be correct it verifies what I took the opportunity to explain the other day at a meeting.

Hon. Mr. FERGUSON—I would suggest to my hon. friend that the motion should be made a little more direct, that it should certainly include others beside the governor of Newfoundland. Mr. Crowe, who appears to be a very influential man in Newfoundland and has very valuable and important interests there, is the person with whom it is alleged this correspondence took place, and if my hon. friend's motion did not include correspondence with Mr. Crowe there might possibly be no satisfactory reply.

Hon. Sir MACKENZIE BOWELL—I intended to put it that way, and with the consent of the House I will put it 'with Mr. Crowe and others.'

Hon. Mr. POWER—It occurs to me that inasmuch as the correspondence between Mr. Crowe and Sir Frederick Borden is private, it is possible that it may not be brought down.

Hon. Mr. LANDRY—We do not know yet.

Hon. Sir RICHARD CARTWRIGHT—I will inform my hon. friends that any official correspondence will be brought down, and nothing else.

THE COMMISSIONERS OF THE INTERCOLONIAL RAILWAY.

Hon. Mr. LANDRY—Before the orders of the day are proceeded with, I would ask the right hon. leader of this House if it is his intention to lay on the table of the House that order in council naming the commissioners of the Intercolonial Railway? I see it has been laid before the House of Commons, and I do not see why this House should not be treated in the same way.

Hon. Sir RICHARD CARTWRIGHT—I will take a note of it, and see that the matter is laid on the table.

LONDON AND NORTHWESTERN RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. COFFEY (in the absence of Hon. Mr. McMullen) moved the second reading of Bill (No. 102) An Act to incorporate the London and Northwestern Railway Company.

He said: I would not make this motion were it not that I have acquaintance with some of the men connected with the enterprise, and I am sure they are responsible men who mean business and want to build this road. If it were for the purpose of dealing in charters simply I would not have anything to do with it. This road will start at London, Ont., crossing the Grand Trunk Railway at Parkhill, and go on to Grand Bend on Lake Huron, and then to Sarnia on the River St. Clair. I hope this Bill will be allowed to go to the committee, because I am sure if any objection should be raised, those interested in the measure will be able to give satisfactory explanations.

Hon. Sir MACKENZIE BOWELL— The hon. gentleman has not touched the objection to this Bill, which is simply this: It being an exclusively local road in the province of Ontario it should be chartered by the provincial legislature. The objection taken is to the second clause of the Bill, in which it is declared to be a work for the general advantage of Canada, and that is a question that we have been not only debating, but fighting over for a number of years. The chartering of these local lines has been carried to such an extent

that short roads exclusively within a province and which, under the Confederation Act, should be within the jurisdiction of the province, are declared to be works for the general advantage of Canada. That is a direct and palpable evasion of our constitution. Personally, I repeat here what I have frequently stated in committee, I believe it would be in the public interest that all railways should be under one jurisdiction, and that jurisdiction the Dominion. I would cheerfully support an amendment to the Confederation Act to that effect; but so long as the provisions of the Constitutional Act place the granting of charters and the control of railways which are exclusively within the province under the jurisdiction of the provincial authorities, we are exceeding our power and evading the provisions of the Constitutional Act by constantly putting these words in local Bills in order to bring them under the jurisdiction of this parliament. We have had many illustrations of this, and these words are frequently used for the purpose of obtaining powers which would not be granted for local reasons by the provincial legislature. It will not be denied that the road contemplated by the Bill before us would be better understood in the Ontario legislature than here, because the great majority of senators are not from the province immediately interested in the work. Having taken a strong stand on this question in the past, I deem it my duty to express my dissent from adding this second clause to the Bill. The line will have no connection with any province outside Ontario or with a foreign country. It goes to the lake, I admit, but that is in Canada just as London is. It is no more a Dominion work than a road from Ottawa to Brockville would be.

Hon. Mr. WILSON—When this Bill was before the Senate a few days ago, I offered my objection to the company being incorporated by the Dominion parliament. I felt then, as I feel now, that we should call a halt and cease to take control of matters which are under the jurisdiction of the provincial legislature. I fully agree with all that has been so ably stated by the hon. gentleman from Hastings. I cannot see why the adding of a few words to the second clause, declaring this work to be for the general advantage of Canada, should change the jurisdiction of the local legislature. It is nothing more or less than a deception and a fraud. I shall not further oppose this Bill, and I should be delighted if the people of London could construct the road. But the local legislature has prorogued, and as those who are interested in this road may wish to proceed immediately with the work of construction, having so much capital and energy, it would be hardly fair to delay the passage of this Bill any longer. We should, however, be more careful about interfering with the jurisdiction of the local legislatures. Some day we may get into difficulty over it. There is a Railway Board for the Dominion, and also an Ontario Railway Board, and my hon. friend from Middlesex knows fully well that the Ontario legislature is capable of looking after the interests of Ontario as well as the Dominion parliament can look after the interests of the Dominion. I withdraw my opposition to the Bill, but I hope we may soon arrive at a conclusion either to carefully scrutinize everything that interferes with the jurisdiction of the legislature or give the Dominion the sole jurisdiction.

Hon. Mr. CAMPBELL—I am glad the hon. member from St. Thomas has withdrawn his opposition to this Bill, and that he will allow it to go before the Railway Committee where both sides can be heard and objections to the Bill can be threshed out. For myself, I quite agree with the position taken by the hon. member from Hastings, that all railways in Canada should be chartered by the Dominion parliament. A charter granted by the local legislature is very little good to the promoters, and it is not in the interest of the shippers. Supposing this charter were granted by the provincial government it would come under the control of the Provincial Railway Board. If I were a shipper on that road, sending my goods a thousand miles by Dominion roads, what control has the Railway Board of the province of Ontario over those rates? I would be under the jurisdiction of two boards. I have to go to the Railway Board of the province of Ontario for the control of my rates for 40 or 50 miles, and then to come

to the Dominion Railway Board for the control of the rates over the other roads, and there is confusion and conflict between the two, and I say it is neither in the interests of the public nor of the country that these charters should be granted by provincial authority. I care not if it is entirely in the hands of the provincial government, this road cannot be built under provincial charter without coming before the Railway Commission. They cannot cross the Grand Trunk Railway. I have no authority for the statement, but I rather think this is a road promoted either by the Grand Trunk or the Canadian Pacific Railway as an addition to their own existing line, and they cannot get power to build that road from the provincial legislature and must come to the Dominion parliament. What difference does it make who charters the road? If it is better to have it chartered by the Dominion, as every one will admit, better in the interests of the public and in the interests of the shipper, and if no injury is done to anybody else, why should we not charter every road that is ready to comply with our rules and regulations? If we do that, I venture to say that any company that is ready to invest a few millions in a road in Ontario or Quebec or any other province will undoubtedly come to parliament for the right to build that road, because when they have a Dominion charter they have only one railway board to deal with. That board has power for thousands of miles over all the roads in the country, whereas the provincial board has only local jurisdiction. Therefore, I think we should encourage Dominion charters, and if an agreement should be come to with the provincial government, it would be highly desirable that all these charters should be granted by one authority, and that is the parliament of the Dominion. I have gone over this Bill, and I think it is in the interest of the public and for the general advantage of Canada, that this road should be built; therefore, I do not see there is any fraud in declaring that it is a work for the general advantage of Canada, and it should go to the Railway Committee where, if there are any other objections to it, they can be answered.

Hon. Mr. FERGUSON—I do not agree with the hon. gentleman from St. Thomas when he says the insertion of these words in the section will have no effect. They will have every effect that is desired. There can be no question in the world about that. The British North America Act says that any work that is declared by the parliament of Canada to be for the general advantage of Canada will, of course, come under federal jurisdiction, and the inserting of these words effects the object completely. I may say that at the time we passed the Railway Act, and to some extent still, I have had a feeling that it would be preferable that all the railways of Canada should be brought under the operation of the one board. I mean the steam railways any way. I would not go so far as to say that street railways and tram railways should be so brought in. Since the passing of the Railway Act and the constitution of a Board of Railway Commissioners by the parliament of Canada, the legislature of the province of Ontario has created a board for the management of railways within the province, and I am told that the board is a very effective organization and is doing its work well, and although it is a later creation than the Dominion Railway Board, as far as its reports at all events are concerned, it would seem to me it is doing its work at least as well as the Dominion Railway Board. I feel that we are almost trifling in discussing this question, for we find that year after year, ever since I have been a member of the House, it comes up just as it does to-day on some Bill, and we find that hon. gentlemen who take pretty strong ground against declaring works, situate entirely within one province, as being for the general advantage of Canada, and oppose very strongly that declaration, but, probably, when they are interested in a Bill from their own part of the country they are quite anxious that it should go through. It shows that there should be some general principle applied to such legislation. I do not know exactly how it ought to be done, but it ought to be brought about in some other way than by outbursts of this kind upon some particular Bill. I would gather from

the Bill before us that this is going to be an electric railway.

Hon. Mr. COFFEY—Either steam or electric.

Hon. Mr. FERGUSON—Well, it may be an electric railway. It is possible that the object in seeking for legislation for a railway with an option that it shall be either a steam or electric railway is for the purpose of getting away from some wholesome regulation within the province for the government of electric railways. If that is so, it shows the danger of dealing with this question in the piecemeal way we are doing. There should certainly be a line drawn somewhere. In a province like Ontario, with an efficient organization provided for the supervision of local railways, its action should not be interfered with by declaring local railways to be works for the general advantage of Canada, and in that way taking out of the jurisdiction of the province that has the right to deal with them. With regard to other provinces, it might be desirable that railway charters should be got direct from this parliament, because there does not appear to be any provision made, perhaps in Ontario, for dealing effectively with such roads. In the province of Ontario such utilities are very carefully looked into, and if this is merely an electric railway we should take very great care to hear from the province and those representing the province before we pass this Bill into law.

Hon. Mr. CAMPBELL—The local railways will all be running by electricity in five years.

Hon. Mr. WATSON—The hon. gentlemen will observe that clause 10 of this Bill reads as follows:

10. The company may, for the purpose of its undertaking, — construct, acquire and navigate steam and other vessels for the conveyance 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.

I fully agree, and I have expressed myself in the Railway Committee and in this House, with gentlemen who have expressed themselves to that effect, that all applications for railway legislation should come to the federal parliament. Section 92 of the British North America Act, subsection 10, reads:

Local works and undertakings other than such as are of the following classes:—

Subsection (c) reads as follows:

(c.) Such works, as, although wholly situate within the province, are before or after their execution declared by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.

It seems to me that it is entirely within the jurisdiction of this parliament to say what is a work for the general advantage of Canada, even if it is situated wholly within the province.

Hon. Mr. FERGUSON—No doubt we have that power.

Hon. Mr. WATSON—I know this matter has been argued very often, but I do not think that anybody would have any remorse of conscience or feel that we are violating the constitution by passing such a Bill. It is simply a matter of opinion, and a matter of good judgment of this parliament. We have on many occasions during this session and other sessions declared works to be for the general advantage of Canada. It seems to me that undertakings such as this company propose to enter into, can be declared by parliament to be for the general advantage of Canada under section 92 of our constitution. I am in hopes that such an understanding will be arrived at, that we will not have this question of provincial rights raised when Bills are presented to us for adoption for the construction of railways in any province in Canada. So far as the exception might be taken to electrical railways, I fully agree with Senator Campbell that a very great many of our railways operated by steam now will in the near future be operated by electricity. There is no doubt about that at all. Roads are being successfully operated in some parts of the United States by electricity, and I believe in the near future they will be operated by electricity in Canada. From the nature of this work, while it is wholly within the province, the company contemplates build-

ing steamships connecting with foreign countries, and the local legislature could not possibly give the powers this company requires for the construction of the road. I hope that this Bill will not only pass the committee, but that it will be reported and become law, because I am satisfied, knowing something of the country through which they propose running this road, that the people through that section are very anxious it should be built.

Hon. Mr. DOUGLAS—I wish to make a few remarks on this question. Seeing that we have heard from different parts of the province, from the people who are directly affected and others who will be more or less affected in connection with this Bill, I am a little surprised to hear some of our respected members advance the views and arguments which they do. If we are to have a thorough system of railway legislation that will secure the confidence of our people throughout Canada, let us have it. Let us have one law for the Dominion and we will understand it. But when we have the provincial and Dominion governments at conflict in connection with jurisdiction of this kind, it is not prudent that the Dominion should make itself prominent and force its view upon the province, when a large body of the people in that province are not in favour of it. I have no hesitation in saying that there is a goodly number of people in that district who are very much opposed to this legislation on the ground that the reasons behind and underneath it are not such as to commend it to the province at large. I am surprised that we should be asked to cast our votes in favour of a principle advocated merely because it might effect an individual shipper. We have to consider in this case not the individual, but the people of the province, and until the people of the province are decidedly in favour of it, and the company find that they cannot meet the wishes of the province without further legislation, it is time enough for this honourable House to take action. I feel that I cannot support this Bill; that it is interfering with the rights of the people on a matter which the constitution has settled, and as long as the provinces have the right to control the building of roads for themselves, then we ought to allow them to do so, and this subterfuge—for it is nothing more or less than a subterfuge—adding these words, cannot blind the mind or warp the judgment of gentlemen who have had any great experience in the work of the Railway Committee or in the work of the Dominion government in connection with railway building. I feel that we are called upon to exercise our judgment in the case peremptorily. Let the company go to their own province, and only to the province to which they belong, and within whose bounds they wish to operate, and if they find that they are crippled or hampered for want of further power, let the company, through the province, come to the Dominion authority, and I am sure the gentlemen of this honourable House will be ready to meet their wishes and assist them in their work; but as it now stands before us, I am not prepared to vote in favour of the Bill.

Hon. Mr. RATZ—As I live in that section through which the road is proposed to be constructed, I should like to say a few words. My hon. friend has stated that the people in that section of the country were opposed to the building of this road. I live in a part where it is proposed to cross the Grand Trunk, and I have yet to hear the first man offer the least opposition against the construction of this road. I understand there is a difference of opinion here as to who should have the authority to grant this charter. My opinion really is that both the provincial and Dominion authority should grant the charter. I do not see that the provincial authority is injured in any way if this parliament does grant the charter. I know that the people of Ontario, and particularly that section of Ontario, will welcome such roads as this. In that district we have the Grand Trunk Railway and no other. I know that it would be a great advantage if we had another road that would compete with the Grand Trunk. I have seen some of the promoters of the Bill, and I understand that they propose to run their road up to Sarnia and down to Windsor, and in both those places I understand they are to operate ferries which cross the international boundary from Sarnia to Port Huron and

from Windsor to Detroit. I do not know whether that would constitute the road a work for the general advantage of Canada. I understand that if there is a street railway, such as the Ottawa Electric, which crosses the Ottawa river, simply running over the bridge to the city of Hull, that it can be termed a work for the general advantage of Canada.

Hon. Mr. LANDRY—Oh, no. It is because it crosses from one province into another.

Hon. Mr. RATZ—It simply crosses the international boundary. The point I wish to make is that it makes no difference whether the boundary line is crossed by a street railway over a bridge or by a ferry or steamboat over a river. One of the promoters, who is a provisional director of the company, as I understand, told me that the intention was to operate a ferry between the two countries, and I wish to make the statement that, as far as the people are concerned, not one out of one hundred is opposed to the building of this electric railway in that section of the country.

Hon. Sir MACKENZIE BOWELL—I wish to put the hon. gentleman right. I do not think that any hon. member who has spoken upon this question objects to the construction of the road.

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

SECOND READINGS.

Bill (No. 84) An Act respecting the Athabaska Northern Railway Company.—(Hon. Mr. De Veber).

Bill (RR) An Act respecting the Brockville, Westport and Northwestern Railway Company.—(Hon. Mr. Derbyshire).

Bill (SS) An Act respecting the Quebec and New Brunswick Railway Company.—(Hon. Mr. Costigan).

SECOND READINGS.

Bill (TT) An Act respecting the Montreal Bridge and Terminal Company.—(Hon. Mr. Choquette).

Bill (UU) An Act respecting the Prudential Life Insurance Company of Canada.—(Hon. Mr. Derbyshire).

Bill (No. 95) An Act to incorporate the Royal Guardians.—(Hon. Mr. Casgrain).

QUINZE AND BLANCHE RIVER RAILWAY COMPANY BILL.

COMMONS AMENDMENT CONCURRED IN.

Hon. Mr. POWER (in the absence of Hon. Mr. Belcourt) moved concurrence in the amendments made by the House of Commons to Bill (Q) An Act respecting the Quinze and Blanche River Railway Company.

He said: I suppose that the House will take my word that the amendments, although looking rather large in the message which brought them up here, really do not alter the meaning of the Act, so far as I can see, in the slightest degree.

The motion was agreed to.

MONARCH FIRE INSURANCE COMPANY BILL.

SECOND READING.

Hon. Mr. COFFEY moved the second reading of Bill (No. 82) An Act respecting the Monarch Fire Insurance Company. He said: The headquarters of this company are in London, Ont. It has been in existence for a number of years and has done a large business. It is quite a reputable company. It is a cash mutual and stock company. They ask for power to take over the assets and business of the present company on the proposed transfer being agreed to by the shareholders of the Monarch Company at a meeting called specially for that purpose.

Hon. Sir MACKENZIE BOWELL—Do they propose to carry on both branches of business—mutual and stock?

Hon. Mr. COFFEY—Yes, mutual and stock.

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

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

THE SENATE.

OTTAWA, Thursday, April 29, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EXPROPRIATION OF CARRIER, LAINE & CO'S FOUNDRY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Did the government acquire the foundry of Carrier, Lainé & Company at Lévis, Quebec?
When, from whom, and for what price?
Did it subsequently lease the said foundry?
When, to whom, for how long a time, and what were the conditions of payment?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows:

1. Yes.

2. (a) 12th February, 1909. (b) The Bank of Montreal. (c) The whole property was expropriated and the department expects to pay $380,000.

3. Yes.

4. (a) Order in council passed 2nd April, 1909. (b) The Canadian Shoe Machinery Company, Limited. (c) Thirty years, lease to be computed from 1st May, 1909. (d) Rental, $4,000, payable semi-annually, for the first ten years of the lease; for the balance of the lease, $6,000, payable semi-annually.

CANDIAC POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Why is the post office at Candiac, in the town of Montcalm not open to the public at noon on Sunday, in order at least to permit those concerned to receive the mail, which arrives from Quebec after three o'clock in the afternoon of the day previous, and is only distributed on Monday morning?
Does the government intend to take the measures necessary for that end?

Hon. Sir RICHARD CARTWRIGHT—The answer to the hon. gentleman's question is: The post office at Candiac is not a regular post office, but is what is known as a sub-office, being under the control of the Quebec post office. A large part of the district in which the office is situated is also served by letter carriers, but a limited quantity of mail matter is delivered from Candiac sub-office to persons living out side of the territory in which a free delivery service exists. It has never been the practice of the department to have such sub-offices kept open on Sundays, and there appears to be no sufficient reason of a public nature why exceptional treatment should be extended to the office at Candiac.

Hon. Mr. LANDRY—I desire to point out the inconvenience of this arrangement, so that the department may be aware of it. A letter coming from Ottawa or from Montreal reaches Quebec, say by the 3.30 train on Saturday. We only receive it on Monday morning. Before we had the benefit of that rural district post office, we would receive our letters on Sunday, but since that benefit has been extended to us, we are entirely shut out from civilization until Monday noon. That is what I call a retrograde movement.

Hon. Sir RICHARD CARTWRIGHT—I shall call the attention of the Postmaster General to the observations of my hon. friend.

FEDERATION OF NEWFOUNDLAND.

MOTION.

Hon. Sir MACKENZIE BOWELL moved:

That an Order of the Senate do issue requesting all correspondence between the Hon. Sir Frederick Borden, Minister of Militia and Defence, Mr. Crowe and others, relating to the admission of Newfoundland into the Dominion as a province of the same, be laid upon the table of the Senate.

He said: This motion is somewhat out of the usual mode of procedure in asking for correspondence. I should not have adopted this course in reference to the subject matter of the motion had it not been for the statement made by Sir Frederick Borden, Minister of Militia, when his attention was called to the subject. I notice in the report of an interview which he had with the newspapers he stated as follows: 'As a matter of fact,' said the Minister of Militia in closing the interview, 'I should be pleased indeed to have the entire correspondence between Mr. Crowe and

myself given the fullest publicity.' It is unusual to ask for what might be considered private correspondence of that nature, but as the minister has expressed a wish that the whole correspondence between Mr. Crowe and himself on the subject should be published, there can be no objection to the motion. The question of the union of Newfoundland and Canada has been a vexed question for some time, especially with the inhabitants of the island, and what purports to be the letter of Mr. Crowe is of great importance to the people of Canada, owing to the fact that he says he is acting in conjunction with the late premier of the island, Sir Robert Bond. I see by the press reports that Sir Robert Bond denies any connection with this correspondence. The present election in the island is bringing forth some strange charges. The premier has entered an action against a newspaper, claiming damages to the extent of $50,000, for the publication of a statement that he had received a bribe from the Canadian government of a large amount of money to induce him to advocate the annexation of that colony to Canada. On the other hand, Sir Robert Bond is charged with acting in collusion with Mr. Crowe with the same object in view. If Sir Robert Bond is in any way responsible for the correspondence between Sir Frederick Borden and Mr. Crowe, he must have changed his mind on the federation question, for in my interviews and negotiations with Sir Robert, one in Halifax and the other here, he never intimated a desire in any way to have Newfoundland join the Dominion. On the contrary, his demands were so excessive at the time, the committee of Council felt that they were only doing their duty to Canada to resist the demands he was making. I took the opportunity a few nights ago, at the banquet given to the surviving members of the first parliament of Canada, to call attention to charges made against the late government, that they had refused to accept the offers made by the delegates from Newfoundland on account of a difference of some $150,000 or $200,000 between us. The governor of Newfoundland entertained that idea, and I presume the premier at that time, Sir Robert Bond, must have so informed him. Otherwise he would not have called my attention to it when I was in the island a few years ago, and expressed his deep regret that so small a sum should have caused a split between the representatives of the island and the Dominion government. The statement was also repeated in Toronto a short time ago by Mr. Morine before the Canadian Club. I took the trouble to write to that gentleman, calling his attention to the inaccuracy of the statement he had made, and intimating to him that the next time he discussed the question if he would substitute millions for hundreds of thousands he would be nearer right. The fact is, we refused to acquiese in demands which involved some five or six million dollars, the acceptance of which, and the terms on which it was to be accepted, would have entailed on Canada an additional burden of millions of dollars. When that was reported to the Senate, the late Secretary of State (Hon. Mr. Scott) approved of the course which we had taken. I call attention to this fact again, in order that the people of Canada who are desirous of rounding off this Dominion by the annexation of Newfoundland may not be led astray by an incorrect statement. I have always been anxious to see Newfoundland attached to the confederation, and while I was at the head of the government I should have been very much gratified had I succeeded in accomplishing that object, which I consider to be more of practical than sentimental importance. But I did not feel justified, in consideration of what we were to receive, in fastening on the Dominion so large a debt. I trust Sir Frederick Borden will consent to place the correspondence on the table of the Senate.

Hon. Sir RICHARD CARTWRIGHT—It strikes me that my hon. friend should have asked for an address and not for an order of the Senate, as a matter of form.

Hon. Sir MACKENZIE BOWELL—My hon. friend is quite right. Had he not stated to the Senate when this question was under discussion that there was no official correspondence, that would have been the proper course.

Hon. Sir RICHARD CARTWRIGHT—I doubt very much whether the Senate has any power to demand from Sir Frederick

Borden or any one else the production of private letters. What my hon. friend should do is ask for an address. If Sir Frederick Borden, of his own pleasure, communicates private letters of his own, I have nothing to say to it; but I doubt the expediency of the Senate putting itself in the position of passing an order for the production of private correspondence. I am not aware what the practice has been in this House, but I think no such order has ever been passed in the House of Commons, and I doubt whether my hon. friend will find a precedent for it here. I cannot undertake—no government could undertake —to require the production of private correspondence in compliance with an order of the Senate or of any other body. Of course, anything official I shall be glad to bring down; but the hon. gentleman must surely see that we have no right, either constitutional or legal, to order the production of private correspondence.

Hon. Sir MACKENZIE BOWELL—If the right hon. gentleman heard the remarks I made when I introduced the motion, he would remember that I admitted all that he has said.

Hon. Sir RICHARD CARTWRIGHT—Yes, I heard all the hon. gentleman said.

Hon. Sir MACKENZIE BOWELL—I admitted all that the hon. gentleman has said. I said it was a request that, so far as I knew, was unprecedented, but it was a request based upon the statement made by Sir Frederick himself. However, I have no objection to change the motion.

Hon. Sir RICHARD CARTWRIGHT—Put it as an address, and any correspondence that can profitably be brought down will be forthcoming.

Hon. Sir MACKENZIE BOWELL—In changing the motion into an address instead of an order, does the hon. gentleman intimate that I should make it an address to His Excellency asking him to do this?

Hon. Sir RICHARD CARTWRIGHT—I think that would be the more correct form.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is aware that in the lower House, when a motion is moved that does not effect correspondence that would go before the cabinet, but merely an order to produce certain departmental documents, it is not an address that is moved. However, I have no objection to meet the hon. gentleman's wishes. I do not think I will get anything in an address.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will understand that we will produce what is usually produced in such cases.

Hon. Mr. FERGUSON—I would not expect that my right hon. friend or his colleagues are disposed to seek advice from this side of the House as to what course is to be pursued with regard to this correspondence. If I thought the suggestion would be received kindly—and perhaps it will—I would say that the better course to pursue is that this correspondence from beginning to end should as soon as possible be made public. It will all have to come out some day. It is a very important matter. So far as Newfoundland is concerned, it may only have been a political intrigue in that province to try to win over this man Downey from one party to another. I have not seen a full account of the matter, merely newspaper references, but it appears that Mr. Downey was shown this correspondence, and he was lead to believe that something very important was to come out of it, and, that being so, Sir Frederick Borden's name being mixed up in it, I think it is better for all concerned that the whole thing should be made public as soon as possible.

Hon. Sir MACKENZIE BOWELL—On thinking the matter over, I am still under the impression that the wording of the motion is correct. This is a request made on the head of a department, in which the inference from what he has stated is that there was no official correspondence. An address would have to be to the Governor General and not to Sir Frederick Borden as an individual; but as the head of a department he might be requested to furnish it. If the hon. gentleman thinks it would be better, I would leave out the word 'order.'

Hon. Sir RICHARD CARTWRIGHT—I think that the House should pass it as I suggested. An address is better.

Hon. Sir MACKENZIE BOWELL—All right; I will so amend it.

The motion was amended and adopted.

BILLS INTRODUCED.

Bill (YY) An Act to incorporate the Catholic Church Extension Society of Canada.—(Hon. Mr. Bostock).

Bill (ZZ) An Act to incorporate the Commerce Insurance Company.—(Hon. Mr. Belcourt).

FOOT AND MOUTH DISEASE.

Hon. Mr. FERGUSON—Before the orders of the day are called, I desire to call the attention of the right hon. gentleman who leads this House to an item which I see in this morning's Ottawa paper, that the foot and mouth disease has broken out near London, Ont., and it is supposed that it has been brought over from the state of Michigan. We know that this is a very serious matter. The mere fact that this disease has got into the country at all is going to prove very serious, not only because of the impression it will create abroad, but the danger of its lurking and persisting as it does in other countries. A few years ago it broke out in New York, and nearly all the states of the American union became effected in one way or another with it, and we know with what horror it is regarded by the agriculturists of Great Britain.

Hon. Sir RICHARD CARTWRIGHT—I may say that I have here the Ottawa 'Free Press,' published this afternoon, in which there is a statement from Dr. Rutherford, veterinary director, formally and emphatically denying the report. He says there is not the slightest indication of the existence of any such disease any where in Canada.

THIRD READING.

Bill (No. 86) An Act respecting the Cobalt Range Railway Company.—(Hon. Mr. Belcourt).

MANITOBA AND NORTHWESTERN RAILWAY BILL.

THIRD READING.

Hon. Mr. WATSON moved the third reading of Bill (No. 81) An Act respecting the Manitoba and Northwestern Railway of Canada.

Hon. Mr. DAVIS—I beg to move:

That the Bill be so amended as to provide that the company shall build ten miles in a northerly direction from Sheho before the end of the year 1909, and that if such ten miles are not so built, then the powers granted to the company for the construction of any further portion of the extension from Yorkton to Prince Albert by paragraph (a) of subsection 1 of section 9, of chapter 52, of the statutes of 1893 shall cease.

He said: I suppose it will be necessary for me to give some explanation of why I have made this motion, particularly as the majority of the members of the House are not members of the committee where the information was given respecting this Bill the other day. I might say that this Act is rather old. This Manitoba and Northwestern Railway charter extends back to the year 1880. It was incorporated by the legislature of Manitoba in the year 1880, and by a Dominion Act in 1883, which confirmed the Act of the province of Manitoba and changed the name of the company, which was formerly the Portage and Western to the Manitoba and Northwestern, at that time an independent company, not under the control of the Canadian Pacific Railway. The Act provides that fifty miles of that road shall be built yearly. I desire to draw attention to this fact: That while it was one of the first railway charters granted in that western country from the province of Manitoba running west, and settlers going into what is now the provinces of Saskatchewan and Alberta wanted to get on a line of railway, or where they expected to have a line of railway in the near future, seeing that this charter had been granted by the parliament of Canada, in which it was provided that fifty miles a year should be built, they took it in good faith that when parliament inserted the clause that fifty miles of the road should be built annually, that parliament meant that that should be done. They know the district from Portage la Prairie to Prince Albert, the terminus of this road, and they figured the number of years it would take the railway to get to a certain locality, and on the strength of this promise they settled along the proposed line of railway. We

find that this company came back to parliament in 1894 and obtained an extension of time, but parliament still provided that they should go on and build that fifty miles a year and keep faith with the people who had settled in the country on the strength of that clause being inserted in the charter. In 1885 they were back again to arrange for a bond issue, and in 1886 they came again to procure a bond issue on branch lines. Instead of building the main line, which the people were waiting for, which they should have built according to contract, they were building branch lines. In 1887 they came here again, asking for power to build branch lines, and in 1888 they came once more, asking to be relieved of the obligation to construct fifty miles each year, and I suppose on account of the financial stringency, parliament relieved them of that obligation and inserted a clause providing that they should construct twenty miles a year until the road was completed. In 1890 they came again, and parliament then gave them an extension of time to construct the seventeen miles west of Saltcoats, which had been partly constructed, and they again agreed to build twenty miles each and every year, or else the charter would be forfeited. In 1892 they had not fulfilled their obligations, and had built none of the road worth speaking about, and they came back and obtained relief. In 1893 they made a consolidation with the Saskatchewan and Western and still agreed to build twenty miles a year on the main line running to Prince Albert. In 1894 they came back and obtained a special Act giving them nine years to complete the road, and they were still to build twenty miles each year. I wish to call attention to the fact that every time they came here they had not built the twenty miles a year and had failed to comply with the conditions of the charter, but parliament released them. In 1895 they were back again, and in 1897 they came again in order to obtain an amalgamation. In 1902 they asked for an extension of time, and in 1904 they came again asking power to build branch lines, and also for an extension. In 1908 they again asked power to build branches. I desire to say with reference to this Bill, that as a private company the Manitoba and Northwestern had undertaken to build that road. I believe that if the Manitoba and Northwestern had been allowed to keep control of the road it would have been built into the town of Prince Albert, and the settlers who had located along the line expecting the fifty miles to be built would have got the relief they were expecting when they were asked to go into that country. But the Canadian Pacific Railway, using the influence and money that Canada had given them for the construction of the main line, got to be such a powerful factor in the west that they wanted to squeeze out all opposition, and they gobbled up this railway as a big fish gobbles up a little one, and forced them out of business. Had it not been that the people of Manitoba intervened, they would have swallowed up the Canadian Northern interest, because they had the tail pretty well in their mouth when the Manitoba government drove them off. Since the Canadian Pacific Railway put these people out of business, when they were ready to build the road, they are in duty bound to carry out the obligations entered into by the old company. When this charter came up, I fought it in the Railway Committee of the Commons. The Canadian Pacific Railway kept on building this road until it got past Yorkton, and when it suited their own convenience they changed the route and ran off towards Saskatoon. I was in the other House at the time, and did not object. The people to the north had been eighteen years in the country waiting for a railway, and I suppose the new comers in the direction of Saskatoon were entitled to a railway also. I made the proposition that the company should be compelled to build mile for mile for the accommodation of the settlers in both directions. If parliament allowed them to divert their line and run to Saskatoon, that is the least that should have been required of them. I had to fight that Bill in the House of Commons, and the company withdrew it rather than undertake to build both ways. After I left the House, they got the charter renewed, and they have it at the present time. People were asked to go into the country and settle on the strength of a charter having been granted under which the company were obliged to build fifteen miles a year,

and something should be done to force the Canadian Pacific Railway to provide facilities for those settlers. There are large settlements in that part of the country this side of Prince Albert; some settlers have been there twenty-five years trying to raise grain and market it, and have found it impossible without a railway to carry on their operations at a profit. They are looking to the government to see that a railway is built there in the near future. I have here a petition signed by a great number of settlers protesting against any further extension of time. Since they settled there in 1883 there has been nothing done but extensions. No road has been built, and they cannot take their grain to market. When they saw that this company was asking for another extension of time, they sent word to their representatives, protesting against renewing the charter at all. That is the purport of these petitions and telegrams. Now, I do not want to go so far as that, but I do want the company to show their bona fides by doing something this year. My own impression is that they have no more intention of building that road than the man in the moon has. They have another line into Prince Albert for which we granted a charter this year. It extends from Lannagin to Prince Albert, and covers the only available route, because there is a narrow pass through the Birch Hills and Crooked lake. Does any reasonable man believe they are going to build two lines into Prince Albert? Our people do not, and I do not think the company has any such intention. I hold here the immigration pamphlet that the Canadian Pacific Railway Company is circulating, not only through this country, but all over Europe. It is called 'Western Canada.' It contains a map showing their lines of railway existing and projected. If anybody will show me on that map any indication that they intend to build the line for which they are now asking an extension, I am willing to contribute something towards any hospital. They show the projected line from Lannagin to Prince Albert, but there is nothing to indicate that they ever intend to build the line now under discussion. They have secured the only available pass through the Birch hills, and their object is clearly to head off any other road into Prince Albert. I have heard the statement made, and no doubt it will be repeated to-day, that charters are as free as the air—that anybody can get a charter. If that is true, why does the Canadian Pacific Railway come here year after year asking for extensions of time on railroad charters covering the greater portion of the Dominion? If they are no good, why spend money getting these Bills through? Why spend money in lobbying, because they do spend money in the lobby to get Bills through? Simply because they know that these charters amount to something. If an independent company wanted to get a charter to build a road alongside this projected railway, there would be great difficulty getting the Bill through this House.

Hon. Mr. WATSON—No, no.

Hon. Mr. DAVIS—My hon. friend says 'no, no.' Our experience shows the difficulty. But even if they did get a charter, and went to the money markets of Europe to get capital to build their line, what would happen? The capitalists, after looking into the matter, would say, 'Yes, this is a good tract of country and it would pay to build a line to Prince Albert, but there will not be sufficient traffic to sustain two roads. The Canadian Pacific Railway has a charter there now, and we cannot lend money for a line to compete with such a powerful corporation.' They have us tied hand and foot. I have nothing against the Canadian Pacific Railway, but they should be made to live up to their obligations. If they were a poor company, lacking financial strength, I would say all right; but we have granted the Canadian Pacific Railway this year the right to issue $50,000,000 stock. That has been sold to their own shareholders at par, and the people of this country will have to pay dividends upon it. Where is that money being used? The whole programme of the Canadian Pacific Railway for this year for all purposes east and west is $18,000,000. Where is the balance going? It is easy to find out. The Canadian Pacific Railway is very active south of the boundary line. I have here a paragraph taken from a Winnipeg paper of recent date which is as follows:

Canadian Pacific Railway Extensions—Campaign for Commanding Position in United States.

Winnipeg, April 14.—The Canadian Pacific Railway is evidently planning a most aggressive campaign of extension south of the border which will give it a commanding position in regard to railway affairs there. The latest project is a line to Duluth which will virtually connect this city with Chicago, giving the most direct route at present available. This will run west from Duluth to Thief River Falls and join the main line of the Soo there. The work of construction started yesterday.

Milwaukee, April 14.—The shareholders of the Wisconsin Central Railway yesterday ratified the lease of the road to the Canadian Pacific Railway. This city will ultimately be one of the big terminal points of the Canadian Pacific Railroad. The Wisconsin Central Railroad now loses all its identity except its corporate name in legal affairs. Within a short time there will be considered plans for building to, or through, the city of Milwaukee. The headquarters of the Central in Chicago will be moved to Minneapolis. All good men will be retained in their present positions or promoted.

Now if the Canadian Pacific Railway Company can spend this amount of money building roads in the United States, surely they should be compelled to carry out some of their undertakings in this country. Should parliament grant these extensions of time year after year while the Canadian Pacific Railway is building roads to settle and develop a foreign country? They should be compelled to do something at home. All I ask is that they shall show their bona fides by building ten miles this year, in default of which their charter shall lapse. If they do not build, it will leave the ground clear for some other company to furnish the railway accommodation that these people so urgently require. I understand that the Grand Trunk Pacific is willing to build from Melville. There is room for one road, but not for two roads. I have petitions here signed by over one thousand actual settlers in that country who deserve some consideration Here is a telegram from the Prince Albert Board of Trade:

Prince Albert, Saskatchewan,
12th February, 1909.

Senator Davis,
Senate, Ottawa.

This board strongly opposes extension of time being granted Canadian Pacific Railway Company to build their line into city.

MOOREHOUSE,
Secretary Board of Trade.

And I have also a telegram from the town council of Prince Albert, which is as follows:

The council of city of Prince Albert protest strongly against extension of time being granted Canadian Pacific Railway Company to build their line into this city, and request you to give vigorous opposition.

CHAS. McDONALD,
Mayor.

We have done a good deal to help the Canadian Pacific Railway. Canada has given them money and lands, and it is only right that they should be compelled to carry out their obligations. The majority of the settlers in the district of which I have been speaking are from the province of Quebec. One settlement there, St Isadore De Bellevue, has been there 25 years, and there are other colonies of settlers producing quantities of grain and cattle. There is also Hoodoo Plains settled by Germans who went there years ago expecting to have the country opened up by the railroad. I ask the House to have some consideration for these people. It is not a great matter for the Canadian Pacific Railway to build ten miles of road this year. If they had made a promise that they would do so, I would have accepted their promise. The solicitor was not present in the Senate Committee yesterday, but he did attend the meetings of the committee in the House of Commons, and he refused to make any such promise. I saw the management and they would not promise to build this year or next year.

THE SPEAKER—The hon. gentleman's motion is not, in point of form, in order. This, if carried, would be a declaration that the Bill is to be amended, but that does not make an amendment. It must be done in some definite form. There are three courses open, either to move that the Bill be referred back with instructions to amend in the manner proposed, or to give a notice of motion to amend in some other form, or by the leave of the House to amend the motion now on the Order Paper. If the House consents the motion might be amended.

Hon. Mr. DAVIS—With the consent of the House, I would amend the motion on the lines suggested by the Speaker.

Hon. Mr. DOUGLAS—I have not looked into this matter lately, and am not prepared to say that everything stated by the hon. gentleman from Prince Albert is according to fact, but I believe the facts of the case are as stated. It so happened that when I was in the House of Commons, as member for East Assiniboia, that the same line of railway ran through my constituency, and I had something to do with the extension of this road previously. The same company came up asking for liberty to switch immediately, like your elbow in the direction of Saskatoon instead of going on, as the charter called for, towards Prince Albert. The statements made with reference to these settlements are correct. They have been struggling with the difficulties described, for eighteen years. I dare say many hon. gentlemen who will vote on this Bill have no conception of the hardships to which these people are put by such repeated delays. Along the same line, further east, personally I settled and waited, and the people in that now well-settled country waited eighteen years for the building of this road. I am here to bear testimony to the fact that since the Canadian Pacific Railway kept faith with us in that district, it has added ten cents per bushel to the price of our grain. Think of settling in a country and spending eighteen years of the best of one's life waiting for railway companies to keep faith with the people who were induced to go in with the hope that railway facilities essential to there success would be provided. My personal experience is the basis on which I speak on behalf of the settlements on the line of this road. The case seems very clear that the company ought not to get an extension of time, but should build at least ten miles this year. That is a very small request; it is like throwing a ten cent piece to a boy. The company can easily keep faith with the people and do what is just and right, so I have great pleasure in raising my voice to support anything that will give those settlements relief. I remember that in the Railway Committee of the House of Commons I spoke at great length on this question, and there was a great deal of feeling over it at the time. When the company diverged from their original plan and turned towards Saskatoon, dropping the line covered by their charter towards Prince Albert, there was great disappointment. Now, I do not wish to dictate or to say that my judgment ought to have any influence on a great railway company like the Canadian Pacific Railway. They have their own policy and their own reasons for making angles in their roads and changing their routes, and they will naturally attend to what is most important in their great system. Still, it is the duty of this honourable House to do as much as in them lies to go to the aid of these people who have been toiling so many years, and with comparatively little success. I want to call your attention to a fact known to me personally, that the district of Sheho was settled largely by people from the United States who went in with high hopes and not a little money and settled there. They waited for this Manitoba and Northwestern Railway to be extended and come to their relief, but one after another became disheartened at the delay and left, until out of the whole number that settled in that colony there were only three left to tell its history. They got discouraged, and naturally moved away to parts unknown, so far as I am concerned. That was in the constituency that I represented. The same arguments that we urged for the extension of this road are still forcible, and the statements made by the hon. member from Prince Albert are in the best interests of the people. They have claims upon our sympathies and support when a railway company such as the Canadian Pacific Railway seeks a further extension of time. Supposing any individual in this House had established his business on the line of a projected railway, investing all his means and giving the best of his years and had raised his family there, with the assurance that the road would be built, and still was handicapped to the tune of ten cents a bushel on every bushel he raised, would he not rise up against a policy of dilly-dallying with the construction of a short piece of road by a great company like the Canadian Pacific Railway? I have no patience with it whatever. I stand for the people's interest first and the company's interest second. They can well afford, from what they have made in that country, to build this bit of line and keep faith with

the people, and I sincerely hope that hon. gentlemen will give the subject their earnest attention, and that something will be done to come to the relief of those settlers.

Hon. Mr. WATSON—I was rather disappointed with the motion of my hon. friend from Prince Albert in connection with this matter. He presented telegrams and petitions against the extension of this charter unless the company would atonce build the road. He sees fit apparently to ignore the requests of the petitioners, by saying that he is prepared to support the extension on the condition that the company build ten miles of the road this year. Now, that surely will not give relief to the suffering people. I know the locality in which the ten miles would be built. The Canadian Pacific Railway is operating its Manitoba and Northwestern line to Saskatoon, and the Canadian Northern is only 11 or 12 miles north of this line. The ten miles north of Sheho would run in that direction, and this is the great relief that has been suggested. If the hon. gentleman had moved that this extension be not granted at all, he would be carrying out the wishes of those who have petitioned. This road is not built particularly for the purpose of reaching Prince Albert. It will not be a main line of the Canadian Pacific Railway. The other road spoken of going from Lannigan in the direction of Prince Albert runs through the part of the country represented by the hon. gentleman who has just spoken. That extension meets the main line going west, and runs almost straight in a northerly direction to Prince Albert. The line under discussion starts at a point on that line some 40 miles further east. This grand country which has been described, where settlers are pouring in and are in need of a road—

Hon. Mr. DAVIS—They want a road but will not get it.

Hon Mr. WATSON—The hon. gentleman knows that at the present time the Grand Trunk Pacific have power to build into that country. The hon. gentleman also promoted a charter three or four years ago for a company known as the Battleford and Lake Lenore Railway.

Hon. Mr. DAVIS—That has lapsed.

Hon. Mr. WATSON—No.

Hon. Mr. DAVIS—Well, it has not been built.

Hon. Mr. WATSON—That company has still another year to build, under its charter. I am so informed by the law clerk of this House. The hon. gentleman should not have promoted that charter. The idea that the pass through the Birch hills is monopolized is most absurd. The Railway Commission control that situation. Practically every week, certainly every month, they give companies power to build in such places. The Canadian Pacific Railway running west from Saskatoon practically parallels the Canadian Northern on the same right of way. No company can block another company from building a road. I remember well when the original Manitoba and Northwestern Railway was chartered. It was known by another name then. I happened to take a little part in assisting that road to start its operations. I was in the town council at Portage la Prairie when we granted them a bonus of $50,000 to build in a northerly direction. What has been stated by the hon. member from Prince Albert is true with regard to the old Manitoba and Northwestern. They were in financial difficulties; they could not get money to build the road. The territory through which the route lay was supposed to be of no particular value and, consequently, the road was not built. Later, others became interested in the road and the interests were divided. Unfortunately, one interest owned the eastern portion, and another interest the western, and they were in difficulties all along the line. Until the Canadian Pacific Railway secured control of the Manitoba and Northwestern Railway charter in 1900 or 1901, they were in financial difficulties all the time. They were under obligations to the Manitoba government, who had guaranteed their bonds, and the government had to take land that had been given as a subsidy in payment for those bonds. When that difficulty was straightened up, the Canadian Pacific Railway took over that line. The terminus of the road was at Yorkton for about 15 years, until the Canadian Pacific

got hold of the charter eight or nine years ago. They could not get money to extend it, but the Canadian Pacific Railway had extended it, and it is almost completed now to Saskatoon.

Hon. Mr. DOUGLAS—When the Canadian Pacific Railway diverted that road westward to Saskatoon, was there a settler or settlement between that elbow at Lannigan and Saskatoon? There was nobody asking for the road to Saskatoon; but here, in the north, all these settlements were crying out for railway facilities, so that all that talk amounts to nothing.

Hon. Mr. WATSON—When the Canadian Pacific Railway secured that charter in 1900, there were not two dozen settlers between a point 40 miles west of Yorkton and Saskatoon.

Hon. Mr. DOUGLAS—I venture to say that is not correct. I represented the constituency, and I can mention several settlements, large settlements. There was a settlement at Sheho, and the Beaver hill—the whole country was settled.

Hon. Mr. WATSON—The settlers at Sheho had left there in 1900.

Hon. Mr. DOUGLAS—Because they could not get the road.

Hon. Mr. WATSON—Exactly what I say. When this original charter was in the hands of the Northwestern they could not extend the road, and the settlers in the vicinity of Little Quail lake abandoned that country because they could not get the railway. In 1900—and what I am stating is absolutely correct, because I have travelled the country and know what I am speaking of—there was not a settler through that country from Quail lake to Lake Lenore for fifty miles—not one homesteader. Those people have not been waiting there since the Canadian Pacific Railway got control of the road.

Hon. Mr. DAVIS—Does the hon. gentleman tell me that there are no people in Belleview, Hoodoo, Bonne Madone, Domremy, St. Louis, St. Laurent and those places for more than three or four years?

Hon. Mr. WATSON—I am speaking of the time the Canadian Pacific Railway got possession of the charter in 1901. I know the territory, and my hon. friend knows quite well that at that time there were only a few settlers southwest of Prince Albert. That country was uninhabited. The settlers have since gone in, and railroads have been built, and I say that country demands the road running from Lannigan to the north. I am not speaking particularly for Prince Albert, but for the whole district. They want the road from Sheho. The company that is in there now cannot build the road without the charter, and when you object to the powers granted in this Bill to give the Canadian Pacific Railway the right to extend the road from Sheho to Prince Albert, and to ask a company of the strength of the Canadian Pacific Railway to give an evidence of their bona fides by building nine miles of road where it is no use, because it is between two lines of road only twelve miles apart, is hardly reasonable. When the hon. gentleman contends that we should not grant the right of extension to the company holding that charter, he is carrying out the wishes of the people who have addressed him apparently, but it is trifling with their best interests to say that we should wipe out the charter, because the road cannot be built if the charter is wiped out. We know that the Railway Commission will give any company the right to construct a branch through any narrow pass where it may be required. We also know that the filing of the plans does not conclude the matter. The Railway Commission cancel plans that have been filed. It has been done during this present session. We have evidence of it at Stratford, where the Canadian Pacific Railway had filed a plan and thought they had claims on the right of way, and that plan has been cancelled. The Canadian Pacific Railway filed some plans at Edmonton four years ago, and expected to acquire the right of way and power to do certain works on account of the filing of plans, and also expected to acquire the land at the price it was selling at the time of the filing of the plan, but that was cancelled, so there is no monopoly in routes, and the Railway Commission has absolute power. Therefore, my hon. friend's argument falls to the ground. I submit that if you cancel this charter you

will deprive the company of the right to build. The people in that country want the road, and the Canadian Pacific Railway are able and willing to construct it. There is no question about their being able. It is a question of where they shall build it. We know that the Grand Trunk Pacific have the right to build it. We know that the charter passed in this House in 1905, promoted by the hon. gentleman who moved this amendment, the Battleford and Lake Lenore charter, follows exactly the line of this road from the south end of Lake Lenore to Yorkton. That is the route described. We also know that the Canadian Pacific Railway have the power to build under this charter. Three companies have power to construct this line, and I am in hopes that some one of them will do it. The country is settling up, and we know the roads will come wherever the people go ahead of them and produce the freight; for that reason I am in favour of extending the time for this branch and other branches mentioned in the Bill.

Hon. Mr. DAVIS—With the consent of the House. I will substitute for the motion which I have given notice the following amendment:

Provided, however, that if ten miles of the uncompleted portion of the line mentioned in subsection A, of clause 8, of chapter 52, of the statutes of 1893, is not built within twelve months from the passing of this Act, the powers of construction conferred upon the company to build the line last above referred to shall cease as regards such portion as shall then remain uncompleted.

The SPEAKER—I understand the hon. gentleman is asking permission of the House to substitute for the motion set forth in the notice the one which he has read? The motion will be, with the leave of the House, that the said Bill be not now read the third time, but that it be amended by adding to clause 1 the previso he has read.

Hon. Mr. WATSON—Where is the ten miles to be built?

Hon. Mr. DAVIS—I would leave that to the good judgment of the Canadian Pacific Railway. I must say that the settlers that I represent, or suppose to represent, and I myself, have not the abounding faith in the bona fides of the Canadian Pacific Railway that my hon. friend, who seems to be a special pleader for them, has.

Hon. Mr. WATSON—Oh, no, I am not a pleader for them.

Hon. Mr. DAVIS—The Canadian Pacific Railway has had a number of years to build that road, and my hon. friend says that there are no people up at Lake Lenore. There were not many people there when he was hunting rabbits in that district, but the rabbit tracks have gone.

Hon. Mr. WATSON—I know that.

Hon. Mr. DAVIS—I know more about the Hoodoo Plains and other settlements in that country than my hon. friend. I say that some people have been there 25 years and I will stick to that statement. They are expecting that road. My hon. friend wanted to know why I did not move to strike it out. If I might be allowed to refer to what is done in the Commons, the representatives of the northern part of Saskatchewan, moved to have it struck out and the House felt that it should not be struck out, and they came to the conclusion that if they had moved a resolution of this kind it might have carried. So that I am trying to do what I can in the best interests. Personally, I should like to see it struck out. But if the Canadian Pacific Railway want to build that line, it will not be a great undertaking to construct ten miles a year on common prairie. The salary of the president of the Canadian Pacific Railway for one year would be sufficient to pay for it. If it is not done, the settlers will move out of the country. My hon. friend talked about charters. Charters will not carry grain to market. We have more than thirty-seven hundred miles of railway chartered since 1900, and out of that amount only 400 miles have been built. If the Canadian Pacific Railway want to hold the charter, let them build the ten miles; if they do not, let them drop it and some other company will take it up. The Grand Trunk has a charter to go in from Waterhouse, but it does not cover this territory at all. It may cover a small portion, but not the whole of it. I ask the House to do something in the interests of the settlers who have been there 25 years and

show the Canadian Pacific Railway that they must do something for them. Let them do it or drop the charter.

The House divided on the amendment, which was carried on the following division:

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The Honourables Messieurs.

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Coffey,	Power,
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The Bill as amended was then read a third time.

THIRD READINGS.

Bill (No. 75) An Act respecting the Canadian Northern Ontario Railway Company.—(Hon. Mr. Jones).

Bill (No. 96) An Act respection the Kettle River Valley Railway Company.—(Hon. Mr. Ross (Middlesex).

Bill (No. 78) An Act to incorporate the Superior and Western Ontario Railway Company.—(Hon. Mr. Young).

Bill (No. 80) An Act respecting the Kootenay and Arrowhead Railway Company.—(Hon. Mr. Bostock).

DEPARTMENT OF EXTERNAL AFFAIRS —BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 90) An Act to create a Department of External Affairs.

(In the Committee.)

On clause 1:

There shall be a department of the government of Canada to be called the Department of External Affairs, over which the Secretary of State for the time being shall preside.

Hon. Sir MACKENZIE BOWELL—Unfortunately I was not present when this Bill was introduced, and explanations given by the hon. leader of the House; therefore, adhering strictly to the rule, I would have no right to discuss the principles of the Bill, which is for the creation of another department or a branch of another department. If, however, it was understood at the time, or the House consents at the present time, I might offer some remarks on what I consider to be the objectionable feature of the Bill. If I am restricted by the rules of the House I do not suppose I would have that privilege, but as the Bill is to establish a Department of External Affairs I would be in order in discussing the propriety of this course.

Hon. Sir RICHARD CARTWRIGHT—I shall not object.

Hon. Sir MACKENZIE BOWELL—I have been thinking over this matter since the Bill was introduced, and have been unable to see the necessity for establishing any such branch of the Department of the Secretary of State. That department, in the past, has had to perform the duties which it is proposed by the third clause of this Bill to impose upon a new officer. The correspondence upon any question affecting the interest of this country in its relations with foreign countries, has, in the past, been relegated to the department affected thereby. As a rule it would pass through the Department of the Secretary of State, being the official department recognized by the home government, and also by foreign governments. Questions affecting trade and commerce, customs, inland revenue, &c., which might arise in relation to other countries, would be referred at once by the cabinet to the particular department concerned, and that department would deal with the question and send a report to Council. If approved, it would then be forwarded to the imperial

government or the foreign government interested. Now, supposing this Under Secretary for External Affairs is appointed, and a question affecting the seizure of a steamer for contravention of the Fisheries Act should arise, to whom will that be referred? It comes to the council for consideration. Then it is referred to the Department of Marine and Fisheries to investigate the whole question. The department would send the result of their investigation to the Under Secretary of State for External Affairs, who would have to copy the report and send it through the Secretary of State to the Council for approval or it might be sent direct to Council and if approved, the despatch would be forwarded; if objected to or amended, it would have to go back for further information. So that really the work to be done by this under secretary, which is now done by the department, would be an unnecessary and cumbrous addition to the department. Why it should be established I am at a loss to know. Under the late administration under secretaries were appointed by law and placed under the heads of some of the departments, the customs officers under the Department of Trade and Commerce. The present government repealed the Act, and made each of these under secretaries (adopting the policy that exists in England) ministers, giving them the full powers that existed prior to the change of the law, so that the Controller of Inland Revenue was made head of a department and became a full fledged minister. The same course was pursued in connection with the Customs Department, and when the question came before the Senate it was solemnly declared by the then Secretary of State and leader of the House that although they were making these under secretaries heads of departments, the salaries were not to be raised. When the estimates came down, we found that that pledge was not carried out. During the present administration we have had a department similar to this attached to the Post Office Department—the Department of Labour. That has been in existence for a few years, and now there is to be as head of that department another full fledged minister. It has been stated that it is not intended to make this Under Secretary of State for External Affairs a Minister of the Crown. What guarantee have we of that? The leader of the House, answering a similar question to the one I am now putting, gave no pledge that that would not be done, and even if he did give a pledge he might personally try to carry it out, but the opinions of an individual member of council are very often overruled by his colleagues, and he has to submit or leave the government. On a minor matter of this kind, it is not likely that a minister would take the responsibility of leaving the cabinet. I have a distinct recollection, and I have no doubt the right hon. Minister of Trade and Commerce will remember it also, time was when the leaders of the Liberal party denounced the government of that day for having so many heads of departments. Mr. Blake, who was then a prominent member of the Liberal party, in fact the head of it in the House of Commons, laid down the principle not only that there should be fewer heads of departments, but that the heads should be paid proportionately to the labour they had to perform in connection with their departments, and the Department of Secretary of State was one that was to be classed among the inferior departments, so far as salary was concerned. But we find the Liberal party are not satisfied with fourteen heads of departments, but propose now to add another minister, and the creation of this new office of Under Secretary of State for External Affairs is but the beginning of the establishment of a sixteenth department, which is utterly unnecessary. The departments as they are to-day, and particularly the Department of Secretary of State, are quite sufficient to deal with all the questions which may come before them. I could understand some reason for establishing this department if we were an independent country dealing with outside nations, but as a part of the British empire we must act in all matters affecting our relations with foreign countries through the imperial authorities. If it be necessary to have an additional officer to deal exclusively with correspondence on external affairs, then an official with the necessary talent and education would answer all the purposes without creating a branch department with power to add a number of

clerks to do what has been done in the past by the clerks of the department and the minister himself. I see no reason for it other than to make a place for somebody who will ultimately be made a minister of the Crown with all the expenses attached to that position. The Commons having affirmed it, and the Senate having approved of it at the second reading, I presume all that is left for us is to accept or reject the Bill. If my vote would reject it, I would vote against it for the reasons I have given. The office is unnecessary and adds needless expense to the carrying on of the government of this country. I notice in the remarks made by the hon. gentleman from Marshfield that he thought this was not the time to discuss the question of adding an additional head of a department. I think otherwise. I regard this as initiating the creation of another department, and it is, therefore, a question that can fairly and legitimately be considered in discussing this Bill. The explanations of the right hon. leader of the House at the second reading of the Bill were clear enough, as far as they went. He said: 'the Bill explains what the duties of the office are.' My own belief is there are no duties to be performed by this official which have not been performed in the past and cannot be continued to be performed by the heads of the departments without putting the country to this expense. The name of a gentleman has been mentioned who is to receive the position if this Bill is passed. I do not know anybody who is better fitted for the position than the one named, that is Mr. Pope, but he can discharge all the duties in his present position, as Under Secretary of State, just as well and effectively as if he were appointed Under Secretary of State for External Affairs. If a new man should be appointed, he will be occupied some years in receiving instructions from men like Mr. Pope before he is fit to discharge the duties of the office. If an outsider is to be brought in, it will be like what we are doing now in connection with a report which we are expected to approve of in a very short time—bringing men in who have to learn the duties which it is proposed they shall perform and who are now acting as apprentices. If the department is to be established, I predict that it will not be many years before we have sixteen heads of departments instead of thirteen, the number which the Liberal party opposed so strenuously in the past.

Hon. Sir RICHARD CARTWRIGHT—I do not know that I have much to add to the remarks I made on introducing this Bill and on the second reading. We are not discussing the creation of a new minister, but simply the assigning of certain specific duties to an inferior officer to be known as the Under Secretary of State for External Affairs. The measure has been recommended on the ground of the inconvenience which has been found in practice to arise from the references made by the imperial government and other parties to the several departments, such references having increased enormously within the last few years. There is scarcely a meeting of council—and the meetings are pretty numerous—at which a number of references are not made from the Secretary of State for Foreign Affairs in England to the several departments, and it has been found in practice that these are not at present, as regularly tabulated, nor are the records as carefully kept as they would be if they were put under the charge of a subdepartment of the Secretary of State. That really is the only explanation I can give to my hon. friend. Speaking individually, and not for the government, I am myself—and I have stated it often enough in the other Chamber, and in this House too—of the opinion that it would be a very considerable improvement on our present practice if we had fewer Ministers of State, and a very considerable number of under secretarys, as in England. That is my individual opinion, and I give it for what it is worth. The more I see—and my experience is pretty large—of the working of our constitutional system, and the more I see of the needs of this country, the more I am convinced that the English system is a very great improvement on ours in the way of providing for the education of a number of younger members of parliament, and enabling from them to be selected men who will in time be fit to

become ministers. If my hon. friend remembers, when Sir John Macdonald introduced the proposition he alluded to, I pointed that out, and I quite agreed with him. While I am fully prepared to take the responsibility for everything the government has done, I say that as a matter of opinion, and I think it will be found as a matter of practice, the appointment of under Secretaries of State chosen from among the younger members of the party would be of great advantage to Canada, both now and in the future. In a federal constitution like ours, covering half a continent, with nine or ten provinces, there is no doubt whatever that it is highly desirable we should train and bring forward younger men. However, that is not exactly cognate to the matter in hand. I do not think my hon. friend will be called upon to discuss the question that he fears, the appointment of a new minister under this Bill, for a very considerable time to come at all events, and in the meantime it will be found in practice to be a great convenience that some officer of good standing and experience should be specially charged with looking after the very numerous communications that arise between ourselves and the English foreign office and the offices of other countries. Day by day and hour by hour, Canada, although not at the moment an independent country, is becoming recognized as a practically self-governing nation. My hon. friend knows that, and he knows also that the English government, in a great many cases now, will never proceed to take any action which affects the interests of Canada without first formally consulting the government of Canada. To all intents and purposes, we are becoming intrusted with the conduct of our own relations with foreign powers, and the larger Canada becomes, and the larger our population, the more clear it is that we will need to keep a very careful eye on the various communications that take place between the imperial authorities and any other countries with which we are likely to have relations. The Bill was passed without much opposition in the other Chamber, and I think on the whole, the hon. gentleman will find that it will work well and tend to the convenience of the public service.

Hon. Mr. ELLIS—Does Canada ever receive communications from foreign countries direct?

Hon. Sir RICHARD CARTWRIGHT—No. That we could not do. We must receive any communications through the medium of British Ambassadors or the British Foreign Office, as the case may be. When I say that, my hon. friend knows that informal communications are made to us not unfrequently from the consular office of foreign countries.

Hon. Sir MACKENZIE BOWELL—I am fully in accord with most of the statements made by the right hon. gentleman. I remembered distinctly the position he took in the Commons at the time to which he refers; but what I contend is, that all the duties which the hon. gentleman has pointed out to be performed by the second Under Secretary of State, could be done just as well, as properly and as effectively by a first-class additional clerk appointed, if such be necessary, in the Department of the Secretary of State, and if it were necessary to have an additional clerk whose talents would best fit him for the position, that he should have a larger salary than $2,800. He might be given $3,000, if it were necessary; hence it would be totally unnecessary to establish an additional branch which may lead, as I firmly believe it will, to the end I have indicated. The hon. gentleman is quite correct when he says that the British government in dealing with the self-governing colonies, and Canada in particular, scarcely takes any step which may affect the colonies in any treaties into which they may enter with foreign countries, without first consulting the colonial authorities and asking whether they will become a party to such a treaty or not. When a despatch of that kind is sent to the Canadian government—I am speaking now of what took place when I was in the Cabinet—the Cabinet refers it to the department affected by it. Having had a good deal of experience, having been at the head, for some years, of the Department

of Customs, and also the Department of Trade and Commerce—and most of these treaties affecting trade were sent to that department—if the report of the Minister of Trade and Commerce was against becoming a party to the treaty, England struck out the clause affecting Canada's interest. I may say without violating any secrecy, that as a rule—I might say invariably—the report made by myself to council was against becoming a party to any of these treaties, because we never knew what moment a question might arise with a foreign country that would affect our trade in some way, direct or indirect. We would be placed in the position that my hon. friend knows now they are placed in with reference to the treaty with Japan. The former government refused to become a party to the treaty for the reason that it restricted their rights. Whether that was overlooked by my hon. friend in his department or not, I do not know, but the moment Canada became a party to the whole of that treaty she was placed in the position in which she finds herself to-day in connection with the immigration of Japanese. The policy of this country came in conflict with the policy of England and is therefore, indirectly a violation of the terms of the treaty existing between England and Japan. I firmly believe that what is aimed at by this Bill could be accomplished without going to the expense and trouble of making another head of a department.

Hon. Mr. FERGUSON—From the remarks I made yesterday at the second reading of this Bill, it might be inferred that I had a conference with Mr. Pope, the Under Secretary of State, on the subject, and that I was to some extent expressing his views. I may say that I have not exchanged one word with Mr. Pope with regard to this matter. All that I know about it is what I learned from the evidence which was given before the commission, consisting of Mr. Courtney, Mr. Fysche and Mr. Bazin, who investigated the Civil Service. In the course of his evidence before that body, Mr. Pope outlined a proposition somewhat like the one contained in this Bill. I have not referred to this evidence since this Bill came up to ascertain if it is entirely in accord with it. I rather think it is not, but so far as the principle is concerned, as to having all the business of any of the departments with foreign countries—which will of course be through the British government or with other colonies of the empire—transacted through one department of the government, I am thoroughly in accord. I think that is a correct principle, and that it is in the Department of State that it should be done. I expressed my satisfaction at the second reading of the Bill that it did not propose the creation of another portfolio. At the same time, I expressed my fears that possibly, at some time, political exigencies might induce the government to take the further step, as they are proposing now to do with reference to the Department of Labour, which I think is less justifiable than to double the Department of the Secretary of State; but I do not think that, in order to effect the object which Mr. Pope suggested to the Civil Service Commission, it is necessary to have two under secretaries. We tried the system of dual deputies in the Department of Marine and Fisheries under a former administration. It was tried for a time. There was a Deputy Minister of Marine and a Deputy Minister of Fisheries, but it was not found to work satisfactory, and it was abandoned. I have seen a statement, however, that it is the intention of the present government to go back to some such system as that in Marine and Fisheries. It was only in the newspapers, however, and there may be no foundation for it. In my view, all that is necessary to be done in order to bring the handling of our business with foreign countries, and with other colonies of the empire into the hands of one department, and that the Department of the Secretary of State, would be to extend the duties of the Secretary of State to External Affairs, and to make the present Under Secretary of State the deputy head of the Department of External Affairs. If that were done, all that would be necessary then would be to establish a staff—and I think that step has already been partially taken, if I am correctly informed; my friend Mr. William Mackenzie, of the 'Free Press,' a very competent man, has been appointed to a clerkship in anticipation of the legislation which is now before us—all of which can be done quite regularly with-

out creating another official in the position of an under secretary, which I think is wholly unnecessary, and the appointment of a second man may create some difficulty in the line to which I referred on Tuesday. All that would be necessary would be to amend this Bill. The first section reads:

There shall be a department of the government of Canada to be called the Department of External Affairs, over which the Secretary for the time being shall preside.

I would add: 'and of which the Under Secretary of State shall be deputy head, and who shall be called Under Secretary of State for External Affairs.'

And of which the under-secretary shall be the deputy-head.

Then I would strike out in the first line of section two all the words after the word 'appoint' in the first line of section 2 up to the word 'such' in the fourth line of the said section. And then section 2 would read this way:

The officer who shall be called under-secretary for external affairs, and shall be deputy-head of the department.

And then the section would read this way:

And the Governor in Council may appoint such other officers and clerks as are necessary for the due administration of the department, all of which are to hold office during pleasure.

and the rest of the Bill would stand. By that we would get rid of the appointment of dual heads which are necessary. No one who knows anything about the affairs of Canada will venture to contradict me, that Mr. Pope has had a very extensive experience in questions of diplomacy, if I may use that word. If any man in Canada has had experience in diplomacy it is Mr. Pope. He accompanied Sir John Macdonald to Washington during the early negotiations with the United States. He was with Sir John Thompson in Paris and with Sir Wilfrid Laurier in England on more than one occasion, and he was with Mr. Lemieux in Japan. He has had great experience in diplomatic matters. He is comparatively a young man, and his experience is valuable. It is not likely that Mr. Pope would be turned over to this new appointment which would, in point of seniority, be inferior to the deputyship of the department as it is at present constituted. It is scarcely likely he would be turned over to that, and in that way the duties we are creating would fall certainly into inexperienced and possibly incapable hands, whereas if you retain one Under Secretary of State in the person of Mr. Pope, you will have an eminently competent man, and with such a man as named, whom I believe is appointed as chief clerk, and suitable men under him, we would be able to carry out the entire object of the government according to the suggestion made by Mr. Pope to the Civil Service Commission, and we would not be creating this dual condition in the department, and we would not be expending the $5,000 which I am sure will be rather worse than wasted if the appointment is made. I suppose the government is not prepared to accept any amendment offered by the opposition with regard to a measure of this kind, particularly as the question of patronage is involved, which would seem like taking the prey from the mighty. Patronage is the lawful prey of the government, and it would be an awful thing to deprive them of it, but I think they would do well to listen to our humble advice and to amend the Bill in the way I have suggested. All the objects—and they are very good ones—which appear to be in view in turning over all these negotiations with regard to our external affairs to one department, and that department the Secretary of State, would be carried out without creating a dual head-ship in the department, and without incurring the unnecessary expense of $5,000 a year.

Hon. Mr. DANDURAND—The necessity for creating a second deputy head has, to my mind, become apparent by the fact that this work of gathering into one department the external affairs and communications from the outside was added to the duties of the Secretary of State. The present deputy head, I would think, from my own experience, had his hands full with the work that was already thrown on that department. The late Secretary of State, if he were in his place, could describe the heavy work which falls upon the deputy minister through having to supervise the granting of letters patent, which he must examine closely. There is a second object, an important

object in the creation of a special branch in that department. It is to centre in that branch the whole of the communications constantly going on between the representatives of foreign countries in Canada, who are always corresponding, either with the Secretary of State or the department to which the matter directly refers. If it happens to be a question affecting trade and commerce, it goes to the department of the right hon. gentleman on my left. If it is a question appertaining to customs, it goes to the Department of Customs. But there is a number of subjects that cannot be easily classified by the representatives of those foreign nations, and I know that very often I have been approached by some of them to know to whom they should address themselves, and in most cases, when not exactly au fait, they have addressed themselves to the Prime Minister. I think this country is growing fast enough, and is getting to have outside communications of such volume and importance that it is absolutely necessary there should be a branch of the Department of State organized with a special name, which will herald to the world who is the official with whom the outsider should correspond; and that the representative of the government in this work should be clothed with the power of a deputy head, it seems to me desirable.

Hon. Mr. LOUGHEED—May I point out to the hon. gentleman what in my judgment is a very suspicious statement in this first clause, namely the words 'for the time being should preside'. I should like to know from my hon. friend the object of inserting these four words—over which the Secretary of State 'for the time being' should preside. In the following section it is quite apparent that the Secretary of State, until further legislation is obtained, is to transact the business of this new department. The elimination of those four words might possibly quiet the doubt that this is simply seed being sown for the purpose of germinating into the creation of a new Minister of State. I do not think that it requires a very acute sense of future action to conclude that this is the intention of the Bill. In this connection may I point out that under chapter 76 of the Revised Statutes of Canada we have the legislation which creates the present Department of State. Would my hon. friend look at section 4 of the old Act and he will find that it is the duty of the Secretary of State to practically perform all the duties set out in section three of this Bill. Section four of the old Act provides that the Secretary of State shall have charge of the state correspondence, shall keep all state records and papers not transferred to the other departments and shall perform all such other duties and so on as may be assigned to him. The duties enumerated in section three of the Bill, while a little more elaborate in language are certainly no different in substance than those specified in section four of chapter 76 of the Revised Statutes. The contention which I have been trying to advance in connection with this Bill is this: That the duty of the government was, if it be desirable to appoint another Under Secretary of State to amend the present Act, namely chapter 76, enlarging the duties of the Secretary of State if necessary, but I do submit that the language in the present Act is sufficiently large to carry out all the duties contemplated by this Bill.

Hon. Sir RICHARD CARTWRIGHT—I may just say to my hon. friend that I am not at liberty to accept his suggestion at present, but if he will give notice of that amendment for the third reading, eliminating the words which seem to stick in his throat 'for the time being,' I will let him know, at the third reading. whether the government attach any special importance to them or not. For myself I must say I do not think it matters much one way or the other. I think the words are to a certain extent surplusage.

Hon. Mr. LOUGHEED—I think they are myself.

Hon. Sir RICHARD CARTWRIGHT—But if my hon. friend's mind would be relieved by them being out and he gives notice of such an amendment, I will have it considered.

Hon. Mr. LOUGHEED—I may tell my hon. friend that I am not losing any sleep over this Bill but it certainly in my judgment shows the trend of the mind of the

government at the time the Bill was framed and that this legislation is simply tentative. It is very much like the legislation introduced establishing the Department of Labour.

Hon. Sir RICHARD CARTWRIGHT—I am inclined to think that the gentleman who drafted this Bill—and the hon. gentleman is aware that governments do not draft these Bills as a rule—inserted those words without any particular meaning or implication whatever.

Hon. Mr. BEIQUE—It is quite usual to introduce words of that kind for the purpose merely of stating that the person who shall for the time being occupy the position shall have authority.

Hon. Sir MACKENZIE BOWELL—I desire to call attention to a remark of the hon. gentleman from Marshfield, which might probably leave an impression upon the minds of the people that correspondence has not been carried on in the past through the Secretary of State to any other country. I am not speaking of what takes place now, but I know that under the old government, when a report was made from any department and adopted by council, it was through the Secretary of State's Department the communication was sent, either to the Colonial Office or to the Foreign Office. Whether that system has been changed and each department acts upon its own responsibility or not I am not prepared to say. The old practice was just as indicated by the hon. gentleman from Marshfield.

The clause was adopted.

On clause 4,

The administration of all matters relating to the foreign consular service in Canada shall be transferred to the Department of External Affairs.

Hon. Mr. LOUGHEED—May I ask in what department the consular service is now ?

Hon. Sir RICHARD CARTWRIGHT—Practically speaking it has been with half a dozen departments. That is one reason, perhaps, for the introduction of this measure. The foreign consuls have communicated rather indiscriminately.

The clause was adopted.

SUBWAY MARINE COMPANY BILL.

SECOND READING POSTPONED.

Hon. Mr. WATSON moved the second reading of Bill (No. 77) An Act respecting a patent of the Sub-Marine Company.

Hon. Mr. LOUGHEED—I would suggest that this Bill should stand till to-morrow. It is a controversial Bill. The patent expired four years ago, and there should be some reason given for this measure.

Hon. Mr. WATSON—I do not know if we can get any further information. I have no knowledge of it. I do not know what the patent is for. I thought the Private Bills Committee would deal with it.

Hon. Mr. LOUGHEED—I certainly would be opposed to it unless some satisfactory information is given.

Hon. Mr. WATSON—I move that the order of the day be discharged and that it be placed on the orders of the day for Tuesday next.

The motion was agreed to and the order of the day was discharged.

SECOND READINGS.

Bill (No. 87) An Act to incorporate the Arnprior and Pontiac Railway Company.—(Hon. Mr. Watson).

Bill (VV) An Act respecting the Canadian Patriotic Fund.—(Hon. Mr. Scott).

Bill (WW) An Act to incorporate the St. Maurice and Eastern Railway Company.—(Hon. Mr. Tessier).

Bill (No. 122) An Act to incorporate the Cabano Railway Company.—(Hon. Mr. McSweeney).

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

THE SENATE.

OTTAWA, Friday, April 30, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (No. 85) An Act respecting the British Columbia Southern Railway Company.—(Hon. Mr. Bostock).

Bill (SS) An Act respecting the Quebec and New Brunswick Railway Company.—(Hon. Mr. Costigan).

Bill (RR) An Act respecting the Brockville, Westport and Northwestern Railway Company.—(Hon. Mr. Derbyshire).

Bill (No. 102) An Act to incorporate the London and Northwestern Railway Company.—(Hon. Mr. McMullen).

Bill (Y) An Act respecting the Central Railway of Canada.—(Hon. Mr. Edwards).

Bill (No. 51) An Act to incorporate the Commercial Casualty and Surety Company of Canada.—(Hon. Mr. Ellis).

Bill (JJ) An Act respecting the Mexican Transportation Company, Limited, and to change its name to 'Mexico Northwestern Railway Company.'—(Hon. Mr. Riley).

Bill (NN) An Act respecting the Patent of Washington R. McCloy.—(Hon. Mr. McHugh).

Bill (BB) An Act to incorporate the Board of Elders of the Canadian District of the Northern Province of the Moravian Church in America.—(Hon. Mr. De Veber).

ROYAL VICTORIA LIFE INSURANCE COMPANY BILL.

THIRD READING.

Hon. Mr. GIBSON, from the Committee on Banking and Commerce, reported Bill (PP) An Act respecting the Royal Victoria Insurance Company, and to change its name to the Royal Victoria Life Insurance Company of Canada.

Hon. Mr. DAVID—I move that rules 24 (a), (b) and (h) be suspended, so far as they relate to this Bill.

Hon. Mr. LANDRY—Before the motion is put, I should like to know if the fourth clause of this Bill has been struck out? I understood in the committee that clause 4 had been struck out, but I do not see that the Bill has been reported in that way.

Hon. Mr. GIBSON—When the Bill was brought before the committee the promoters asked that the word 'Victoria' be dropped, and the committee moved and carried the motion that the words 'Royal Victoria' should remain, and that the word 'Royal' alone should be taken from the Bill as it conflicted with another company doing business in Canada.

Hon. Mr. LANDRY—Clause 4 reads:

The name of the company is hereby changed to 'Royal Victoria.'

It is not changed. The Royal Victoria came here under the name of the Royal Victoria Life Insurance Company and asked to change its name into the Royal Insurance Company. The fourth clause states that the name of the company is hereby changed. That fourth clause was struck out in committee, and that should be stated in the report.

Hon. Mr. SCOTT—It was struck out in the committee.

Hon. Mr. LANDRY—And it was changed accordingly. The change in this Bill goes to the title, because clause four had been struck out. I would ask that this be amended so that clause four be struck out, as the committee decided. We might strike it out here.

Hon. Mr. GIBSON—With the permission of the House, I will make that change at the table. My hon. friend is quite right. The promoters wanted to have the word 'Royal' alone, and the committee did not see fit to agree to that. We changed the title back again to the old name.

Hon. Mr. LANDRY—No, the committee refused to change the name.

Hon. Mr. GIBSON—We refused it in one way.

Hon. Mr. LANDRY—The effect is the same.

Hon. Mr. GIBSON—They simply wanted the word 'Royal,' and that was their ap-

plication. The committee refused that and changed it back to their old name.

Hon. Mr. LANDRY—At all events, we come back to the same point if we strike out clause four.

Hon. Mr. GIBSON—With the consent of the House, I will have this change made in the report.

Hon. Mr. LANDRY—It would be more regular to move that we strike out clause 4.

Hon. Mr. BEIQUE—I move that clause 4 be struck out.

Hon. Mr. POWER—I second the motion, that the report be amended by inserting a provision that clause 4 be struck out.

The SPEAKER—I call attention to the fact that there is no motion for the consideration of the Bill before the House.

Hon. Mr. GIBSON—I am trying to make a motion.

Hon. Mr. LANDRY—I have no objection to suspend the rules and let it go through immediately. No delay will occur. We will suspend the rules and make a correction.

The SPEAKER—It is moved by the Hon. Mr. Landry, seconded by the Hon. Mr. Gibson that rules 24 (a), (b) and (h) be suspended in so far as they relate to this Bill.

Hon. Sir MACKENZIE BOWELL—As the report is not in accordance with the decision of the committee, it should be referred back to the committee for correction. We do not know how far the intention and actions of the committee have been complied with. A very important clause still remaining in the Bill has really been struck out. I object to the rule being suspended. That will give the clerk of the committee and the chairman an opportunity of presenting a correct report to the Senate.

Hon. Mr. GIBSON—There were some doubts cast on our not changing the name of the company, but the name of the company was changed. Originally it was 'The Royal Victoria Life Insurance Company.' That has been changed to 'The Royal Victoria Life Insurance Company of Canada.'

Hon. Mr. LOUGHEED—May I suggest that the report be taken into consideration on Tuesday next, and the report can be made amended accordingly.

Hon. Mr. LANDRY—I am assured there has been a change as the hon. member says, but not the change asked for. The words 'of Canada' have been added to the title, and, therefore, the report is correct. What occurred to me was that the committee struck out clause 4 altogether.

Hon. Mr. GIBSON moved that the report be taken into consideration on Tuesday next.

The motion was agreed to.

FRENCH VERSION OF RULES OF THE SENATE.

Hon. Mr. LANDRY moved:

That an order of this House be given to the Clerk of the Senate for the immediate publication, in the French language, and for the distribution thereof to those entitled thereto, of the volume containing (1) the Rules of the Senate; (2) the form of proceeding of the Senate of Canada; (3) the Constitutional Acts; together with the index to each of those parts.

Hon. Mr. YOUNG—Is this volume prepared and ready?

Hon. Mr. LANDRY—The volume is prepared in English and has been for two years.

Hon. Mr. YOUNG—How can the clerk have it printed in French if it is not translated?

Hon. Mr. LANDRY—Some one must see to the translation.

The motion was agreed to.

DEPARTMENT OF EXTERNAL AFFAIRS BILL.

THIRD READING.

Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 90) An Act to create a Department of External Affairs.

Hon. Mr. FERGUSON moved:

That the said Bill be not now read a third time, but that it be referred back to a Committee of the Whole House for the purpose of adding the following words to section 1 thereof:—

'and of which the Under Secretary of State shall be deputy head, and who shall be called Under Secretary of State for External Affairs.'

And to strike out all the words after the word 'appoint' in the first line of section 2 up to the word 'such' in the fourth line of the said section.

He said: Before the motion for the third reading is put, I wish to say a word or two. My views with regard to this Bill have been already stated at considerable length on the second reading and when in committee. I had not the advantage on these occasions of having the memo. submitted to the Civil Service Commissioners by Mr. Pope under my hand. I had glanced over the report at the time, and there were so many things in it to interest one that I only gave it casual consideration; still I recollect fairly well what it contained. I have that memo. here. It is very short, and I propose to read it so as to place it on record. After giving his evidence Mr. Pope handed in this memo.:

Would refer to desirableness of establishing a more systematic mode of dealing with external affairs of Dominion; it is a misapprehension to suppose that such matters are dealt with by this department; Secretary of State is primarily and principally the official mouthpiece of the Governor General in respect to Canadian affairs; is the channel of communication between Dominion government and the provinces, as colonial secretary is of the colonies; all communications he receives for transmission to England or a foreign country are forwarded by him to the Governor General, requesting him to transmit same to destination, &c., such communications relate to domestic matters; much, however, bears upon external affairs, such as our relations with foreign countries, Behring sea seal question, the Alaska boundary, the Atlantic fisheries, &c., or questions, though within the empire which extend beyond the bounds of the Dominion, as the difference with Newfoundland over the boundary of Labrador; in such case the colonial minister addresses a despatch to Governor General, and by him sent to Privy Council or Cabinet, who sends it to minister interested, who replies in form of a report to Privy Council; who if they approve advise that a copy of the minute be sent to the Secretary of State for Colonies for information of His Majesty's government; thus far no uniformity of system or continuity of plan; practical result of system in vogue is that in no department is there to-day any complete record of such correspondence; it will soon be too late to change the system; even now it would be an extremely difficult task to obtain a complete record of any international question with which Canada has been concerned during the last fifty years; for instance, we would not know to-day in what department we could obtain information as to the ownership of the island of San Juan; would suggest that all despatches relating to external affairs be referred to one department whose officials would be in close touch with other departments when to draw the raw material for their work; but the digesting of this information and its presentation in diplomatic form should rest with them, through, of course, the same channels as at present; no wish to change in that regard; every effort should be made to collect from the beginning all papers bearing on the questions indicated from offices of Governor General, Privy Council, the various departments, and from foreign and colonial offices; if not begun now it will be too late; the few men thoroughly conversant with these questions are growing old, and so far as I know will leave no successors; much information will thus be lost; would recommend that a staff of young men, well educated and select be attached to the department and specially trained in the knowledge and treatment of these subjects; such department could be under supervision of Secretary of State, whose department could be divided into two branches, one for Canadian and one for external affairs.

That is exceedingly clear, and it established beyond any question the need of something being done. There is no suggestion here, no thought evidently that such a thing as the creation of a new department was necessary. I may say that on the spur of the moment yesterday I thought that the defects which I see in this Bill could be mitigated by amending it in the way in which I gave notice. Having looked into it, I find that all that would be accomplished would be the preventing of the dual under secretaryship in the State Department, and the throwing away of $5,000; but the Bill is cumbersome and unnecessary. There is no need of a second department at all. All that is required is a branch, a number of capable young men to be appointed, who, under the direction of the Secretary of State and the under secretary, would make these collections, and would centralize them in the Department of the Secretary of State. That being so, I do not propose to submit my motion to the House, because I feel it is only a half remedy for the faults which I observe in the Bill. Let the government take the responsibility, if they are so determined, and pass it through. I see no necessity whatever for the creation of a second department.

Hon. Sir MACKENZIE BOWELL—I should like to ask the right hon. leader of the House whether a gentleman was not appointed some months ago to perform duties of a somewhat similar character? I read in the newspapers that Mr. Wm. Mackenzie, formerly of the newspaper staff of this city, had been appointed for the purpose of considering and drafting answers to despatches from the Colonial Secretary, and to prepare answers to despatches affecting what are termed foreign relations, which my hon. friend referred to just now, and if that gentleman is still in the service of the government, what are really his duties and what work is he performing?

Hon. Sir RICHARD CARTWRIGHT—I really cannot say off-hand how far my hon. friend's information is correct. The gentleman he names was appointed for certain duties in that department, but I have not before me, although I can obtain it if my hon. friend desires, I suppose, any special information as to the duties particularly assigned to him. If my memory serves me, the Prime Minister, who was dealing with this Bill in the House of Commons, mentioned that Mr. Pope would take charge of this branch particularly.

Hon. Sir MACKENZIE BOWELL—I think that is correct, but what I was desirous of ascertaining was what duties is Mr. Mackenzie performing?

Hon. Sir RICHARD CARTWRIGHT—I have not the details of it myself at the moment, but I can obtain them.

Hon. Mr. FERGUSON—I had the good fortune to meet Mr. Mackenzie on the street this morning, and having thrown a bouquet his way yesterday, I naturally called attention to the subject, when he told me that his appointment had nothing whatever to do with this subject; that it was in connection with the Privy Council.

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

SECOND READING.

Bill (ZZ) An Act to incorporate the Commerce Insurance Company.—(Hon. Mr. Bèique).

CANADIAN PATRIOTIC FUND ASSOCIATION BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (VV) An Act respecting the Canadian Patriotic Fund Association.

(In the Committee.)

Hon. Mr. SCOTT—This association has for its president His Excellency the Governor General, and the vice-presidents are the lieutenant governors of the several provinces. Under the by-laws of the company there is an executive committee. It has been found impossible to carry on the business on account of the number of absentees. I am told that on no occasion has any of the lieutenant governors ever attended a meeting of the committee.

Hon. Mr. LOUGHEED—Did we not amend the Act last session in the direction suggested?

Hon. Mr. SCOTT—We did; the members of the committee were invited to give answers by letters, but they neglected. Now they are to vote by proxy—they must either attend personally or vote by proxy.

The executive committee is composed of the following gentlemen: Hon. Sir F. W. Borden, K.C.M.G., Hon. Sir William Mulock, K.C.M.G., Hon. John Costigan, Hon. George E. Foster, M.P., Hon. Sir L. H. Davies, K.C.M.G., Hon. Mr. Justice Girouard, Sir Sandford Fleming, K.C.M.G., His Hon. Judge D. B. McTavish, Sir Geo. A. Drummond, K.C.M.G., Hon. Geo. A. Cox, Mr. J. M. Courtney, C.M.G., I.S.O.; Colonel J. Hanbury-Williams, C.V.O.; C.M.G.; Lt.-Colonel D. T. Irwin, C.M.G.; Lt.-Colonel Fred. White, C.M.G.; Dr. F. Montizambert, I.S.O.; Mr. George Burn, Mr. Hugh Graham, Hon. J. Jaffray.

Hon. Mr. LOUGHEED—Why is there such an ornamental committee appointed? It looks to me like a social rather than a business committee.

Hon. Mr. SCOTT—There are no fees attached to the office.

Hon. Mr. LOUGHEED—It is certainly not a business committee in the ordinary

sense of the term. I have the highest regard for the individuality of those gentlement, but I would not call that committee a business committee. In what way is the difficulty being remedied by this legislation?

Hon. Mr. SCOTT—It will render it possible to get a quorum at Ottawa.

Hon. Mr. LOUGHEED—How many constitute a quorum?

Hon. Mr. SCOTT—A majority. There are eighteen members of the committee, and we can get ten of them here.

Hon. Mr. LOUGHEED—What is the amount of the fund to be administered?

Hon. Mr. SCOTT—The amount was $300,000 originally. After the distribution that has taken place to widows and orphans there remains $88,000. Claims are constantly coming in that have to be considered.

Hon. Mr. LOUGHEED—Is it a continuing trust, or does the committee look to a final distribution at an early date?

Hon. Mr. SCOTT—To a final distribution.

Hon. Mr. LOUGHEED—What is the origin of the fund?

Hon. Mr. SCOTT—It was after the South African war. Contributions were made from various parts of the Dominion to a fund for the purpose of giving pensions to widows and orphans of men who served in South Africa and to aid those who are in ill-health in consequence of hardships endured in the Boer war.

Hon. Mr. FERGUSON—There should be a recital in the Bill detailing the origin of the fund.

Hon. Mr. SCOTT—This is simply an amendment to an Act of parliament.

Hon. Mr. FERGUSON—But it is repealing another Act.

Hon. Mr. SCOTT—Only the amending Act of last session, allowing the parties to vote by registered letter.

Hon. Mr. FERGUSON—But we are enacting a number of other things, and this Bill should refer to the Act that it is amending in some way.

Hon. Mr. SCOTT—The original Act was passed in 1901.

Hon. Mr. LOUGHEED—The title of the Bill should be amended to meet the objection raised by the hon. member from Marshfield. The Bill of last session mentioned the Act it was amending, and this Bill should read: 'An Act to amend chapter 92 of the Statutes of 1901 respecting the Canadian Patriotic Fund Association.'

The title of the Bill was amended as suggested.

On clause 2,

2. Whenever it is necessary or desirable to take a vote of the members of the executive committee of the association upon any motion, proposition or question affecting the association, any member may vote personally or by proxy.

Hon. Mr. ELLIS—Does that mean that the question itself shall be sent to the member?

Hon. Mr. SCOTT—It is like any other vote by proxy. The directors will be notified of a meeting and invited to attend, and if he does not attend he must send a proxy.

The clause was adopted.

Hon. Mr. LOUGHEED—Will my hon. friend point out wherein the difficulty will be remedied by this legislation? I do not find anything here by which a majority, for instance, of the directors residing in Ottawa may dispose of business before the committee.

Hon. Mr. SCOTT—Under the law as it stood, all the lieutenant governors would have to attend the meeting. They are not on the executive committee under this Bill. The association have passed a by-law naming a committee for expeditiously doing the business.

Hon. Mr. BOSTOCK, from the committee, reported the Bill with an amendment, which was concurred in.

The Bill was then read the third time and passed.

The Senate adjourned until three p.m. on Tuesday next.

THE SENATE.

OTTAWA, Tuesday, May 4, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (AA) An Act respecting the Fidelity Life Insurance Company of Canada.—(Hon. Mr. Jaffray).

THIRD READING.

Bill (No. 84) An Act respecting the Athabaska Northern Railway Company.—(Hon. Mr. De Veber).

ST. MAURICE AND EASTERN RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. TESSIER moved the third reading of Bill (WW) An Act to incorporate the St. Maurice and Eastern Railway Company.

Hon. Mr. LANDRY—I move in amendment, that this Bill be not now read a third time, but that it be read a third time this day six months, seconded by the Hon. Mr. David.

Hon. Mr. DAVID—No, I will not second it. We allowed another Bill to pass which was exactly similar to this measure.

Hon. Mr. LANDRY—Oh, this Bill will pass. My motion will be seconded by the Hon. Mr. DeBoucherville.

The amendment was lost on division.

The Bill was then read a third time and passed.

FUNDY TIDAL POWER COMPANY BILL.

SECOND READING.

Hon. Mr. ELLIS (in absence of Hon. Mr. McSweeney) moved the second reading of Bill (XX) An Act to incorporate the Fundy Tidal Power Company.

He said: This is a measure to empower a company to use the tidal waters of the Bay of Fundy for the purpose of producing electric power. It also has reference to a great many rivers flowing into the Bay of Fundy and other bays, and the Bill gives the company power to expropriate the shores of the rivers. Hon. gentlemen who are interested in this question had better read the measure and consider it.

Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend desire to have the second reading taken now?

Hon. Mr. ELLIS—I think we might just as well permit the second reading now.

Hon. Sir RICHARD CARTWRIGHT—This Bill will require, I think, a good deal of consideration at the hands of the committee to whom it may be referred, and if we permit the measure to go to the Committee on Railways, Telegraphs and Harbours, I want it to be distinctly understood that we are not to be regarded as accepting the principle of the Bill without further consideration. My impression is that it will be found to interfere materially with the rights of the province of New Brunswick in various ways, and altogether it is a Bill which I commend to the very serious consideration of the committee to whom it is referred. I do not think it is necessary at this stage to take any further ground with regard to it, but I desire to have it understood that we are not to be regarded as committing ourselves to the principle involved in the Bill by giving it a second reading now.

Hon. Mr. LOUGHEED—I think my right hon. friend should go further than that. This is a Bill the principle of which should not be acceded to by this House for a moment. It seems to me that it is not a Bill that should go to the committee in any sense, owing to the extraordinary powers which are asked. Great objection has been taken to the Michigan Power Bill which has been discussed in the House of Commons for, I might say, some weeks. Probably no such controversial Bill has been before the Commons this session; but this measure unfortunately is worse than the Conmee Bill. It has none of the redeeming features of the Conmee Bill.

Hon. Sir RICHARD CARTWRIGHT—I have not read the Bill.

Hon. Mr. LOUGHEED—I would commend it to my right hon. friend's consideration.

Hon. Sir RICHARD CARTWRIGHT—But from the statement made I saw that it was one which would require a great deal of consideration. With that understanding on both sides of the House, no great harm can arise from sending it to the committee.

Hon. Mr. LOUGHEED—In answer, I might say that where the principle is so manifestly objectionable as the principle embodied in this Bill, the committee cannot very well deal with it. The committee only represents a comparatively small portion of this House, and cannot very well discuss the principle.

Hon. Sir RICHARD CARTWRIGHT—Perhaps, under those circumstances, my hon. friend will withhold the Bill till to-morrow.

Hon. Mr. LOUGHEED—The Prime Minister himself has condemned the principle of the Michigan Power Bill, which is intensified in this Bill many times.

Hon. Sir RICHARD CARTWRIGHT—I have not read the Bill, and I was merely speaking from the statement made by the hon. gentleman who moved the second reading in the absence of the hon. gentleman in charge of it.

Hon. Mr. LOUGHEED—My right hon. friend might let it stand until he can look at it.

Hon. Sir RICHARD CARTWRIGHT—I was going to ask that it be postponed till to-morrow.

Hon. Mr. WOOD—I would like to say a word or two with regard to this Bill, as the works proposed to be constructed will be located in a section of the country from which I come, and will affect some very important interests there. I do not intend to express any opinion with regard to the jurisdiction of parliament to pass this measure; that is, whether it is a measure that should be dealt with by the provincial legislature or by this parliament. The proposition which the Bill contains is an entirely novel one; that is, to utilize the rise and fall and flow of the tidal waters in the Bay of Fundy for the purpose of generating electric power. If that can be successfully accomplished, it is very desirable that it should be done. It is a question which has been under discussion for a long time, and a great many suggestions and propositions have been made with a view to adopting some means of accomplishing that end. None of these schemes, however, have been so far developed as to lead to an application to parliament for the organization of a company to construct works with that object in view. I wish to emphasize what has already been said by the leader of the House, and the leader of the opposition as well; this is a Bill which from its character should receive very careful consideration on other grounds besides the mere question of the jurisdiction of parliament. It proposes to give the company power to erect dams and other works across all the rivers at the head of the Bay of Fundy. Some of those streams are navigable, and are used by vessels visiting the city of Moncton and Sackville, and other points on these rivers, to discharge and receive cargo. It is proposed to dam these rivers in most cases near their outlets, and there is a provision that such works shall be subject to the Navigable Waters Protection Act, which, so far as I understand, really makes the plans of these dams subject to the approval of the Governor in Council. That may possibly protect the navigation of the rivers, but should the flow of these rivers be interfered with to any material extent, it must affect the sewage systems of such towns as Moncton, Sackville and other places in that locality. But what, to my mind, is a more important matter of consideration than all others, is the effect it may have upon the extensive tracts of marsh lands in that section of the country. These lands have been built up from the flow of the tidal waters at the head of the Bay of Fundy, and are amongst the most productive lands in that part of Canada. Waste lands are continually being built up and made fit for cultivation by this process of flooding, as it is called there. I can hardly conceive how any of those rivers and streams could be dammed without rendering this process of flooding as it is carried on now practically im-

possible, and I cannot conceive either how any possible provision could be made by which this process could be continued if the rivers should be dammed. The area of these lands in the neighbourhood of Sackville alone must be some 25,000 acres. They are among the most valuable lands in that section and are held at from $100 to $200 per acre. To interfere with the flooding of these lands and maintaining their fertility is a serious matter. The question of drainage also comes in. These lands, to maintain fertility and produce crops, require good drains, and depend on the rivers and streams which it is here proposed to dam for drainage purposes. I think, as the leader of the opposition did, that this Bill should hardly receive its second reading without careful consideration, or at all events without some clear explanation as to how the promoters propose to meet these very obvious objections. On the other hand, if the company have any proposition which is feasible to carry out the object of the Bill, I do not wish to offer any opposition to that. I should be glad to see these water-powers developed, and I think the suggestion to send the Bill to the committee where the promoters may appear and give full explanations is a wise one. I should be in favour of that course myself. At this stage of the session, it appears to me hardly possible that the Bill can become law this year. As it is a very important measure, and one which may come up at some future time, if the parties interested could appear before the committee this session, and fully explain what they propose to do—what structures they intend to erect and how they propose to meet the many difficulties which are obvious on the face of the Bill—it would be wise to have them do so before the session closes.

Hon. Mr. DOMVILLE—There must be some misconception about this Bill. We in the lower provinces think we have as good a right to develop power as any other citizens of Canada. There may be quite a difference of opinion as to whether this project is feasible or useful, but there can be no harm in allowing the promoters of the Bill to make an effort to bring capital into the country to develop power which may be of immense value in Moncton, Dorchester, Sackville and Amherst. If I could see anything improper in this Bill I should be the last one to say a word in favour of it. The promoters are only asking leave to incorporate. I suppose the government can tie them down with all sorts of restrictions if necessary. There are a great many people interested in developing the tides of the Bay of Fundy, which rise in some places to a height of 78 feet. If they can utilize the rise and fall of the tide to generate power which will set industries going or sustain industries, I do not see where there can be any impropriety in allowing these gentlemen to get their Bill and make a trial of it.

Hon. Mr. ELLIS—Men have for generation after generation looked upon the tides of the Bay of Fundy, and since the production of hydro-electric power by other means have hoped that the high tides of the Bay of Fundy could be utilized for power purposes by some process or other. The hon. member for Westmoreland is quite right, however, in calling attention to the injury that might be inflicted upon private property by damming the rivers. If the House would accept the suggestion of my hon. friend, who is perhaps as much concerned as anybody else in the matter, with the full understanding that nothing is assented to, either principle or detail, and allow the measure to go before a committee so that these men may be heard, we may get some clear idea of what is proposed. The Bill cannot go through this session. If the leader of the House really desires that the Bill should stand until to-morrow, I suppose it would be better to postpone the order. I do not know how long Hon. Mr. McSweeney will be away. I am not sufficiently favourable to all the provisions of the Bill to desire to have it gone on with until it is fully and thoroughly explained.

Hon. Mr. FERGUSON—The possibilities to arise from utilizing the tidal power of the Bay of Fundy is no doubt a magnificent question. I do not know whether it is practicable or not. I have often heard the subject discussed. If it is possible and practicable, there are wonderful possibilities connected with it; but in addition to the objection taken by the right hon. leader

of the House as to the rights of the provinces with regard to this subject, and in addition to the very strong point made by the hon. member from Westmoreland as to the possibility of the destruction of these splendid marsh lands, perhaps the most valuable agricultural lands in Canada, there arises the broad question whether this House should for one moment entertain a proposition to give a blanket charter to any company to enable them to get control of all the water-powers of the provinces of New Brunswick and Nova Scotia connected with the Bay of Fundy. I think practically this Bill would do that.

Hon. Mr. ELLIS—It does not include the St. John river.

Hon. Mr. FERGUSON—It is my ignorance of the geography of New Brunswick I suppose that makes me regard the St. John as not being part of the Bay of Fundy. I am not so well acquainted with the coast of New Brunswick, which is proposed to be given away to this company, but I have a very fair knowledge of the Nova Scotia coast, and I will just read the description of what is to be given away so far as that province is concerned:

> Across the Tantramar, Aulac and Missiquash rivers, in the said province, at or near their entrance into Cumberland basin; across the La Planche, Maccan, Nappan and Hebert rivers, in the province of Nova Scotia, and across certain portions of the head of Cumberland basin and the tributaries thereof, and across the creeks and streams leading into said tributaries; across the Avon river, in the said province of Nova Scotia, and the various small streams, creeks and tributaries thereof; across the Shubenacadie and Stewiacke rivers, in the said province, and their tributaries; and across the head waters of the Basin of Minas and the tributaries thereof.

It is really a blanket charter, and if there are possibilities in this power at all, it would give this company control of an empire in water-power. The most that should be given any one company is the right to use the powers of one particular locality. To allow them to go up the Basin of Minas and take possession of all the tributaries and the rivers there in addition to all the waters at the head of the bay, is a proposition which I hardly know how to characterize. I hardly know how to characterize the cheek of any one company in coming to parliament and asking that they should be given all this power. If this scheme is going to be tested, it should be tested in a reasonable way. The provinces of Nova Scotia and New Brunswick have not the same need of water-power as Ontario has, because Ontario has no coal, but if it should be found possible to utilize the water-power of the Bay of Fundy, it will some day be an immense asset of those provinces and should not be given away to any company. At all events, a blanket charter such as is proposed here should not be given.

Hon. Mr. LOUGHEED—If it is the desire of the government that this Bill should be sent to a committee, let me suggest that they should recognize the extraordinary character of the legislation asked for, and notify the governments of New Brunswick and Nova Scotia in order that they may be represented before that committee. It is proposed to take possession of no less than fifteen rivers in those two provinces, and tributaries and streams of those rivers. The fore shores belong to the local government.

Hon. Mr. DOMVILLE—Some are navigable rivers.

Hon. Mr. LOUGHEED—I would further point out a suspicious circumstance; the capital stock of the company is $250,000 and they may issue the whole of it as paid up non-assessable stock. They ask for bonding powers amounting to $5,000,000 and wholesale rights of expropriation, so that they can go into any part of those two provinces along the coast of the Bay of Fundy and expropriate the private property of parties having vested rights therein. True, they make a provision, in their generosity, that those parties whose rights are affected may appear before some government tribunal and assert what their rights are. That shows a spirit of generosity that we are not going to question, but the Bill is one of the most extraordinary I have seen submitted to this Chamber.

Hon. Mr. FERGUSON—If the suggestion of my hon. friend is carried out, and the government of Nova Scotia and New Brunswick are notified, we may have the Hon. Benjamin F. Pearson, appearing before

the committee representing Nova Scotia as a member of the local government. He will appear in the dual capacity of a provisional director in the company and a member of the Nova Scotia government.

The motion was agreed to, and the order was postponed until to-morrow.

SECOND READING.

Bill (YY) An Act to incorporate the Catholic Church Extension Society.—(Hon. Mr. Bostock).

PATENT OF SUBMARINE COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 77) An Act respecting a patent of the Submarine Company.

Hon. Sir MACKENZIE BOWELL—I notice that this company was incorporated first in the state of New Jersey. Would the hon. gentleman give us some explanation as to the character of this patent?

Hon. Mr. WATSON—My information is that this is a machine for breaking rock in deep water, and that the machine itself, if completed and put in operation, would represent a cost of over $100,000. The people who have been working on the patent for a number of years think they have a machine which is pretty nearly perfect. It is one of the cases we have repeatedly before us, where the payment of fees has been neglected and the patent has not been kept alive. I understand that at the present time the machine is not fully developed. A number of United States gentlemen, who have been working on it for several years, are the patentees. I made inquiries of the solicitor and received that information. It is one of the cases where, I suppose, no one will suffer by the extension of the patent. Any one now using the invention is protected under the Bill. It is simply one of those cases where the parties wish to revive the patent because they expect to make a useful machine out of it.

Hon. Mr. LOUGHEED—The hon. member has not explained the long delay which has taken place since the expiration of the patent. I notice by the Bill that it was patented on the 12th November, 1900; consequently the six years would have expired in 1906. The information given is certainly not adequate to account for the delay or negligence since that date to the present time.

Hon. Mr. WATSON—The information I have is that the machine is a very expensive one, and there has been a lot of experimenting on it, and the parties did not at the time think it worth while to keep it alive. They have been working on it ever since, and have come to the conclusion that it is worth renewing.

Hon. Mr. LOUGHEED—They had better take out a new patent.

Hon. Mr. WATSON—That might be done. Further explanations can be made before the committee, if there is no objection to passing the Bill now.

Hon. Sir MACKENZIE BOWELL—It is a question whether this patent will not cover the crushing of rock as well as submarine blasting. At the present time, there is a large amount of work of that class, and it is increasing every year in this country. We know that in the construction of canals and the deepening of our water-ways, submarine blasting is required all the time. It is being done now by some kind of machinery. This patent expired some four years ago, but the owners have evidently discovered the fact that there is a large amount of work of this character being done and they want to extend their patent so as to secure a market for their machine in this country at a price much higher than it could be manufactured in Canada. Hon. gentlemen will notice that the exemption to those who have been using it in the past is a very lame proviso. It reads as follows:

> Provided that the exemption shall not extend to any person who has commenced the construction or manufacture of the said invention before the expiry of the patent, without the consent of the holder of the said patent.

In other words, if it seemed to be of sufficient value to justify the commencement of the maufacture of this article before the expiring of the time secured by

the patentee, and that manufacturer is not to be exempt from the operation of this law, that he must lose all that he has invested in the enterprise, provided, as it is pointed out, that the work had been commenced before the patent expired. Why should we be continually extending these patents? The crushing and the excavation of rock in this country at present are carried on to an enormous extent. We are building dykes, building cribs in the construction of our railways and harbours. Our concrete works require the crushing of stone, and the building and macadamizing of our roads require it to a large extent. I know that on the Bay of Quinté a Toronto firm is at the present moment constructing works which are costing a lot of money for the purpose of procuring the material necessary for completing works which are being constructed in the harbour of the city of Toronto, and I might point out scores of enterprises that are proceeding at the present day, which these gentlemen evidently desire to control for the full term of the patent in the future. As I pointed out, when a similar Bill was before the Senate for the extension of another patent, in England this practice of extending patents has been so serious and so much abused that the imperial parliament passed an Act declaring that all patents granted, and under which the patentees have failed to commence the work of manufacture in the United Kingdom, shall be forfeited. The result is it has brought into the United Kingdom hundreds of thousands of pounds by foreigners who desire to maintain their patents in that country, yet we are day after day throwing open our market for all kinds of inventions supposed to be of value—and some are of value—to the people of the United States. Why should we continue such a practice? It was pointed out very forcibly by the hon. gentleman from Toronto when he was discussing this matter that when a patent expires in the United States, by no possibility will the government of that country revive it. We are, however, playing into the hands of foreigners to the detriment of our own people. We require this machinery at the present moment, whether it is submarine machinery or the machinery for the crushing of rock for the purposes I have indicated, and it is time we should put a stop to reviving lapsed patents unless it can be shown that there is no possibility of the articles being manufactured in the country and that it is absolutely necessary such articles should be imported. The very fact that the provisions of this Bill should not apply to persons who commenced to manufacture the machine before the patent lapsed and they are to be cut out and compelled to lose whatever investements they may have made, shows conclusively that some manufacturer had commenced the manufacture of the article, otherwise this proviso would not be here. Why should we for the benefit of a foreigner in the United States deprive our own people of investments that they have made for the manufacture of an article that must be valuable now? These people would not come back four years after their rights have lapsed, asking for an extension if the patent were not valuable. I am surprised that the government has not taken up the question in the interest of our own people and not allow every Tom, Dick and Harry who has secured, either by fair means or foul, rights to patents a monopoly in this country. I have not examined this Bill closely enough to know much about it; but the other Bills of a like character which we have passed were not in the interests of the original patentee. I would go a long way to protect the man of genius, but this is a Bill of some speculator who bought the patent and expects to make money out of it. My hon. friend seems to be, if I might so term it, the defender of all these Bills, because they are put in his name, and I would suggest to the hon. leader of this House the propriety of calling the attention of his colleague, the minister who deals with these questions, to the importance of putting a stop to this practice of renewing patents. I am totally opposed to the revival of lapsed patents owned by foreigners, and my own impression is that if the Senate will do its duty it will reject all such Bills unless we have ample reason to justify us in passing them.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend opposite that I have called the attention of the Minister

of Agriculture to this very question, and I understand from him that in the House of Commons, and I presume in the Senate also, it is now the practice for the Deputy Minister of Agriculture, Mr. O'Halloran, who is chiefly concerned in patents, to appear in every case and advise the committee as to whether there is reasonable ground for allowing the application for an extension. I do not know whether that is the case in our committee.

Hon. Mr. WATSON—Yes, it is. I was just going to remark that clause 2, which has been referred to, is a clause which is placed in all Bills, I think.

Hon. Sir MACKENZIE BOWELL—Oh, no, no.

Hon. Mr. WATSON—Extending the time of the patent. I think we do that for any person who has undertaken the manufacture. If that is not clear, it should be made clear; but I can quite understand the objections taken by the hon. gentleman in reference to rock-crushers and stone-breakers —machines for the purpose of breaking stone for concrete and cement. This invention has nothing to do with that. I am informed that the patentee has been working on this machine for years endeavouring to invent a better machine for submarine work in deep water. I do not know what the process is, but I suppose that will be fully explained before the committee. It is only by encouraging men of genius, or men who will put money in, if you will, as a speculation, that you can perfect such machines, by which we get the benefit of their money and their invention. I am assured there is no such machine in operation at the present time in Canada. If those people are willing to go on experimenting and by their genius and expenditure of money invent something which will be for the benefit of the people of Canada as a whole, we should encourage them and give them proetction. On general principles, I do not believe in protecting patentees for a great number of years in regard to an invention which is useful for the public and allowing the public to be held up in that way. But I do think if these gentlemen have a good case, we should refer the matter to the committee where the Deputy Minister of Agriculture, who has charge of patent matters, can appear and testify, and if any protection can be given to the people of Canada in extending the patent, let it be provided for. I am entirely in sympathy with the principle of protecing the people of Canada, but I think the gentlemen who are applying for an extension of time should have an opportunity to be heard, and the only place they can be heard is before the committee. If the House has no objection, I should like to see the Bill go before the committee where the matter may be investigated, and when the committee report to the House it will be for us then to adopt or reject the measure.

Hon. Mr. LOUGHEED—I am not a member of the committee, but I should like to direct the attention of the members of the committee to the necessity of some modification of clause 2 of the Bill. I understand this is a standard or model clause, but I would point out that the only people likely to manufacture expired patents of that sort would be a license holder, or a person who possibly may have entered upon the manufacture before the expiration of the patent. Now, both the licensee and the manufacturer before the expiration of the patent, having their eye upon the renewal of the patent, and ascertaining that it had not been renewed, should certainly be at liberty to proceed with the manufacture of the article.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. LOUGHEED—This Bill would preclude them from so doing; consequently it seems to me that the clause should be modified to the extent of permitting all parties who have entered upon the manufacture of any of those articles to continue the manufacture, notwithstanding the fact of their being licensees or having entered upon the manufacture before the expiration of the patent.

Hon. Sir MACKENZIE BOWELL—The standard clause in all those patent Bills is of this character: It protects any one who has commenced the manufacture of the article which is patented, but there is a provision in this measure excluding from the exemption any person who commenced

the manufacture of the article before the expiring of the term, and that is certainly an unusual proviso.

Hon. Mr. WATSON—Then correct it.

Hon. Mr. WILSON—It is not only an unusual proviso, but it is possible that a bargain may have been made by the patentee with some individuals who commenced manufacturing under that agreement, and later on the parties owning the patent may refuse or decline to let them proceed. Under this clause, if they have commenced before the expiring of the patent, under an agreement with the patentee, the manufacturers may be deprived of the right to continue, and lose the benefit of all their industry. I agree with the hon. gentleman from Hastings when he asks, why should we grant to the United States people a right to compete with an industry established in Canada under a lapsed patent?

Hon. Mr. EDWARDS—There is no such industry in Canada. There is no patent for this operation in Canada at all. Submarine blasting is carried on to-day with great difficulty and at great expense, and if there is any introduction of improved machines for the purpose, so much the better for Canada.

Hon. Mr. WILSON—My hon. friend is aware that it does compete with the industries of Canada. Have we not factories in Canada for the manufacture of cement?

Hon. Mr. WATSON—This has nothing to do with cement.

Hon. Mr. WILSON—I understand that near Belleville there is a factory where they crush stone and manufacture cement.

Hon. Mr. WATSON—This has nothing to do with crushing stone at all. It is simply submarine blasting.

Hon. Mr. WILSON—Are there no industries of that nature at all in Canada?

Hon. Mr. GIBSON—No.

Hon. Mr. WILSON—I do not think I am in error yet in regard to this. Can any hon. gentleman show me why it is right that we should extend a patent of this kind when that patent may have been disposed of to a certain extent to some individual to commence manufacturing, and later that proviso prevents him from continuing, and ultimately he loses everything that he has put into it? Such an agreement as that is easily entered into, and why is this clause inserted in the Bill?

Hon. Mr. WATSON—I have no objection—and I do not think any person in this House has any objection—to protect every person who may be engaged in this industry. Nobody is contending that we should not protect them.

Hon. Mr. WILSON—Then will the hon. gentleman explain the reason why that clause was inserted in the Bill? There must have been an object in doing it, and when it goes to the committee I think it should be struck out. If that clause were expunged from the Bill, it would be less objectionable. Are we going to give the people in the United States the right to enter into an agreement with citizens of Canada and later on, when our citizens have invested a large amount of money and have commenced manufacturing before the expiration of the patent, that they are to lose all they have invested by this revival of it? If that patent is as important as these gentlemen think it is, why did they allow it to lapse? Have they shown a sufficient degree of industry and a desire to keep faith with Canada by keeping the patent alive and manufacturing under it? I say no. I say that we should not protect the citizens of United States against our own citizens. I am not in favour of the renewal of the patent under such conditions.

Hon. Mr. CAMPBELL—I do not know the particular object of this patent, but I have taken some interest in patent Bills in the other House and also in this House. Frequently, through inadvertence or oversight, parties have neglected to pay the fees for renewal of their patents and they come before us asking the right to pay these fees. In case anybody has commenced the manufacture of this particular article, when the patent had lapsed, if we did not make proviso for them when the patent is renewed, they could be proceeded

against for infringing the patent ; therefore, the parliament rightly puts in a clause that if anybody has commenced the manufacture of this particular industry after the time has lapsed, then their rights are protected. I think the department has always insisted on a clause of that kind being inserted in these Bills. The laws of the United States are very much more liberal in regard to patents than our laws are. In Canada, a man taking out a patent has, altogether, eighteen years. He may pay a fee for six years, and then another for six years more, and then a third for another six years. But he must commence the manufacture of that particular article, I think, within two years after the patent has been taken out, or else his right ceases. In the United States they do not have to manufacture at all. A Canadian can go over there and get the patent and keep it for the whole term and is not obliged to manufacture the article. In England, until lately, a patentee was not compelled to manufacture his goods. He could take out his patent there and import the article from other countries. Recently an Act was passed compelling patentees to manufacture in England. Our Patent Act is much more stringent than the Act of the United States. I do not know anything of the merits of this Bill, but I presume it is a case where the patentee neglected through his solicitor or clerk to pay the fees, and he simply asks the right now to pay those fees, not to extend the time of the patent at all, but simply to restore him to the position he would be in had the clerk or solicitor or who ever it was paid the fees as he intended to do. I think we should, therefore, read the Bill a second time and refer it to the committee. The department will be represented and full explanations can be made.

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

ROYAL VICTORIA LIFE INSURANCE COMPANY'S 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 (PP) An Act respecting the Royal Victoria Life Insurance Company, and to change its name to Royal Life Insurance Company of Canada.

Hon. Mr. GIBSON moved that the amendments be concurred in.

The motion was agreed to.

Hon. Mr. DAVID moved that the rules be suspended so far as they relate to this Bill.

Hon. Mr. LANDRY—Is that the Bill we discussed on Friday last and the consideration of which has been postponed until to-day. What conclusion has been arrived at?

Hon. Mr. GIBSON—The conclusion is that the clerk in drawing up the report forgot to strike out clause 4. It was contended by the House that there has been no change in the Bill, but my hon. friend opposite (Hon. Mr. Landry), with his usual magnanimity, when he discovered that he was in error and that the name had been changed, admitted he was mistaken. The change had been made in the report, and the report has been adopted, and all my hon. friend asks now is that the rules be suspended in order that the Bill may be read the third time to-day.

Hon. Mr. LANDRY—I shall certainly oppose the suspension of the rules if we do not come to an understanding on that point.

Hon. Mr. GIBSON—What is the point?

Hon. Mr. LANDRY—The last time I spoke on this subject, the hon. gentleman said I recognized my error. There was no error on my part. Clause 4 was struck out in the committee; but I was informed by the clerk that although the clause had been struck out, it had been decided that the words 'of Canada' should be added to the name of the company. Of that I had no cognizance. I accepted the clerk's word, but I leave it to hon. gentlemen who were in the committee to state if I am incorrect in saying that clause 4 had been stricken out?

Hon. Mr. SCOTT—Hear, hear. It was struck out.

Hon. Mr. LANDRY—I have no objection to the Bill passing. I have no objection to the title retaining the word 'Victoria.' In the adding 'of Canada' I understand clause 4 should remain, but it remains, not by the decision of the committee, but as a matter of common sense. I want it understood that the clerk of a committee has no right to change the decision of a committee, and arrange a Bill to satisfy the convenience of parties, retaining a clause that had been struck out, and arranging it to suit the views of Mr. So and So. I have no objection to let the Bill pass, but I want to call attention to the facts.

Hon. Mr. GIBSON—I am quite satisfied with my hon. friend's contention, but I do not think there was any desire on the part of the clerk who made the report to do anything but to meet the views of the committee. My hon. friend will remember that the House felt that there had been no change in the name, but there was a change in the name, and that was the reason the consideration of the report was deferred until to-day. The name was changed from 'The Royal Victoria Insurance Company' to 'The Royal Victoria Insurance Company of Canada.' My hon. friend admitted that on Friday, if I remember well. With the leave of the House, the report was amended accordingly, and it was to be taken into consideration to-day, and now my hon. friend (Hon. Mr. David) asks for a suspension of the rule in order that the Bill may go through.

Hon. Mr. FERGUSON—I have been looking over the report and have failed to find any authority for inserting the words 'of Canada.' It is not in the original Bill, but it has been explained to us that in some way the title has been changed by the addition of the words 'of Canada.' The prayer of the petition was to drop the word 'Victoria,' but not, so far as I knew, to insert the words 'of Canada.' The report of the committee, which will be found on page 541 of the 'Minutes of Proceedings,' shows that the word 'Victoria' was restored in the title of the Bill after the word 'Royal,' but it does not show any authority for the words 'of Canada' appearing in the title. How did it get there?

Hon. Mr. SCOTT.

The SPEAKER—The report is this: 'Section 4, the name of the company is hereby changed to Royal Victoria Insurance Company of Canada.'

Hon. Mr. LANDRY—I rise to a point of order. If the Speaker wishes to discuss the question he should come down from the Chair.

The SPEAKER—The hon. gentleman is quite right, but I do not wish to discuss it. I have the report beside me and I was calling attention to it.

Hon. Mr. FERGUSON—How do the words 'of Canada' come?

The SPEAKER—They are in the original Bill.

Hon. Mr. SCOTT—There is no doubt at all that section 4 was struck out in committee. Afterwards it appeared to have been replaced with the addition of a word when it came here, but I stated distinctly and positively that the whole clause was struck out.

Hon. Mr. POWER—It is because the committee made a mistake in striking out clause 4 that the chairman asked to have the clause reinstated. The name of the company was changed by the addition of the words 'of Canada,' and, therefore, clause 4 was necessary, because it provides that the change of name shall not affect any right or obligation of the company, so the amendment was really necessary.

Hon. Sir MACKENZIE BOWELL—When was that change made? Not in committee. My recollection distinctly confirms that of the ex-Secretary of State. The committee decided that they would not permit the company to use the word 'Royal' as it appeared in the Bill as originally introduced, and the fourth clause was struck out. But it was agreed, as I understood at the time, that the title of the company should remain as it originally was. I objected even to that, but I was overruled. I wanted to eliminate the word 'Royal' altogether. How are we to know what legislation we are adopting if, after a committee decides positively to take a certain course, whether right or wrong, any one has a right after-

wards to change that decision? The Bill should come to us exactly as it was reported by the committee, and if it is found not to be right, it should be referred back. If any one is permitted to add a word or letter to the decision of the committee, there is no safety whatever for our legislation.

Hon. Mr. LOUGHEED—The difficulty lies in the fact, that we had a new clerk of the committee. My recollection is that I moved to strike out clause 4, and it was certainly stricken out; but the words 'of Canada' came into the Bill when the chairman of the committee moved the title of the Bill. The amendment was made in the title of the Bill; that is to say, instead of reading it as printed it read with the addition 'of Canada,' and there was no enacting clause in the Bill for the amendment.

Hon. Mr. POWER—When the report of the committee was under consideration before, the chairman said that the striking out of the fourth clause was a mistake, and he moved to reinstate it. The House concurred with him, and then, on account of this amendment having been made at that time the further consideration of the report was deferred until to-day.

Hon. Mr. LANDRY—If the hon. gentleman will read the debates of the last meeting he will see that he is entirely wrong.

Hon. Mr. POWER—I am only giving my remembrance of it.

Hon. Mr. LANDRY—At all events we all agree in the end.

Hon. Mr. POWER—What I wish to know now from the Speaker is whether the fourth clause remains in the Bill, or has it been stricken out?

Hon. Mr. FERGUSON—The verdict of the House should be not guilty, but don't do it again.

Hon. Mr. GIBSON—I do not want my hon. friend to think that I was discourteous. It was left in the hands of the House and the House approved of the change being made by the chairman of the committee, and the report, as changed, was to be taken up to-day. I call it the advice and orders the House gave.

Hon. Mr. LANDRY—What was the change?

Hon. Mr. GIBSON—The change was in the report which has been read and adopted now.

Hon. Mr. LANDRY—The report as presented was asked to be changed, but somebody objected to the change.

Hon. Mr. GIBSON—The House ordered it to be changed.

Hon. Mr. LANDRY—We were willing that it should be changed, but somebody objected, and said that the regular way was to send it back to the committee, so nothing was done. The hon. member himself moved that the report be taken into consideration on Tuesday.

The SPEAKER—I understand all are agreed. The whole discussion is entirely irregular, but it was because I thought the House wanted to get rid of a possible misunderstanding that I did not intervene to stop it.

Hon. Mr. LANDRY—There is a motion before the Chair.

The SPEAKER—Yes, to suspend the orders.

Hon. Mr. LANDRY—I could continue the discussion on that.

The SPEAKER—Yes, but not to speak more than once.

Hon. Mr. LANDRY—I followed the example of His Honour the Speaker.

The SPEAKER—I do not want to make any difficulty about it. As I understand the matter now, the motion is for the suspension of the rules.

Hon. Sir MACKENZIE BOWELL—No, not necessarily.

The SPEAKER—Those who are in favour of suspending the rules say content.

Hon. Mr. LANDRY—The hon. Speaker has no right to put it that way; there is

no motion to make. If any one objects, the motion cannot be put.

Hon. Mr. DAVID—Then I move the third reading for to-morrow.

The motion was agreed to.

FIRST, SECOND AND THIRD READINGS.

Bill (BBB) An Act for the relief of John Wake.—(Hon. Mr. Watson.)

FIRST AND SECOND READINGS.

Bill (No. 122) An Act to incorporate the Cabano Railway Company.—(Hon. Mr. McSweeney).

PROMOTION OF SENATE OFFICIALS.

The SPEAKER submitted a memorandum recommending the promotion of Mr. Lelievre to fill the vacancy caused by the death of Mr. Evanturel, and the promotion of other officials in the translation department.

Hon. Mr. LANDRY—Is there any one who replaces Mr. Trudel?

The SPEAKER—There is no vacancy until this report is approved by the Senate.

Hon. Mr. POWER—I move that the certificates and communications be referred to the Committee on Internal Economy and Contingent Accounts.

Hon. Sir MACKENZIE BOWELL—Before that motion is put, might I ask what disposition has been made of a report made by His Honour the Speaker some time ago? Has it ever been adopted?

The SPEAKER—No, it is before the Committee on Internal Economy now.

Hon. Sir MACKENZIE BOWELL—I shall take the same objection to this report that I took when Mr. Evanturel was appointed. I say that there is not and never was a necessity for the appointment, and there is no work for the assistant clerk at the table. If the House of Commons, with over 200 members, can manage with one assistant clerk, it seems to me that with what little work we have in the Senate no assistant clerk is required. It is a piece of extravagance which is not justifiable.

The motion was agreed to.

BILLS INTRODUCED.

Bill (No. 98) An Act to amend the Exchequer Court Act.—(Hon. Sir Richard Cartwright).

Bill (No. 110) An Act respecting Agricultural Fertilizers.—(Hon. Sir Richard Cartwright).

Bill (No. 127) An Act respecting Commercial Feeding Stuffs.—(Hon. Sir Richard Cartwright).

Bill (No. 131) An Act to amend the Canada Shipping Act.—(Hon. Sir Richard Cartwright).

Bill (No. 146) An Act to amend the Act relating to Ocean Steamship Subsidies.—(Hon. Sir Richard Cartwright).

Bill (No. 149) An Act to amend the Extradition Treaty.—(Hon. Sir Richard Cartwright).

Bill (No. 153) An Act respecting the National Transcontinental Railway.—(Hon. Sir Richard Cartwright).

Bill (No. 156) An Act to amend the Yukon Act.—(Hon. Sir Richard Cartwright).

Bill (No. 152) An Act to amend the Customs Tariff, 1907.—(Hon. Sir Richard Cartwright).

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

THE SENATE.

OTTAWA, Wednesday, May 5, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MONTREAL BRIDGE AND TERMINAL COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. BEIQUE, from the Committee on Railways, Telegraphs and Harbours, reported Bill (TT) An Act respecting the Montreal Bridge and Terminal Company, with amendments.

He said: If it is the desire of the House, owing to the lateness of the session, that we suspend the rules and concur in these amendments now, I will make the motion.

The first amendment is in clause 2 of the Bill, which makes the construction of the tunnel subject to the approval and consent of the Governor in Council and of the council of the city of Montreal, as provided by the statute. The second amendment is to clause 3, and provides that after 15 per cent of the cost has been expended the company may issue securities for the amount of six million dollars to construct the tunnel at Lachine. The next amendment is to section 4 of the Bill, and provides that no park or place of amusement shall be constructed in Montreal without the consent of the said city. There are a few other amendments. With the consent of the House, I move the suspension of rules 24 (a) and (h).

Hon. Mr. FERGUSON—Is there any particular reason for this? Members of the House who were not at the committee cannot possibly decide intelligently what these amendments mean. I will certainly have to take a leap in the dark if I vote for the suspension of the rules. Is there any reason why it should not be laid over until we have time to look at the amendments?

Hon. Mr. BEIQUE—It is a Senate Bill, and it has to go to the Commons. It is very late in the session, and if we postpone the consideration of the amendments it may have the effect of killing the Bill.

Hon. Mr. FERGUSON—I think my hon. friend knows quite well there will be no danger of that. It is a Montreal Bill, and great importance will be attached to it in the House of Commons. There will be no danger of it being switched. I do not feel like pressing the objection.

Hon. Mr. BEIQUE—I move that this report be taken into consideration to-morrow.

The motion was agreed to.

THE WHARF AT ST. JEAN DES CHAILLENS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

How much has the construction of the wharf at St. Jean Des Chaillens cost up to this date?
How much has been paid by the government to acquire and put in order the hill which leads to this wharf?

Hon. Sir RICHARD CARTWRIGHT—The answers are as follows:

1. $49,852.17.
2. $4,308.70 (included in No. 1).

PARLIAMENTARY DIVORCES.

MOTION.

Hon. Mr. ROSS (Halifax) moved:

That the present tribunal for granting divorces is contrary to the practice in Great Britain, France, as well as in the provinces of New Brunswick and Nova Scotia. That it is a tribunal for the rich and cannot be used by the poor. Therefore, resolved that it should be discontinued and that such trials should be before judges of the Supreme Court duly appointed for that purpose.

He said: I might include Prince Edward Island and British Columbia as well as the two provinces I have mentioned in the resolution as exempt from the practice we have here. Before going into this question, permit me to quote from the Roman Catholic Bible to show that divorces were sanctioned under the Mosaic law, so that this resolution may be considered more favourably by a certain number of senators.

I am quoting from the Roman Catholic Bible, Deuteronomy, chapter 24, verses 1, 2, 3, 4, read as follows:

If a man takes a wife and have her and she finds not favour in his eyes for some uncleanness, he shall write a bill of divorce and shall give it in her hand and send her out of the house, and when she is departed and marryeth another husband, the former husband cannot take her again to wife, because she is defiled and become abominable before the Lord, but then cause the man to sin in the land which the Lord thy God shall give thee to possess.

In the fifth verse:

When a man has lately taken a wife he shall not go out to war, neither shall any public business be engaged on him, but he shall be free at home without fault that for a year he may rejoice with his wife.

How kind and considerate for those who made a wise selection. It is all very fine to say marriages are made in heaven. We admit that many are so made, but from the conduct of some husbands, and also of some wives, it would be too much to assume that all marriages are so made.

The commentator writes, our Saviour alludes to it, when he said divorces were permitted, but only for adultery. The Lord does not command divorces, but in case the

parties come to such determination, it requires a Bill of divorce to be given to the woman.

Matthew, fifth chapter, thirty-second verse, the Saviour's sermon on the Mount:

> But I say unto you that whosoever shall put away his wife excepting the cause of fornication, causeth her to commit adultery, and whosoever shall marry her that is put away commiteth adultery.

On this the commentator writes:

> Excepting the cause of fornication a divorce or separation as to bed and board may be permitted for some weighty causes in Christian marriages. but then even he that marryeth her that is dismissed commiteth adultery. As to this there is no exception.

In chapter 19 of the same Gospel:

> The Pharisees say unto Him, why then did Moses command to give a bill of divorce and to put her away? He saith to them: Moses because of the hardness of your hearts permitteth you to put away your wives, but from the beginning it was not so, and I say unto you, that whosoever shall put away his wife except it be for fornication and shall marry another commiteth adultery. And he who shall marry her that is put away commiteth adultery.

Crudens in his wonderful 'Concordance' writes:

> The school of Shammeh, who lived a little before our Saviour, taught that a man could not lawfully be driven from his wife unless he had found her guilty of some action which was really infamous and contrary to the rules of virtue.
>
> Josephus and Philo show sufficiently that in their time the Jews believed divorces to be lawful, even upon trivial causes, but nothing can justify such a procedure whereby the marriage relation is dissolved.

Having thus given scriptural authority for divorces, and as the commentator on the Catholic Bible writes what is permissible in the separation of Christian marriages, we may not dwell longer on this part of the subject. Coming now down to the Imperial Act of Confederation, section 91 explains the power of parliament; paragraph 26 mentions divorce as being under the authority of the Dominion parliament.

It is all very well to say that marriages are made in heaven. We admit that many of them are, and we hope that those who belong to the Senate can be included in that list; but it cannot be admitted, in cases where husbands run away from their wives, or wives from their husbands, that such marriages have been made in heaven.

While the Act of Confederation confers on parliament the power of granting divorces, it does not say anything about the system by which it may be done. The system we have is, in my opinion, very different from what it should be, and it should not be continued. I do not think—and I am speaking in the presence of some members of the Divorce Committee—that there is anything in the evidence which is placed before them that conduces to their moral or spiritual welfare.

Hon. Mr. POIRIER—Hear, hear.

Hon. Mr. ROSS (Halifax)—When cases are tried before the Supreme Courts in New Brunswick and Nova Scotia, there is no publicity of details given. Nothing is printed and nothing is seen by the public of what is stated in these trials. Here we publish the whole thing in pamphlet form. I put mine in the waste-paper basket, because I have full confidence in the honour and integrity of the members of the committee; and if I should find any fault with them—and I do not intend to do so—it is that perhaps they grant too many divorces. I am not favourable to granting divorce. I should like to have divorces confined to where a man goes away and leaves his wife, and perhaps goes to some other country and marries another woman, or where a woman would be guilty of similar misconduct. What I object to is the method. I find that unfortunate people. men and women from the provinces of Manitoba, Saskatchewan, Alberta, Ontario and Quebec must come to this tribunal. Fancy a man being obliged to come here from the extreme west, and undergo the trouble and expense of bringing his witnesses and feeing a lawyer to plead his case before the committee. Do not hon. gentlemen think some change is required in such a system? Where would the poor man be who would have to bring his witnesses, say from Alberta? I remember a case, when I was in the Commons, of a man named Martin coming from Hamilton. His wife appeared to be a fast woman. She was a very handsome woman, and she crossed over to the United States. The Senate passed the Bill granting him a divorce, but it appeared that the woman had a friend, a very in

fluential member from Ontario, and he, with the vote of the Roman Catholic members, defeated the Bill in the Commons. Before the following session this member who had so much influence died, and the husband applied again, and was granted his divorce. Being a rich man, he took us down stairs and treated us to champagne to a very late hour in the morning.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. ROSS—Not only did he rejoice in obtaining his divorce, but we rejoiced with him.

Hon. Mr. POIRIER—Did the hon. gentleman vote for or against the Bill?

Hon. Mr. ROSS—I voted for it.

Hon. Mr. FERGUSON—I hope the champagne was not promised before the Bill was voted on?

Hon. Mr. ROSS—We did not know anything about the champagne. We gave an honest vote.

Hon. Mr. POIRIER—And drank all his champagne.

Hon. Mr. ROSS—The case was properly dealt with. I am not against divorce in the cases I have mentioned, but I believe our system is altogether wrong, and that it is unjust to the poor man who would have to come to parliament from a distance. Why should we have a regulation for the rich that the poor man cannot avail himself of? Judge Graham had four cases for divorce in the last year, and he said that not one of them would come here to have the case tried. The cost in his province would be from $100 to $150—not in any case exceeding $200. In order to do justice to the poor man as well as the rich, the present system should be changed. I have given a quotation from the highest authority, the large bible, from which I copied in the library, and also the commentator's remarks on these verses. My hon. friend from St. John will second my motion.

Hon. Mr. LANDRY—I wish to raise a point of order. Rule 57 says that no motion prefixed by a written preamble is received by the Senate. This resolution is simply a conclusion of a preamble. This resolution reads:

That the present tribunal for granting divorces is contrary to the practice in Great Britain, France, as well as in the provinces of New Brunswick and Nova Scotia. That it is a tribunal for the rich and cannot be used by the poor.

That is a preamble, and then the resolution reads:

Therefore, resolved that it should be discontinued and that such trials should be before judges of the Supreme Court duly appointed for that purpose.

I do not think the motion is in order.

The SPEAKER—There is a preamble to this resolution, and if it comes within that rule there is no doubt it cannot be received.

Hon. Mr. ELLIS—I would regret that consideration of my hon. friend's motion should be shut out in this particular way.

The motion was ruled out.

VACANCIES IN THE REPRESENTATION OF NOVA SCOTIA.

Hon. Mr. LOUGHEED—Before the orders of the day are called, I should be pleased if the right hon. leader of the House could give us any information as to when the Nova Scotia senatorial vacancies will be filled? It is to be observed that one of them has been vacant for more than a year, and another, that of the late Senator Black, between four and five years.

Hon. Sir RICHARD CARTWRIGHT—Between four and five years?

Hon. Mr. LOUGHEED—Yes, I believe so.

Hon. Sir RICHARD CARTWRIGHT—Not quite so long.

Hon. Mr. LOUGHEED—It is certainly in the vicinity of four years. I might point out there are several ex-statesmen in Nova Scotia who are looking forward with no small degree of anxiety to the filling of those vacancies. I understand they have rendered services at a comparatively recent date, and are anxious to know when compensation is to be offered for such services. May I point out that the Nova Scotia representation, particularly on this side of the House, is very considerably reduced, and as my right hon. friend has expressed

some desire to maintain the equilibrium in the Senate, an excellent opportunity would now be afforded to fill up the ranks which have been decimated on this side by the appointment of a couple of senators who would view questions before us from a rather different standpoint to that of the government.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend's remarks deserve great consideration, and I shall endeavour to see that they do receive full and sufficient consideration. Of course he is aware that in Nova Scotia difficulties have occurred which do not arise in other provinces, and that gentlemen have been nominated to the Senate who could not be induced to attend. Possibly some such difficulty may have prevented my colleagues from Nova Scotia from acting in this matter, but I shall cause my hon. friend's remarks, particularly the latter portion of them, to be laid before my colleagues with all due despatch.

Hon. Mr. LANDRY—While the right hon. leader of this House is so well disposed, could he not, at the same time, take into consideration the fact that it would be very gratifying to the French element throughout the country if we had a French member of the government in the Senate. Amongst his friends I think there are quite a number who are prepared to accept the responsibilities of the position.

Hon. Sir RICHARD CARTWRIGHT—I shall make a careful note of my hon. friend's remarks.

Hon. Mr. FERGUSON—I would point out that the difficulty in Nova Scotia appears to have been gotten over some years ago. My hon. friend has filled two appointments from Nova Scotia since that incident with regard to Mr. Curry, and it shows there has been a breaking down of a very formidable wall of difficulty in that direction. But to be serious, it is not just to any province that vacancies in the Senate should remain unfilled for so long a period as four years, which I think is the correct statement with regard to the vacancy caused by the death of Mr. Black. The principle has always been conceded that the Senate is intended mainly to protect sectional interests. Now, Nova Scotia has been scarcely at any time during the last eight or ten years represented by more than eight senators in this House. There has always been the same tardiness in filling vacancies. I submit it is a violation of the constitution, and that the province is being left without the representation it is entitled to.

Hon. Sir RICHARD CARTWRIGHT—I shall take a note of the hon. gentleman's remarks.

THIRD READING.

Bill (PP) An Act respecting the Royal Victoria Life Insurance Company, and to change its name to the Royal Victoria Life Insurance Company of Canada.—(Hon. Mr. David).

QUEBEC ORIENTAL RAILWAY COMPANY BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. TESSIER moved that the amendments made by the House of Commons to Bill (I) An Act respecting the Quebec Oriental Railway Company be concurred in.

Hon. Mr. FERGUSON—Will the hon. gentleman explain what the amendments are?

Hon. Mr. CASGRAIN—The Bill is now as it was when it passed through this House. In committee, in the other Chamber, it was amended at the request of the Speaker of the House of Commons. When it was reported to that House, the Speaker consented to withdraw the amendment, and the Bill is now as it was originally, except that the date of the meeting of directors is changed.

The motion was agreed to.

GRAND TRUNK PACIFIC BRANCH LINES COMPANY BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. WATSON moved concurrence in the amendments made by the House of Commons to Bill (S) An Act respecting the Grand Trunk Pacific Branch Lines Company.

Hon. Mr. FERGUSON—The hon. gentleman should explain the amendment.

Hon. Mr. WATSON—When the Bill was passed originally, there was no limit of time for the commencement and the completion of the branch lines. That was the form in which the Bill passed this House, but the Commons put in the ordinary clause requiring that the lines shall be commenced within two years and completed in five years.

Hon. Mr. FERGUSON—That is the usual provision. It shows that we were a little careless.

Hon. Mr. WILSON—Does the extension embrace the whole of these branches?

Hon. Mr. WATSON—Yes.

Hon. Mr. WILSON—It would not be amiss to have information why these branches have not been constructed.

Hon. Mr. WATSON—The Grand Trunk Pacific Bill as passed originally, contained the same powers that were granted to the Canadian Pacific Railway in their original Bill. They did not have to commence their branch lines within a certain time. They come here asking for certain amendments, and the House of Commons has attached the clause which is contained in all private railway companies Bills. So far as I am concerned, I do not think we should ask a corporation like the Grand Trunk Pacific to be bound down by such a rule. I do not know that it makes much difference whether you include the clause or not.

Hon. Mr. FERGUSON—I am afraid that if the hon. gentleman continues to talk that way, he will induce us to reject his motion.

Hon. Mr. WATSON—I will have no objection.

Hon. Mr. FERGUSON—Is it not a fact that recent charters for branch lines of the Canadian Pacific Railway have been brought under the same provisions? The original Bill might not, but is it not a fact that for some years back this provision has been inserted in all their charters?

Hon. Mr. WATSON—Yes.

Hon. Mr. WILSON—If my hon. friend looks at the Bill he will find that these charters were granted in 1906 and since that time the company has done nothing. Some reason should be given to us why they have not gone on to build any of these roads granted in their original charter.

Hon. Mr. WATSON—The hon. gentleman surely ought to know that a railway company cannot start to build branches until the main line is built. There is only about 400 miles of the main line in operation.

Hon. Mr. WILSON—There is only one of these branches that is a short one. They are as follows:

19. From a point on the main line of the Grand Trunk Pacific Railway west of Pembina crossing, in the province of Alberta, thence running southwesterly to a point at or near the Embarrass river and thence in a southerly direction towards the headwaters of the Little Pembina river, a distance of about one hundred miles.

20. From a point on the main line of the Grand Trunk Pacific Railway, thence along the Embarras river running southwesterly towards the McLeod river, a distance of about twenty-five miles.

21. From a point on the company's authorized line between Calgary and Coutts and running southwesterly to McLeod, thence through or in the vicinity of Pincher Creek to the western boundary of the province of Alberta, a distance of about one hundred miles.

22. From a point on the company's authorized line at or near Regina, province of Saskatchewan, thence westerly to Moosejaw, a distance of about forty-five miles.

It seems to me we ought to know why such a thing as this is being done.

Hon. Mr. DANDURAND—The hon. gentleman does not seem to notice at what stage of procedure we are. This Bill has already had three readings in this House, and has gone through committee; all these explanations were given at the proper time, and the Bill was passed and sent to the House of Commons. It is now back with a small amendment which we are asked to accept.

Hon. Mr. WILSON—I am aware of all that. It is no reason why we should be deprived of information which should have been given before.

Hon. Mr. WATSON—If the hon. gentleman will look at the Commons amendment he will find that mention is made of the statute of 1906, the original charter of the

Grand Trunk Pacific. He will find if he looks up the Act, that that refers to some twenty-two branch lines. Originally the time for construction was not limited. The Commons saw fit to limit the time, and all we have to consider now is that amendment made by the Commons, an amendment which I think should commend itself to every member of the Senate.

The motion was agreed to.

FUNDY TIDAL POWER COMPANY BILL.

SECOND READING.

Hon. Mr. ELLIS (in the absence of Hon. Mr. McSweeney) moved the second reading of Bill (XX) An Act to incorporate the Fundy Tidal Power Company.

Hon. Sir RICHARD CARTWRIGHT—As I intimated to my hon. friends opposite, I communicated with the Minister of Justice on this matter. He, like some other hon. gentlemen, considers that the Bill should be very carefully handled, but as undoubtedly the dealing with the waters of the Bay of Fundy is within our jurisdiction exclusively, whatever may be said about the others, and as this Bill can by no possibility pass into law this session, I am not prepared to object further to its going to the committee if the House see fit, but on the distinct understanding that the government reserves full power to deal with it in any shape or way it sees fit hereafter.

Hon. Mr. LOUGHEED—And that the Chamber is in no way committed to the principle of it.

Hon. Sir RICHARD CARTWRIGHT—And that the Chamber is in no way committed to the principle of it, but merely for information and examination.

Hon. Mr. FERGUSON—Let me call attention to a paragraph in the Montreal 'Star' of last evening. It is a statement made by Engineer Weller, explaining the details of the scheme for the people of Moncton:

Moncton, N.B., May 4.—The 'Development of Power from Bay of Fundy Tides' was discussed by J. L. Weller, C.E., superintendent of the Welland canal, before the Canadian Club here last night. Engineer Weller, who is one of the promoters of the Fundy Tides Bill now before parliament, asking power to harness the Bay of Fundy tides, explained his scheme in detail. The proposal is to dam the Petitcodiac and Memramcook rivers dry. The proposed dam will be over a mile long and forty feet high. This would leave about twenty feet of water in the river at Moncton. Fifty thousand horse-power is to be developed, and Engineer Weller said he was willing to risk his reputation on the practicability of damming the river. The company is capitalized at $10,000,000, and Mr. Weller was prepared to say $7,500,000 would more than complete the gigantic undertaking.

Now, these are two of the fifteen rivers that the Bill gives the company control of, so that we can judge what is the nature of the control that the passing of the Bill would give to this private corporation. I did not look at the Bill myself, but the hon. gentleman from Calgary called attention to the fact that the capital mentioned was $250,000.

Hon. Mr. LOUGHEED—And they can issue that paid up.

Hon. Mr. FERGUSON—I am not well enough posted to know that all these fifteen rivers are as difficult to dam as the two properties they propose to dam. Perhaps they are not. They might be small in comparison, but I know that some of them are very important streams. The Bill covers the Basin of Minas and all waters flowing into the Bay of Fundy, except St. John river and the Basin of Annapolis. Altogether it is a gigantic undertaking, and it proposes to give this company most extraordinary control of all these water-powers if we pass this measure. I suppose there can be no harm in giving it a second reading, and let it go to the committee, but we are certainly not committing ourselves to such a principle as that.

Hon. Mr. BEIQUE—There seems to be some misapprehension in regard to this Bill, and in regard to Bills of a similar nature which occasionally come before this honourable House. Apart from the provision which deals with the right to expropriate, there is nothing unusual about this Bill. I may point out that the powers which are given by this Bill are powers which are granted by the Secretary of State by letters patent fifteen or twenty times a year to many companies. The powers given under this Bill cannot be exercised without the plans being submitted to the Governor in Council and being approved by the Minis-

ter of Public Works, as is done in the case of letters patent. Probably what suggests to the minds of hon. gentlemen that this is an extraordinary Bill is the fact that a number of rivers are enumerated. If instead of enumerating the rivers, the promoters had asked by this Bill merely to develop dams and water-powers generally, as is done by rights obtained under letters patent, hon. gentlemen would not likely have thought that it was so exorbitant a demand. Take, for instance, the Mexican Land and Irrigation Bill, which received the other day the imprint of this House, and the Brazilian Electro-Steel and Smelting Company, a Bill to the same effect: the powers given to those companies are much more extensive than those proposed to be given to this company. They could do anything. They could dam every one of these rivers, provided they submitted their plans to the Governor in Council. The official 'Gazette' of the month of April, page 2849, shows exactly the same thing. Without naming the rivers, power is given to a company, under the name of the Silver Lake Lumber Company, to carry on the business of merchants, saw millers, lumbermen, &c., all branches of the business, and a number of other powers to develop, acquire by lease or purchase or otherwise, to maintain and operate on the property of the company, steam, electric, hydraulic or other power or force.

Hon. Mr. EDWARDS—On the property?

Hon. Mr. BEIQUE—Throughout the whole of Canada.

Hon. Mr. LOUGHEED—Could the hon. gentleman point out any such territorial powers to enter on particular rivers and expropriate them as is proposed to be done by this Bill?

Hon. Mr. BEIQUE—To carry on its own business and any business germane to the main object of the company throughout the Dominion of Canada and elsewhere.

Hon. Mr. LOUGHEED—This is a commercial business simply. No territorial powers.

Hon. Mr. EDWARDS—They do not specify any rivers.

Hon. Mr. BEIQUE—They can go on any river.

Hon. Mr. EDWARDS—No, no.

Hon. Mr. BEIQUE—I affirm knowingly and advisedly that although no river is mentioned, they can go on any river in Canada provided their plans are approved by the Governor in Council or by the minister as required, for such protection as is required in navigable rivers. Of course, they must purchase the right to do so.

Hon. Mr. EDWARDS—That is another question.

Hon. Mr. BEIQUE—Here they must purchase the riparian and other rights. It is merely the enabling power which is given them, apart from expropriation, and it is only because of that, that the Bill provides for the power to expropriate. I say that this Bill is on a par with a great number of companies which are incorporated by letters patent, apart from the expropriation power. I do not know anything about this Bill except that I have read it. As far as the question of provincial rights is concerned, it does not arise. It was stated that it was worse than the Michigan Power Bill. In that Bill the question arises because the works are intended to be located in one province only. Here, on the face of the Bill, the works are intended to extend to the provinces of Nova Scotia and New Brunswick, and, therefore, the provincial rights question does not arise on the face of the Bill.

Hon. Mr. EDWARDS—My hon. friend is a very eminent lawyer, and I am but a layman, and I am very sorry that I am not in sympathy with him on this occasion although I generally am. I think it is perfectly competent for this parliament to give to any number of men who are acting together the power to go any where and do that which they can get the right to do wherever they go, but I claim that this Bill provides specifically that these parties shall have the right to erect dams over streams and creeks in the provinces of Nova Scotia and New Brunswick.

Hon. Mr. BEIQUE—Suppose that one of the properties mentioned was my property,

would this company have the power to go upon it without the power of expropriation?

Hon. Mr. EDWARDS—I will answer that. I admit that if an individual owns the water-power that you would have to expropriate, but if an individual does not own it, but the province, then, under this Bill, the company mentioned in the Bill can go there and dam the water and come in direct conflict with the legislation of the province.

Hon. Mr. BEIQUE—If it is not owned by an individual, it will be either by the Dominion or the province.

Hon. Mr. EDWARDS—But the Dominion is here giving authority to build dams. I quite concede it may have the power to do it in the Bay of Fundy, but it has not the right to build dams across creeks and streams in New Brunswick. I will give an illustration which occurred recently. At this very moment the Dominion government is proceeding to impound the head waters of the Ottawa river, and before they can do so they must get authority from Quebec and Ontario. The Dominion government itself applies and gets that power. But here is a Bill which specifically gives to these parties the right to go into Nova Scotia and New Brunswick and build dams across streams and creeks. I maintain that they have not that right, and it will be a direct infringement on provincial rights.

Hon. Mr. WOOD—I desire to refer to one or two points that were raised by the hon. gentleman from Montreal in the comparison he made between the provisions of this Bill and some other Bills which he referred to which have passed this House, and I would like to point out that if this Bill is to be considered and sent to the committee, that there are special considerations regarding rivers and streams where this company proposes to operate, which occur no where else in this Dominion. I do not know that they occur anywhere else on the face of the globe. It is due to the fact that in the Bay of Fundy we have extraordinary flood tides, where they rise and fall from thirty to sixty feet each day. The effect of that is, that on these rivers, the Petitcodiac and the Memramcook and the Sackville rivers and some of the other rivers in Nova Scotia where towns and cities have grown up, they drain into these rivers, and the situation is such that if these rivers are dammed and the waters maintained at a uniform high level, their sewage systems would be entirely destroyed. If, on the other hand, the proposition, which appears to be outlined in the extract read by the hon. gentleman from Marshfield from the paper to-day as the statement made by Engineer Weller before the Canadian Club in Moncton, is the correct proposition, and the Petitcodiac and the Memramcook rivers are to be dammed and the water kept at Moncton at a twenty-foot level, it would entirely destroy the shipping interests of that port. These rivers now are an outlet for the sewage system, but when the tide is in the vessels go up, and land and discharge and receive cargoes at the wharfs. It would destroy the shipping facilities of all that section of the country if the proposition outlined by Mr. Weller were carried out. Then, what, to my mind, is a consideration of equal or even greater importance than this, is the effect upon the large areas of marsh lands which are to be found in that neighbourhood, and which marsh lands have been built up by flooding. They have been formed by the action of the tides in those very rivers, and this process of converting waste land and lands of inferior quality into land very productive and very valuable for raising hay crops particularly, is being constantly carried on, and through all that section of the country where there are thousands and thousands of acres of this land at the present time, the country is dependent upon the uninterrupted flow of the water in all these rivers and tributaries and streams for the maintenance of the fertility of the lands that already exist there and which have been brought to this state of fertility at very considerable expense. Then some other very serious questions must arise, the legal bearing of which I am not prepared to say, but there are not only natural tributary streams emptying into these rivers, but there is a system of canalling which has been carried on for years. The owners of the land under provincial law elect commissioners and build

waterways at the cost of the lands which are to be benefited by these canals. Some are for the purpose of flooding the land and increasing the fertility in that way, and others are for the purpose of draining. It is possible this engineer may have some way of meeting all these difficulties; I cannot vouch for that, but it does appear to me that it is impossible to have those streams and rivers obstructed by any permanent dams without destroying the most important agricultural interests of that whole country, which should not be entertained for one moment. As I said yesterday, the theory of attempting to utilize the tides of the Bay of Fundy for generating power has been a subject of discussion for a great many years, and a great many persons have proposed plans by which they could be utilized; but, so far, I believe none of these plans have been considered favourably by practical men. I am in favour of the Bill, with the understanding which has been arrived at, that we do not adopt the principle, but let it go to the committee and hear the promoters of the Bill and have this scheme and their plans fully explained. I think it is very desirable that should be done before the session closes. The hon. member who moved the second reading of the Bill suggested that it should be referred to the Railway Committee. I have no objection to that, but it occurred to me that that committee had a good deal of business, and the time of the committee might be pretty fully occupied. Consideration of this Bill might take a full session of the committee, and I would like to suggest that it should be referred to the Committee on Miscellaneous Private Bills.

Some hon. MEMBERS—No, no.

Hon. Mr. SCOTT—As I have incorporated some thousands of companies under the Act, I may be allowed to say a word or two in reply to the hon. gentleman from De Salaberry. It is quite true that the two companies he named were given very large powers, but it was on the distinct understanding and undertaking that they were not to be exercised in Canada. In granting powers to companies that were going to operate in Mexico and in Central America, Brazil and the Argentine Republic, where the government of those countries were willing to accept our charters and give licenses under them, I had no hesitation in granting very large powers to the company, such as I never would dream of granting to companies proposing to operate in Canada. I have no recollection in any single instance having granted powers of expropriation.

Hon. Mr. BEIQUE—I did not say that.

Hon. Mr. SCOTT—Powers have been granted to acquire property. They have a right to do certain things which are unusual, but on property owned by the company. If the company acquired all the rights, and nobody was incidentally affected thereby, nobody could urge objections; but no measure such as this before the House has even been granted by the Secretary of State, at least while I was in office.

Hon. Mr. POWER—I cordially endorse everything that has been said by the hon gentleman from Sackville. He expresses my sentiments exactly.

Hon. Mr. DAVID—The hon. member from De Salaberry having spoken of letters patent which are issued in many cases, giving extraordinary powers to certain companies to operate in different parts of Canada, I want to remind the House that last year I made allusion to that, and expressed surprise that in many cases those letters patent went very far, and I considered in violation of provincial rights. If the federal parliament has not the jurisdiction to give to a company the right to utilize water-powers in a province because it would be a violation of the constitution and of provincial rights, how can they acquire that power by extending the right to the whole of Canada? If the water-powers are what you think they are, one of the principal assets of the province, if they are essentially provincial, and if the provinces have reason to adhere to their rights with regard to these water-powers and keep control of them, I cannot understand how I could accept the proposition of the hon. member from De Salaberry, although I agree generally with him on almost all questions. This time I cannot agree with him, and I cannot believe that

if the water-powers are provincial assets, that the federal parliament, because they give a company the right to utilize those water-powers throughout the whole of Canada, can deprive the provinces of their rights. I am not ready to accept that proposition, because it would be always easy in that way to take away from the provinces their rights as regards anything, by providing that a company chartered by parliament shall have a right to operate in all the provinces of Canada.

Hon. Mr. FERGUSON—I do not know much about power questions, but I should like to know if the passing of this charter naming these rivers would preclude even parliament itself granting a charter to another company to operate on these same rivers?

Hon. Mr. BEIQUE—My understanding is that I am at liberty to go and purchase water-powers in the whole of the Dominion of Canada. I may associate myself with a dozen or a hundred other people to do the same thing. If the water-power is the property of the province, I cannot deprive the province of any of its control or ownership of that water-power. If it is the property of the Dominion of Canada I cannot deprive the Dominion of any of its powers over it. All that I can do, all I am possessed of is the enabling power. When we create a corporation giving it power apart from the powers of expropriation, that corporation has to do like any individual in purchasing a water-power. If it is the property of the province or of the Dominion, the company has to arrange with either the province or the Dominion, and, therefore, this Bill does not dispossess the province of its rights or the Dominion of its rights over such water-powers. It is merely the enabling power which is always subject to the control either of the province or of the Dominion.

Hon. Mr. FERGUSON—I do not think my hon. friend appreciated the point I raised. If we give this company power to dam these rivers—assuming this parliament has the right to pass the legislation—could we give another company power to erect a dam at the same place, with this charter in existence?

Hon. Mr. DAVID.

Hon. Mr. BEIQUE—Parliament has always the right even to repeal a charter which has been already granted. But this is a question of expediency. It is a question similar to those very properly raised by the hon. gentleman from Westmoreland. I am glad the hon. member drew the attention of the Senate to the important considerations which he placed before the House, so that the committee may bear them in mind. These are questions for the House to deal with. I am approaching the question merely from the point of view whether it is an extraordinary charter any more than hundreds of others chartered by letters patent. I do not wish to be understood as criticising the practice of the Secretary of State on principle. I do not see any reason why the enabling power should not be given to a company to be exercised as freely as it is by an individual.

Hon. Mr. POWER—I am a little surprised at the hon. member from De Salaberry, who generally examines measures carefully. He does not seem to have had his attention directed to the eleventh clause of the Bill, which provides for the very thing which the hon. gentleman said the company was not to have—that is the power of expropriation.

Hon. Mr. BEIQUE—I made the exception. I said apart from the power of expropriation, which may or may not be given.

Hon. Mr. POWER—There is this point which the hon. gentleman does not seem to have considered. Supposing that the company are able to make arrangements for the purchase, we will say, of land at the mouth of one of these rivers, and they erect their dams there. What about the landowners further up who will be deprived of the flow of water over their lands? The damages may be almost infinite, but the company can purchase the land from the man whose property is situated at the mouth of the river. I think the wise thing to do with this Bill would be to refrain from reading it the second time.

Hon. Mr. EDWARDS—There are two further points; there is such a thing as the creation and making of a water-power where none exists. Then there is another

point; there is a provision that nothing is to be done without going to the Minister of Public Works. There is no provision to go to the province. I thoroughly agree with the hon. gentleman, that this Bill should not receive its second reading. It is one of the most extraordinary measures that has ever come before this House.

Hon. Mr. WOOD—I entirely agree with the hon. gentleman from Russell (Hon. Mr. Edwards) that the Bill as it stands should not become law. I do not imagine that it can ever pass in its present form. I for one would like to see the Bill go to the committee and have the promoters explain the scheme which they have in view. The Bill cannot pass this session, and it is rather important that we should get all the information we can.

The Senate divided on the motion, which was rejected. Contents, 10; non-contents, 11. Names not recorded.

SENATE REFORM.

DEBATE CONTINUED.

The order of the day being called:

Resuming the further adjourned debate on the motion of the Hon. Mr. Scott, that it be resolved:

1. That in the opinion of the Senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element, applying it approximately to two-thirds of the number of senators would bring the Senate more into harmony with the principles of popular government than the present system of appointing the entire body of senators by the Crown for life.

3. That the term for which a senator may be elected or appointed, be limited to seven years.

4. That the provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this Chamber. That the provinces of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the province of Prince Edward Island into two electoral districts for election to this Chamber; and that for the present, and until the four western provinces have been given increased representation in this Chamber, that Manitoba, Saskatchewan and Alberta be each one divided into three electoral districts, and that the province of British Columbia be divided into two electoral districts, all for the election of candidates for representation in the Senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience, local interests and county boundaries.

5. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing Senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence, local interests or other reasons.

6. That as vacancies hereafter arise in the representation of the said electoral districts, the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

7. That in order to diminish the expenses attending elections over wide areas and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of election expenses. Provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising the franchise.

That the remaining eight senators in each of the provinces of Ontario and Quebec; the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining senator in each of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, who had not been allotted to any constituency, shall be classed as senators for the particular province at large, and as a vacancy arises in that class, it shall be filled by appointment, as at present, by the Crown.

9. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the government, the principle laid down in Sections 26 and 27 of the British North America Act shall apply, that is to say, the incoming administration may appoint an additional number of senators, not exceeding nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a reasonable one, but not more than one of the senators to be appointed, shall be taken from any one province; and that no more arisen; thus reverting to the original number of senators allotted to the said province.

10. That the senators representing the several different provinces be requested to meet and suggest the best mode of dividing the province into Senate electoral districts and also the name of the senator who will represent each particular district.

11. That the House of Commons be asked to concur in the proposed changes in the constitution of the Senate.

12. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the union, be so amended as to conform to the foregoing resolutions and the motion of the Hon. Mr. David in amendment thereto:

That all the words after the word 'that' in the first line be struck out to the end of said resolutions and the following words sub-

stituted in lieu thereof: 'in the event of a change in the present constitution of the Senate being deemed necessary and asked for; by, among others all those provinces who were a party to its original constitution under the British North America Act, 1867, the most practical and satisfactory way of doing so, would be, as new seats would be created, or vacancies occurred, to have fit and qualified persons summoned for life to fill the same as now, under the said Act; but leaving the selection of one half of said persons to the provincial governments of the respective provinces entitled to said seats. The right of selecting such persons beginning always with the provincial governments and alternating thereafter.

Hon. Mr. EDWARDS—I am sorry to trouble the House for even a short time discussing a subject which I think has already been sufficiently debated in this Chamber. Several motions, in the last two or three years, have been made by hon. gentlemen with a view to reforming the Senate. Each gentleman when introducing his resolution endeavoured to point out that the people of Canada were very desirous that reform of the Senate should take place. Upon each occasion the simple statement was made, but no evidence was given why the Senate should be reformed, so far as public opinion is concerned. None of the provincial legislatures have passed resolutions with that object in view. No board of trade and no public body representing the people has passed resolutions of that nature that I am aware of. I have never heard in my travels in the many places I have visited in Canada, any expression of desire on the part of the people for a change in the mode of constituting the Senate.

Hon. Mr. LANDRY—What about the Liberal convention?

Hon. Mr. EDWARDS—I will admit at once, that some of my political friends, if I may say I have political friends, because I think when a gentleman comes into this Chamber he should cease to be a politician entirely, and I claim to be in that position myself, have advocated Senate reform. While I, of course, am a radical, and my natural tendencies are towards the Liberal party, I shall do equal justice to all so far as legislation is concerned. It is quite true that while in opposition the Liberal party in Canada did on many occasions suggest a reformation of the Senate. It is also true that at the convention which took place in Ottawa in 1893 a resolution was passed calling for the reformation of the Senate. The Liberal party at that time had but a few members in this Chamber, and I am frank to say that I believe their desire for the reformation of the Senate originated from that and from no other cause. It is like many of the principles which a party advocates in opposition, not only in Canada, but in many other countries. Gentlemen in opposition have a habit of advocating that which they are unable to perform when they come into power. Grover Cleveland was a free-trader,and he and his party were pledged to wide out protection in the United States. When they came into power they only modified the tariff to a slight extent, and their Act was repealed when the other party returned to power. They did not go the length they intended or expected to go. We have another illustration in Canada. When the party to which I formerly belonged, and to which I still adhere, were in opposition we preached from one end of Canada to the other the principle of free trade, and promised to introduce free trade when we got into power. Have our friends introduced it? Not at all. They have modified the tariff to some exent, but protection still exists in Canada, very greatly to the detriment of the people. Some of our friends, in the days when they were in opposition, suggested so many reforms that if they should live for a couple of hundred years they could never bring them all about. I am afraid some of them have since forgotten the many reforms they then advocated. Coming more directly to the question before the House, my hon. friend the ex-Secretary of State deals with it in a very fair way from his standpoint. He used for an illustration the condition of affairs in republics on this continent, and referred also to the agitation going on at present in Great Britain for the reformation of the House of Lords. In dealing with this question you cannot make the bald statement that the Senate is to be reformed, and use such illustrations. You must take the conditions. Would any member of this House like to introduce the United States system for the constitution of this Senate? The Senate of the neighbouring republic is

so constituted that only very wealthy men can get the position, and because they are only elected for a few years, the greatest study the whole of their term is, how they are to be re-elected when their term expires. Our system may be defective, but I prefer it to any system to be found to-day in the republics of America. In so far as the House of Lords is concerned, my hon. friend suggested that what we should bring about is a system more in accord with the popular will. Why use the House of Lords as an illustration, when the fact is, they as a House, do not advocate election by the people; the people are going to have nothing to say in the matter. The suggested election is one among the peers themselves, and not among the people. In my earlier parliamentary experience in another place, our education was that it was not proper to refer directly to this Chamber, and when necessary it was always delicately done. In the Senate there is greater freedom in this respect, and it is not unusual to discuss the House of Commons. If I refer to the other Chamber I shall simply do it because it seems to be the practice to do so in this Chamber. If we should have two elective Chambers, as the hon. gentleman suggests for what he considers the improvement of the Senate, where would the advantage be? He considers this body is not in accord with the popular will, and suggests that some members of the Senate be elected and others appointed. I do not agree with that idea. The result would be that there would be large electoral districts, and only men of large means would be able to contest them for seats in this Chamber. That would be a very deplorable result. I am a radical, but I admit at once I am not preaching at this moment advanced radical views. We have to remember that the march of events to-day is towards too liberal conditions, so far as legislation is concerned, and it is a happy thing for Canada that we have the safeguard of the Senate. Although I did not approve of it formerly, I think it is a safeguard for some of the provinces that there is an upper Chamber. Why? There seems to be to-day a leaning towards ultra radical ideas, so far as legislation is concerned, a tendency to trample on individual rights. There seems to be an opinion among certain individuals who are not conversant with our legislative operations that the Senate is no safeguard in so far as the government and its legislation are concerned. I do not hold that ground at all. My opinion is that the great use for the Senate to-day is in watching private legislation, and in the protection of private rights. But for the Senate, private rights would be trampled upon continuously. Is there any great danger to government measures so far as the Senate is concerned? Have we had many examples of such? Not at all. If the Senate, or any large portion of it, were elected we would have simply a second House of Commons, and there is no telling where our legislation would land us. There are some who hold that the life term is unfortunate, and that short terms of office would be better. This is my twenty-fourth session in parliament, and I have closely followed at least some of the events which have taken place, especially in the committees. This session certain causes have hindered me from doing so, but I hope it will not occur again. The change in so far as legislation is concerned, is very considerable, and in an unfavourable direction, largely because, unfortunately, representation in the House of Commons changes too rapidly. In each successive election we have a large change of the membership, as a consequence of which the gentlemen who compose that body are not long enough in public life to get the experience necessary to make a man a suitable legislator. The changes have been too rapid, and they are becoming more rapid. At the last election, I think, nearly one-half of the House of Commons was changed. There are only some five or six gentlemen there to-day who were in the Commons when I first entered it, and there are very few indeed who were there ten years ago. It is a new body. There could be nothing more undesirable and unfortunate than a condition which would shorten the term of representation, and I favour in the strongest terms the life tenure of office for senators.

Hon. Mr. ELLIS—The Sultan of Turkey was run out the other day.

Hon. Mr. EDWARDS—He was, but if the hon. gentleman thinks life membership is

not a proper thing he should withdraw at once from the Chamber and let all who think so follow suit. I hope that no such condition will arise under British institutions, and no such conditions are likely to arise so long as British institutions are what they are, and none of our rulers will be treated as the Sultan of Turkey was treated the other day. Under British institutions there is no danger of anything of that kind.

Hon. Mr. ELLIS—My hon. friend has declared himself in favour of the life tenure.

Hon. Mr. EDWARDS—I gave my reasons why I favoured the life tenure as far as this individual Chamber is concerned. An hon. gentleman enters this Chamber, and he becomes a very valuable member of this body, and under a term system would retire, perhaps, to give place to a gentleman who may never become a valuable member. It is true that when a man attains a great age he will not be as useful as a legislator, but we have had very many of our oldest members giving the soundest judgment on questions which arise, and so far as I have observed, I have not seen any defect in reference to the older members of this Chamber. Another very erroneous idea that exists in the minds of some people in the country, but I think very few people, is that the Senate does not do the amount of work the Commons does; that it takes somewhat long adjournments. Well, the Senate does not discuss the budget, the estimates, nor the various want of confidence motions which are moved there, and the Senate does not deal in political controversies. Every one knows that when the House of Commons assembles, if it applied itself to the work of the session, the actual business before parliament, and that alone, and that no political considerations came into play, that Chamber would never sit more than two or three months, certainly never more than three months; but for reasons which need not be explained, it sometimes sits for eight months. Is it reasonable that this Chamber, which is largely a revising body, should sit here because the Commons is playing with these questions? I think it very ridiculous to suppose that this Chamber should do any such thing. The primary business of this Chamber is the revision of legislation passed by the popular House, and if less was said in this Chamber as to the reformation of the Senate, there would be no noise in the country about it.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. EDWARDS—And I would vouch for this, that if the only gentlemen, apart from the senators themselves, who are in a position to judge, should give their testimony—and now I am again going to refer to the Commons, and I regret to do it—the testimony of the various legal gentlemen who come before the committees of the two Houses would be everywhere and on every occasion, that the Senate committees are far more judicial in their consideration of measures that are before them and come to sounder conclusions than the Commons committees. And why is it? It is simply because of their longer experience. That is one reason; another reason is that this Chamber is not responsible to political conditions at all, but act judicially and independently, and my opinion is that every member of this Chamber should be a judge, and my observation is that generally such is the case. That is the reason why, in so far as legislation is concerned, this Chamber is far superior to the Commons. It is unfortunate, in my judgment, that this question is discussed here at all; but if it is discussed, every member who has opinions should express them. To my mind there is one unfortunate condition. If a political party remains very long in power, the Senate becomes largely of the complexion of that party. To my mind that is an unfortunate condition. Not that I think it makes a particle of difference as far as legislation is concerned. If the Conservative party should come into power to-morrow, I believe their legislation would receive the same fair consideration that the legislation of the present government does in this House; while that may be so, and I believe it is so, there is still a feeling, no doubt in the country that it is desirable that the parties should be more equally balanced. I need not go further than to give my expression of opinion, and I have expressed it. I believe that any change from the present system would not

be in the interests of the country, and would be disastrous to the best interests of the legislation of parliament; but I do think it is highly desirable that the party in power, whoever that party may be, should be very discriminating in its appointments to the Senate. No gentleman should be appointed to a seat in this House unless it is thoroughly believed he can go there, not as an advocate, but as a judge who will deal fairly between individuals and corporations, and weigh evenly the balance as between all the parties who come here for legislation. I think that is the best safeguard. If some system could be devised whereby there would be nearer an equilibrium of parties in this House, to me it would be most acceptable. I cannot make a suggestion as to how that might be brought about, but it is the only suggestion I can make for the improvement of the Senate. If by some manner of means the equilibrium could be better maintained, and parties composing the great body of the people of Canada would have more equal representation in this Chamber, I think it would be better. Dealing for one moment with the amendment proposed by the hon. gentleman from Mille Iles, who, like myself, is a stickler for provincial rights, at the same time we must also be fair when Dominion rights are concerned, my hon. friend knows perfectly well that the Dominion government is the centre, and the various provinces are only branches, having rights only such as are conferred on them under the British North America Act, and nothing more. They are not in the position of the various states which compose the American union south of us, who themselves confer on the central authority only that which they desire to confer at the time they made their confederation. But, in our case, the Dominion government was the centre, conferring on the various provinces such authority as they thought well to provide. The provinces agreed to come in on those conditions, but the Dominion after all, is the great authority and has the power to dissolve the Acts of the provincial legislatures. Would it not be a most ridiculous thing that one of those provinces should have the right to appoint a member of this legislative body? I do not think that there would be any consistency in it at all, and I cannot approve of it. True, the various states appoint, and not the governor of the state. What would be the position if senators were appointed by the provinces? The Prime Minister of the province would have the nomination. Would he be more likely to nominate good men than the Prime Minister of the Dominion and his cabinet? If my hon. friend had thought of it for one moment I do not think he would have made that suggestion. Finally, radical though I am—and I am proud to call myself a radical—believing most thoroughly in the government by the people—I do not go so far, with the experience I have had, to say now that I will do away with the Senate of Canada, or that I would reform the Senate in any of the directions that have been suggested at the present time. I think this Chamber should be a judicial body, revising the legislation that comes from the other House in an independent manner. So far as this Chamber is concerned, the most important function it has to perform is to see that private legislation is properly safeguarded. I think it has done a great deal in that direction up to to-day. In so far as the instances where the dominant body in this Chamber have interfered with government measures, and have thwarted the popular will, we have not had a sufficient number of such cases to make the question one for the people of Canada to consider very seriously. I do not think there is any agitation in this country for reformation of the Senate. If the members of the Senate assiduously attend to the work which presents itself to them, and have nothing to say as to the reformation of this Chamber, we would hear nothing of the question in the country. Apart from the agitation brought about by the Liberal party previous to 1896, I have never known of any agitation for reformation of the Senate. I think it is far safer to leave things as they are, to continue in a way that up to the present has worked well, than to make an experiment which may be very detrimental to the best interests of the Dominion.

Hon. Mr. ELLIS—I move that the debate be adjourned until to-morrow.

Hon. Sir MACKENZIE BOWELL—I am not going to oppose this motion. I probably may have something to say on the question altogether on a different line from that which the Senate has been pursuing; but I do think it is necessary that we should get this resolution and amendment wiped off our notice paper at the earliest possible moment.

Some hon. MEMBERS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I do not propose to discuss the merits of the question at all when I do speak. I shall take another line altogether, but at this moment I desire to congratulate my hon. friend from Russell division on the position he has taken on this question, and to point out that it is another illustration of how extreme radicals may become Conservatives when they get into position similar to that which we occupy to-day. I am at a loss myself to know what political parties are to-day. I find that the most extreme radicals of days gone by are the most extreme Conservatives to-day, and when I look at some Conservatives with whom I have been associated during my long political life and observe that they are now more radical than Conservative, I realize how conditions have changed as the country grows older. In fact, if you look at the principles, if I may designate them by that word, advocated by many of the Conservatives to-day, they are as socialistic as they can possibly be, while many radicals, like my hon. friend to whom we have just listened, are becoming, in the line that I have been trying to pursue and believe myself to be in to-day, a good deal more Conservative than I ever was. Should I take the opportunity to speak on this question, I shall give my ideas as to what I consider the conduct of members of this House who are constantly, I do not desire to say it disrespectfully, discussing a question which affects their own position and honour, and the statuts of this particular Chamber.

The motion was agreed to.

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

Hon. Mr. EDWARDS.

THE SENATE.

OTTAWA, Thursday, May 6, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

HUDSON BAY EXPEDITION.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Has Captain Bernier made a report of his first expedition to Hudson Bay and the Arctic regions?
2. What is the date of such report?
3. Has it been printed and distributed, and when?
4. Has it been translated?
5. Has the French version been printed and distributed, and when?

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows:

1. Yes.
2. April, 3, 1908.
3. It has been printed and illustrated and will be distributed in a few days.

4 and 5. It has not yet been translated.

CORRESPONDENCE RE INTERCOLONIAL RAILWAY.

Hon. Sir MACKENZIE BOWELL—May I inquire of the leader of the House when I may expect the correspondence which I moved for on the 16th March between the board of trade of Montreal and the government in reference to the placing of the Intercolonial Railway under the control of the Railway Commission?

Hon. Sir RICHARD CARTWRIGHT—I believe the papers were laid on the table a day or two ago.

Hon. Sir MACKENZIE BOWELL—It passed my notice.

CORRESPONDENCE RE FEDERATION OF NEWFOUNDLAND.

Hon. Sir MACKENZIE BOWELL—I also moved for the correspondence between the Minister of Militia, Sir Frederick Borden, and Mr. Crowe, of Newfoundland, in reference to the admission of Newfoundland into the confederation. I would ask my hon. friend if he has brought that matter

under the notice of the minister, and whether he is willing to comply with the request of the Senate to have that correspondence brought down?

Hon. Sir RICHARD CARTWRIGHT—No, I have not received any communication as to that yet.

PENALTIES FOR INFRACTION OF RULES.

Hon. Mr. COSTIGAN—I wish to direct the attention of this Chamber, and of the government, to what I think is an inconsistency between the rules of this Chamber and the rules of the House of Commons relating to private Bill legislation. To quote one instance: I had charge of a Bill which was regularly introduced in the Senate. The three petitions required were all presented. One to this Chamber, one to His Excellency and one to the House of Commons. Every rule and regulation of the Senate was complied with. The Bill passed the Senate, and was sent to the House of Commons, where a further demand has been made for a penalty of $200, because the petition preceding this Bill had been presented in the House of Commons some few days after their rule requires petitions shall be presented. I can well understand why the House of Commons can make regulations to satisfy itself with regard to legislation originating in that Chamber; but from what I can learn from hon. gentlemen of some experience in both Houses, it is a very extreme interpretation to say that a Bill regularly introduced in the Senate and sent to the Commons for concurrence should cause such a penalty to be imposed, because the petition was not presented there in time. That is inconsistent, and it discourages legislation here, and I have reason to believe that is the object of it. A good many of the older members of this body have taken the ground that the public, and ourselves, would be better satisfied if more private legislation were introduced in the Senate, and recently more Bills have been introduced here than formerly. We would all be glad to see a larger number of the Bills introduced in this branch of parliament, because it would expedite the business of the country. I simply draw attention to what I believe is an inconsistency which was not contemplated when the rules were passed, and I think the interpretation placed by the House of Commons on the rules relating to Bills originating in the Senate is rather strained.

Hon. Mr. YOUNG—We have no control over the rules of the House of Commons. They have made rules imposing penalties for petitions and Bills presented after the time fixed by their rules. We have no such penalties here. They have also penalties which apply to the suspension of any rule relating to a private Bill. We have no such penalties here. We give our legislation here at cost. There is no complaint to be made, as far as this House is concerned, and that is all that can be said of it.

Hon. Mr. CLORAN—In view of the action of the other House, would it not be advisable to retaliate. If they are going to impose a penalty on our Bills, why should we not impose a penalty on their Bills?

Hon. Mr. YOUNG—Who would pay the penalty?

Hon. Mr. LANDRY—Is that free trade or protection?

Hon. Mr. CLORAN—Retaliation.

Hon. Sir RICHARD CARTWRIGHT—I should say that is revenue.

Hon. Mr. ROSS (Middlesex)—Would it not be better to make inquiry and see if this is an anomaly? Our Standing Orders Committee are very careful to see that due notice is given of all private Bills. If they are satisfied that the notice has been given that clears the way so far as the preliminary consideration is concerned. A person introducing a Bill here may be delayed in getting its early stages taken, and to have our Bills penalized in the House of Commons seems absurd. No such penalty should be imposed. A person introduces a Bill regularly here; it goes to the House of Commons, because it is another branch of our legislature. The regularity of the proceedings in one Chamber should not be challenged when a Bill goes to the other branch. It would be in order that some understanding should be come to with the House of Commons in regard to the matter.

Hon. Mr. DANDURAND—The House of Commons have nothing to do with our rules. They state, for instance, that if no petition is presented in their branch a penalty of $200 shall be imposed on the delinquent. Half a dozen Bills this session were introduced here by petition. When they reached the other House no petition had been presented; there had been no delay and no negligence. Some of the petitioners did not know that the petition should go to the three branches. They are under a penalty of $200 in the House of Commons, but that hardly concerns us. It is for the petitioners to acquaint themselves with the rules of both branches of parliament.

Hon. Mr. COSTIGAN—I can understand the point taken by the hon. gentleman, but the petition was presented in the House of Commons.

Hon. Mr. BEIQUE—It was presented too late.

Hon. Mr. COSTIGAN—Two or three days too late, and, therefore, the penalty is imposed. My successor in the House of Commons, Mr. Michado, presented a petition. The petition is there, endorsed. It is a hardship that the penalty should be imposed upon that Bill originating in this Chamber complying with all the rules.

Hon. Mr. POWER—I think it is rather to be regretted that the Senate does not follow the example of the House of Commons and enforce its rules. That is all they have done in this case.

Hon. Mr. DERBYSHIRE—I think this is a case of hardship.

DELAY OF BILLS IN THE HOUSE OF COMMONS.

Hon. Mr. CAMPBELL—I think we have another matter that ought to be investigated. It does not seem to me that Bills originating in the Senate and passed by the Senate receive that consideration in the House of Commons which they should. I refer particularly to the Bill re Water Carriage of Goods. That was a Bill introduced in the Senate last year, and after a most exhaustive investigation in the Committee on Banking and Commerce in the Senate, every interest having been heard in regard to it, it passed through this House without a dissenting voice. It reached the House of Commons and there was some excuse for delay last year, that it was then too late in the session. This year it was again introduced at the earliest possible date that it could be introduced, and it passed the Senate without any delay, unanimously. It was sent to the House of Commons early in the session, and although it has passed the Senate on two different occasions without a dissenting voice, it cannot be reached in the House of Commons. There should be some way by which a Bill, which is greatly in the public interest, should be reached in the House of Commons. Take the case presented by the Hon. Mr. Costigan. There was a Bill introduced in the Senate and passed in the Senate, and the parties promoting it are fined $200 when it comes to the Commons. I think we should encourage the introduction of private Bill legislation in the Senate in the early part of the session when the House of Commons is discussing matters that more particularly affect that branch of parliament. The senators could go to work with this private legislation, and put it in such condition that when it gets to the House of Commons there will be very little discussion over it. There ought to be some means by which Bills that pass the Senate shall receive more consideration in the House of Commons.

MANITOBA NORTHWESTERN RAILWAY COMPANY BILL.

Hon. Mr. DAVIS—I desire to call the attention of the House to the fact that an error has crept into the amendment to Bill (No. 81) that was passed by the House on Thursday last, an Act respecting the Manitoba Northwestern Railway Company of Canada. I gave notice of an amendment to section 9 of chapter 52 of the statutes of 1893. A motion was drafted by an hon. gentleman in this House to amend that clause, and I find, on looking over the proceedings of the House on that day, that the figure 8 has crept in instead of the figure 9, and that it now reads that we amend section 8 of chapter 52 of 1893. I do not know what means we can take to

correct that. I understand that the Bill has gone to the House of Commons, but any person who looks at the Bill can see that it would have no sense at all the way in which it appears, because the Bill does not refer to section 8.

Hon. Mr. DANDURAND—Did the amendment contain the error?

Hon. Mr. DAVIS—The amendment contained the error. It is an error in the letter, and any person will observe that it is an error, because the Bill says:

> The Manitoba Northwestern Railway Company may commence the construction of the railway authorized by chapter 9 of 52 of 1893.

I have the Act here, and section 8 of the Act applies to roads that have already been built.

Hon. Mr. DANDURAND—The Bill has left this Chamber.

The SPEAKER—The hon. gentleman will see that his observations are entirely out of order. There is nothing before the Senate. We have passed the Bill in a certain form, and it is either effective or ineffective. It either applies to the Bill or does not apply, whatever it may be. We cannot here consider the matter without a formal motion.

Hon. Mr. DAVIS—I merely called attention to the fact that an error had been made in the Bill.

Hon. Mr. LANDRY—I think that it should be submitted as a matter of privilege.

The SPEAKER—The amendment was carried as moved.

Hon. Mr. DANDURAND—It can be amended in the other House, but not here.

Hon. Mr. LANDRY—I think the object of the hon. gentleman in calling attention to it, is to obtain an expression of opinion, so that they may avail themselves of it in the other House. If we look at his motion on page 515 of our Minutes we find that he gave the notice of motion in the regular way, and that it should be subsection 1 of section 9, but when the Bill was passed here, in place of the figure 9, by error the figure 8 was inserted. It was a clerical error and I think it can be remedied in the House of Commons. I do not think the House of Commons would take it upon themselves to remedy the error, however, if there is not some kind of expression given here so that they can see that it was really a clerical error. It is not an amendment. It is merely a correction. They will correct it in the other House if they find that attention has been called to it in this Chamber, and that no one has protested against it.

Hon. Mr. BEIQUE—I desire to say that on the spur of the moment I prepared the motion for the hon. gentleman, because the motion as it was put was not in order, and it was only to-day that I heard that a mistake had been made in reference to section 8 instead of section 9. I do not know whether it was my mistake or the mistake of the hon. gentleman; at any rate it is clearly a clerical error and there are two courses open to the hon. gentleman, either to have the correction made in the House of Commons, which is the easiest way, or to move for a message recalling the Bill in order that the correction may be made by this honourable House.

YUKON ORDINANCES.

Hon. Mr. LOUGHEED—May I refer my right hon. friend to the ordinances of the Yukon Territories which have been laid on the table for the approval of both branches of parliament. I observe that the ordinance referring to the imposition of a tax upon ale, porter, beer or lager beer imported into the Yukon territory, is based upon a resolution passed by the Commissioner in Council of the Yukon territory without setting forth the resolution at length. Consequently, the ordinance embodied in the document which I hold here, affords very little information upon the subject. It would seem to be an ordinance imposing a tax of fifty cents per gallon upon all foreign ale, porter, beer, &c., that may be imported into the territory. Is this tax in lieu of all excise duty, or is it a tax in addition?

Hon. Sir RICHARD CARTWRIGHT — I will obtain the information for my hon. friend on that point.

Hon. Mr. LOUGHEED—And would the hon. gentleman, at the same time, obtain information as to what the provisions are of the ordinance, which practically has been repealed?

Hon. Sir RICHARD CARTWRIGHT—Yes.

FIRST, SECOND AND THIRD READINGS.

Bill (CCC) An Act for the relief of Laura McQuoid.—(Hon. Mr. Ross, Middlesex).

AN IRREGULARITY IN PROCEDURE.

Hon. Mr. DANDURAND—I should like to draw the attention of the hon. member from Stadacona, as well as his honour the Speaker, to a notice of motion which has just been given, which, I think, is somewhat irregular. The hon. gentleman from Stadacona prefaces his question by citing a whole newspaper article. I think he will find that that is against our procedure, and that he should limit himself to mentioning the facts required to justify his question. Instead of doing that, he cites a whole column of a newspaper article.

Hon. Mr. LANDRY—In what way is it irregular? It is calling attention to certain facts mentioned in the article quoted.

Hon. Mr. DANDURAND—The hon. gentleman should extract from the article the facts he wishes to present to the House.

Hon. Mr. LANDRY—That is just what I have done. I took just what was pertinent to the question. If the hon. gentleman will look at it, he will find his name was omitted.

Hon. Mr. DANDURAND—The hon. gentleman cannot substantiate a charge by citing a newspaper article. He must put his question based on his own knowledge of the facts, and put the question which will elicit an answer.

Hon. Mr. LANDRY—That is what I have done.

Hon. Mr. DANDURAND—I draw the attention of his honour the Speaker to the form of the question.

Hon. Mr. LOUGHEED.

BILL INTRODUCED.

Bill (No. 128) An Act to authorize a loan to the Grand Trunk Pacific Railway Company.—(Sir Richard Cartwright).

THIRD READING.

Bill (No. 87) An Act to incorporate the Arnprior and Pontiac Railway Company.—(Hon. Mr. Watson).

CABANO RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. ELLIS—(In the absence of Hon. Mr. McSweeney) moved the third reading of Bill (No. 122) An Act to incorporate the Cabano Railway Company.

Hon. Mr. LANDRY—As this Bill concerns a road which is entirely in one province, I may be allowed to enter my protest and ask that the third reading be declared carried on a division.

Hon. Mr. DAVID—It is the only thing we can do now. I take the same position.

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

FIRST, SECOND AND THIRD READINGS.

Bill (DDD) An Act for the relief of Fleetwood Howard Ward.—(Hon. Mr. Owens).

Bill (EEE) An Act for the relief of Aaron William Morley Campbell.—(Hon. Mr. Watson).

Bill (FFF) An Act for the relief of John Christopher Cowan.—(Hon. Mr. Watson).

FIDELITY LIFE INSURANCE COMPANY OF CANADA BILL.

SECOND READING.

Hon. Mr. JAFFRAY moved the second reading of Bill (AAA) An Act respecting the Fidelity Life Insurance Company of Canada.

Hon. Mr. POWER—There should be some explanation of this Bill. It is a very short one, consisting of one clause, which is as follows:

1. Notwithstanding the provisions of section 69 of the Insurance Act, the time limited thereby for obtaining a license from the

Minister of Finance authorizing the Fidelity Life Insurance Company of Canada to carry on the business of life insurance, is hereby extended for one year from the 27th day of April, 1909.

Inasmuch as the gentlemen who proposed to organize this company are presumably well to do men, there should be some explanation given why they failed to pay their license fee within the time limited. We have a good many life insurance companies already.

Hon. Mr. JAFFRAY—If the Bill goes to the committee to-morrow, the parties will be there to explain.

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

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 98) An Act to amend the Exchequer Court Act. He said: This Bill is intended to bring the registrar of the Exchequer Court under the classification and jurisdiction of the Civil Service Act. By chapter 15 of the Dominion Acts, 1907, amending the Exchequer Court Act, the salary of the present registrar of the court is fixed at $3,000. This being a special enactment is not affected by the Civil Service Act of 1908. It was thought, however, that the registrar of the court was entitled to rank in subdivision A of the first division as a principal technical administrative or executive officer, and he has been so classified by the Governor in Council. The salary attached to that class is from $2,800 to $4,000, by $100 annual increments. The only object of the present Bill is to give Mr. Audette the advantage of this classification and to authorize the increase of his salary by $100 steps to $4,000. The only object of this Bill is to allow Mr. Audette to be placed in class A and get the advantage of the increment which is given and which will ultimately bring his salary in eight or nine years, if he lives long enough, to $4,000.

Hon. Mr. LOUGHEED—One, upon reading this Bill, would conclude that two persons are to act as registrar. Under clause 2 of the Bill the government are empowered to appoint a registrar for the Exchequer Court, and then, under clause 4, the status of the present registrar is dealt with.

Hon. Sir RICHARD CARTWRIGHT—It is not the intention to appoint two registrars, and if my hon. friend, on full consideration, thinks that words should be added to say that the registrar must be one man and not two men, we can put them in.

Hon. Mr. LOUGHEED—In view of the explanation, clause 2 would be unnecessary; clause 4 would carry out the object in view.

Hon. Sir RICHARD CARTWRIGHT—In committee we can investigate that.

Hon. Mr. LOUGHEED—I was under the impression that it was intended to appoint another registrar, and was about to ask the hon. minister what was to be done with the present registrar.

Hon. Sir RICHARD CARTWRIGHT—One is enough. The object is to give him the right of an annual increase.

Hon. Mr. LOUGHEED—I have no objection. Mr. Audette is a valuable officer and deserves it.

Hon. Mr. LANDRY—Is this to correct the Civil Service Act?

Hon. Sir RICHARD CARTWRIGHT—It was intended that these Exchequer Court officers should be covered by the Act, but the Department of Justice, on examining it, think they are not, and this Bill is required to amend it.

Hon. Mr. DANDURAND—My hon. friend will find that chapter 15 of the statutes of 1907 has been reproduced, and that clause 4 has been introduced to bring the present registrar under the Act.

Hon. Mr. LOUGHEED—That makes all the difference in the world.

Hon. Sir RICHARD CARTWRIGHT—We can look into that when we get into committee.

Hon. Mr. CASGRAIN—The leader of the House says that many of us know Mr.

Audette. I have known him for some time. The position that Mr. Audette occupies in the Exchequer Court is certainly equal to that of any deputy minister in the service.

Hon. Mr. LANDRY—Nobody objects to the Bill.

Hon. Mr. CASGRAIN—Certainly the services he renders in the Exchequer Court are equal to those rendered by any deputy minister. I see by the Civil Service Act that some of the deputy ministers get five and some six thousand dollars a year. Mr. Audette should rank like a deputy minister. He has been entrusted with most difficult and arduous work. In one case alone, that of the South Shore Railway, Mr. Audette was engaged for months and months on the work and received no remuneration. He worked very nearly two years in Montreal doing this extra work, which any other lawyer would have charged a very large fee for, and he got absolutely not a cent of increase or extra. Mr. Audette should be placed in the same position as a deputy head under the Civil Service Act. Any number of cases are referred to him, more especially French cases in the Public Works, Mr. Audette being proficient in both languages. The judges of that court have not been proficient in French for some years; consequently when the evidence is taken in French, Mr. Audette has, to a large extent, to appreciate what is taken. It is not merely translating it. If Mr. Audette cannot be made a supplementary judge of that court, he should at least be paid as much as a deputy minister, and I would cheerfully vote for such an increase.

Hon. Mr. LOUGHEED—I would point out, from the statements the hon. gentleman has made, that the government is very seriously at fault.

Hon. Mr. CASGRAIN—I think so.

Hon. Mr. LOUGHEED—There seems to have been a serious oversight in valuing the services of Mr. Audette, and I would suggest to my hon. friend, as one having large influence with the government, that he should use that influence in behalf of Mr. Audette.

Hon. Mr. POWER—Among the arguments adduced by the hon. member from de Lanaudière, one struck me as remarkable. The hon. gentleman referred to it as being a most serious penalty imposed on this gentleman that he had been obliged at one time to live for two years in Montreal. Instead of regarding that as a penalty, I consider it a great privilege; if the hon. gentleman had gone to say that during those two years Mr. Audette's salary had been suspended I could have understood it.

Hon. Mr. BEIQUE—It is only fair on this occasion that I should give my testimony on behalf of an employee who has been for a great many years rendering important services, and whose salary is not commensurate with the value of the work he has been doing. I quite agree, from an intimate knowledge I have of the work done by Mr. Audette, in saying that his salary should have been placed at a higher figure than the one mentioned.

Hon. Mr. BELCOURT—I wish to add a word to what has been said by the hon. gentleman who has spoken. I have had experience with the work of the Exchequer Court for nearly a quarter of a century, during all which time the present registrar has been charged with the duties he now performs. I have never heard from any one having business with the Exchequer Court anything but the highest possible praise for the efficiency, the diligence and the courtesy with which the occupant of that office has discharged his duties during all that time. I have felt for many years very strongly that his services were not being properly remunerated, and I am very glad hon. gentlemen in this House have taken this opportunity to bring the matter to the attention of the government, and if the word of one who has had a great deal to do with that court, who has watched the work of the registrar almost daily during that time, will count for anything, I am very desirous that the government should take those words into consideration. Mr. Audette is undoubtedly entitled to a very much larger salary than he is receiving for his services and the manner in which he performs them.

Hon. Sir MACKENZIE BOWELL—Is that not the object of this Bill?

Hon. Mr. LANDRY—Yes.

Hon. Sir RICHARD CARTWRIGHT—It it a case of 'Oliver Twist'. We are giving a great deal, but my hon. friend suggests that we should give more. Some of my hon. friends might say that perhaps being a gentleman of the legal profession it is always in order to give him more. I might remark to the hon. gentleman from Ottawa, that he puts Mr. Audette on an equality, if I am not mistaken, with the registrar of the Supreme Court.

Hon. Mr. BEIQUE—Oh, no. The registrar of the Supreme Court receives $5,000 salary.

Hon. Sir RICHARD CARTWRIGHT—Then it must have been raised very recently.

Hon. Mr. LANDRY—I hope the government will take into due consideration all the encomiums that have been expressed with regard to that gentleman and the claims he has to an increase of salary. I am not a lawyer. I do not practice at the Supreme Court nor the Exchequer Court. I have nothing to do with the legal attainments of this gentleman. What I know is by the publicity that is given to his qualities by my hon. friend; but I suppose the government cannot resist that recommendation coming from the same side of the House.

Hon. Sir RICHARD CARTWRIGT—This House cannot deal with money matters.

Hon. Mr. LANDRY—It could deal with money matters, and we could accept or refuse it, but we would be glad to accept it in this case.

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

AGRICULTURAL FERTILIZERS BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 110) An Act respecting Agricultural Fertilizers.

Hon. Mr. LANDRY—Will the hon. gentleman postpone the second reading of this Bill until we receive a French copy?

Hon. Sir RICHARD CARTWRIGHT—The objection is perfectly well taken, and if the hon. gentleman persists I will not press it; but the time is getting a little short, and as the discussion will necessarily take place in committee, perhaps he will allow the second reading to go, and before it is taken up in committee the French copy will be in his hands.

Hon. Mr. LANDRY—I will certainly yield to the demand of my hon. friend.

Hon. Mr. LOUGHEED—Will the hon. gentleman be good enough to explain wherein this Bill differs substantially from the Act which we propose to repeal, namely, chapter 132 of the Revised Statutes?

Hon. Sir RICHARD CARTWRIGHT—It imposes considerably heavier penalties, and extends the scope of the Act in various ways. They require more particulars as to the various fertilizers and they deal with a special system of registration in connection with it, I am informed. The Act is somewhat complicated, as he will note, and I can scarcely give any intelligible explanation of it except in dealing with each particular clause.

Hon. Mr. LOUGHEED—May I suggest that before we go into committee, my hon. friend should make some inquiry into section 4. I observe that provision is made for the appointment of an agent of a foreign company in Canada, and with that agent the government will deal. It also makes provision that in lieu of an agent a corporation can be appointed. I am at a loss to understand how the penalties that are provided for any contravention of the Act can be enforced successfully against a corporation? I would suggest that that provision in section 4, line 23, should be amended and the words 'or a corporation' be stricken out. My hon. friend will probably appreciate the difficulty of enforcing a penalty by imprisonment against a corporation.

Hon. Sir RICHARD CARTWRIGHT—Yes, they have no body to be kicked or soul to be damned, according to the proverb. It is very desirable they should be brought within the purview of the Act.

Hon. Mr. LOUGHEED—I see no reason why it should not be equally effective to

have a foreign company appoint a person in Canada. That person can be the representative of their corporation, if necessary. Certainly the government could not deal with a corporation, but as with an individual.

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Minister of Inland Revenue, from whom I received the Bill, to the point raised by the hon. gentleman, and we will have the discussion, I suppose, when we have the Bill printed in French.

Hon. Mr. LANDRY—I hope we will have the discussion in French also.

Hon. Sir RICHARD CARTWRIGHT—I am afraid that if I attempted to conduct it in French something may be said of me, as was said of a certain gentleman in another place who attempted to conduct prayers in French, which was to the effect that the Almighty might understand him, but nobody else could.

Hon. Mr. FERGUSON—This repeals the entire Act, and probably it consolidates, or perhaps introduces some new provision; however, we can go into it in committee I suppose.

Hon. Sir RICHARD CARTWRIGHT—Yes, we can discuss it better in committee.

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

COMMERCIAL FEEDING STUFFS BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 127) An Act respecting Commercial Feeding Stuffs.

He said: This is much in the same relation as the one we have just passed, and it also is not printed in French. I will request the hon. gentleman from Stadacona to extend the same courtesy to this Bill as he did to the previous one.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. LOUGHEED—I would point out that the same difficulty which I mentioned with reference to section 4 of the preceding Bill applies equally to this Bill.

Hon. Sir RICHARD CARTWRIGHT—Yes, and I propose to call the attention of my colleague to it.

Hon. Sir MACKENZIE BOWELL—Could there not be some change in the name —Commercial Feeding Stuffs.

Hon. Sir RICHARD CARTWRIGHT—I am not responsible for the grammar of the House of Commons any longer. This is as I got it from the House of Commons, and if my hon. friend thinks that we can improve upon it, and will suggest what words he would propose to substitute, we can consider them.

Hon. Sir MACKENZIE BOWELL—I must confess that while we may understand them, it strikes one as being an extraordinary title, 'Respecting Commercial Feeding Stuffs.'

Hon. Sir RICHARD CARTWRIGHT—It is a peculiar kind of title.

Hon. Mr. FERGUSON—There will be no difficulty over the title, because subsection (b) of section 2 of the definitions describes accurately the kind of stuffs the Bill covers. Commercial feeding stuffs is quoted in every commercial newspaper in our language, I suppose; bran and such things as that are quoted under that heading. It is a term perfectly well known in commercial circles, but in order to get over the difficulty, my hon. friend from Belleville has pointed out, subsection (b) of section 2 defines exactly what it means and therefore it makes the name feeding stuffs a very convenient one. It is not desirable that the name of the Bill should be any longer than necessary.

Hon. Sir MACKENZIE BOWELL—I do not know that that meets the objection which I raised, although it explains what it means, and would meet the difficulty that might arise as to what feeding stuffs were; but I think it is a most inelegant expression.

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

CANADA SHIPPING ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 131) An Act to amend the Canada Shipping Act.

He said: The whole object of this Bill is to put in certain words which appear to have been accidently omitted from the French version of the Canada Shipping Act.

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

STEAMSHIP SUBSIDIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 146) An Act to amend the Act relating to Ocean Steamship Subsidies.

He said: This Bill does not propose to make any alteration or additions to the subsidy granted to the French line, but it does propose to diminish by two or three the number of voyages at present required, and for this reason, that under the present stipulations a certain number of voyages were to be performed at an average speed of ten knots an hour. It gives power, or will give power under the contract we are making with the Messrs. Allan, to give them a slightly increased subsidy per voyage if they give a service of twelve knots. That is the whole object of the Bill.

Hon. Mr. LOUGHEED—The Act which my hon. friend proposes to repeal makes provision for the payment of $200,000 for eighteen round voyages. While this is not arbitrarily framed, I suppose it is not necessary for the government to give $200,000 for fifteen voyages, but that would be the inference.

Hon. Sir RICHARD CARTWRIGHT—We will have to do it if we insist on an increased speed.

Hon. Mr. LOUGHEED—That is, that each voyage will cost more?

Hon. Sir RICHARD CARTWRIGHT—Yes, provided the speed is increased. That is the intention. It gives power to do that.

Hon. Mr. LANDRY—If the speed is increased, the number of voyages may be diminished.

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. LOUGHEED—I would point out that under the existing Act no provision is made as to speed any more than in this Act.

Hon. Mr. CARTWRIGHT—That is true in one sense, but the hon. gentleman will see that a certain standard is fixed. The standard per voyage would amount, if I recollect aright, to about $5,000 per voyage as at present.

Hon. Mr. LOUGHEED—It makes provision for eighteen voyages at $200,000 under the existing Act.

Hon. Sir RICHARD CARTWRIGHT—Not exactly. It is eighteen voyages at a standard, I think, of $100,000.

Hon. Mr. LOUGHEED—No, I will read to my hon. friend what it is.

> And may grant therefor a subsidy not exceeding $200,000 based upon a minimum service of eighteen round voyages, and a subsidy therefor not exceeding $100,000, and so in proportion for a more frequent service.

As I read the Act, it can be increased by $100,000.

Hon. Sir RICHARD CARTWRIGHT — Yes, but we would require to have 36 voyages. They could not get $200,000 unless they performed 36 voyages. The standard previously was 18 for $100,000 and now it is 15 for $100,000? We do not give them any more money, but we take the power, if we require increased speed, to have less voyages.

Hon. Mr. LOUGHEED—This Bill amends the Act which also made provision in 1889 for the payment of subsidies for steamship service between British Columbia and the Australian colonies and New Zealand. Are these subsidies still in force?

Hon. Sir RICHARD CARTWRIGHT — Some of them—New Zealand and Australia are.

Hon. Mr. LOUGHEED — Has the New Zealand subsidy been withdrawn?

Hon. Sir RICHARD CARTWRIGHT — No.

Hon. Mr. LOUGHEED—Or has the Australian?

Hon. Sir RICHARD CARTWRIGHT — Neither of them has been dispensed with. Perhaps what my hon. friend may have had in mind is some discussion with reference to the Mexican Subsidy on the Pacific Coast.

Hon. Mr. LOUGHEED—No.

Hon. Sir RICHARD CARTWRIGHT — At present I think they are in existence, and I am at the present moment in negotiation with Sir James Mills and the owners of that particular line.

Hon. Mr. LOUGHEED — The Union Steamship Company?

Hon. Sir RICHARD CARTWRIGHT — I think that is the title of it. At any rate, it is the company presided over by Sir James Mills. I may remark to my hon. friend, that possibly what has led to the paragraph he referred to, is that, like some other people, the Union Company want more and they have been requesting an increase of their subsidy, which I am afraid in the present state of finances, looking at the volume of trade, we can hardly give.

Hon. Mr. LOUGHEED—I do not know whether a recent press report is correct or not, but it dealt with the Australian or New Zealand subsidy, and the statement was made that the subsidy had been withdrawn, and that another steamship company was about establishing a line of vessels between British Columbia and the Australian colonies.

Hon. Sir RICHARD CARTWRIGHT — As far as our subsidy is concerned, that is not correct. We retain subsidies both for Australia and New Zealand. My recollection is that there is a vote of $180,000 for Australia, and $50,000 for New Zealand, each government contributing in proportion.

Hon. Sir MACKENZIE BOWELL—It strikes me, if my recollection serves me right, the point to which my hon. friend from Calgary calls the attention of the minister was an Act of the Australian government but not one of the Canadian government. I was not aware, or if I was I have forgotten, that there was a separate subsidy granted for the Australian and New Zealand lines, for a line running to New South Wales and also to New Zealand. I understand the original subsidy was from Canada to Australia, that is to Sydney, in New South Wales. The questions arose afterwards of increasing the subsidy providing the steamers of the same line would call at New Zealand. Could my hon. friend tell me whether there are two distinct Bills granting two distinct subsidies?

Hon. Sir RICHARD CARTWRIGHT— There are two distinct subsidies at present, one to Australia of $180,000, the Australian government contributing something in proportion, although not as much, and another to New Zealand which, speaking from recollection, is $50,000. If my hon. friend wants more detailed information I will get it for him.

Hon. Mr. LOUGHEED—I would point out for the information of both my hon. friends that section 81 of the Act which we are proposing to amend, provides that the Governor in Council may grant a subsidy not exceeding £25,000 per annum to establish a steamship service between British Columbia and the Australian colonies. That was in 1889, and this Act we propose amending by the Bill now before us. We repeal the Act of 1907 and we practically amend this Act of 1889.

Hon. Sir RICHARD CARTWRIGHT— This refers exclusively to the French subsidy.

Hon. Mr. LOUGHEED—The Act of 1889 deals with the various subsidies between British Columbia, China and Japan, the Australian colonies, New Zealand and also France. Section 3 of the Act of 1889 made provision for a subsidy to be paid for the French service.

Hon. Sir RICHARD CARTWRIGHT— That is the only one affected by the Bill before us.

Hon. Sir MACKENZIE BOWELL—That confirms my memory. The subsidy is for a

steamship line to perform two services—not two lines.

Hon. Sir RICHARD CARTWRIGHT—I think the hon. gentleman is right as to the original arrangement. I am speaking of what remains now.

Hon. Mr. FERGUSON—The Bill we have before us cannot affect the New Zealand or Australia service.

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. FERGUSON—I think I understand the change that is proposed to be made in the law, that it subsidizes 15 trips instead of 18.

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. POWER—There is one feature which I think deserves attention. The Bill provides that the Governor in Council may enter into a contract or contracts for a term or terms not exceeding ten years. It occurs to me that as a matter of policy—of course there may be reasons on the other side—that it would be wiser not to make a contract for a longer term than five years. Conditions may change very considerably within five years, and I do not think it is desirable.

Hon. Sir RICHARD CARTWRIGHT — I might remark, as a matter of fact, that I have in the present instance agreed to renew that subsidy for one year only. What may be done subsequently will depend a good deal on the development of the trade.

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

EXTRADITION ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT — moved the second reading of Bill (No. 149) An Act to amend the Extradition Act.

He said: I will say to my hon. friend with respect to this Bill that the reasons which induced the Department of Justice to bring it forward are contained in this memo. which I will read and lay on the table.

As a rule in any extradition proceedings it is necessary or convenient to take evidence in Canada by way of depositions to be used in the foreign state from which the fugitive is to be extradited. The Extradition Act does not, however, authorize this or provide any means of compelling witnesses to attend and testify for the purpose of such extradition. Heretofore, as a rule, depositions have been taken and the witnesses have attended voluntarily, but it has been pointed out that there are no compulsory powers, and the object of this amendment is to supply defects in the present Act by providing first, that it should be lawful to take these depositions in Canada for use abroad, and, secondly, that the magistrate or judicial authority taking the deposition should have power to compel the attendance of witnesses.

Hon. Mr. LOUGHEED—I think it is rather regrettable that this power should be given to justices of the peace. I think it should be given to a higher class of judicial officer. Those depositions will go into a foreign country. They will, in all probability, be prepared most irregularly; only a small percentage of justices of the peace who act in this capacity are qualified to take down evidence properly, and when we come to present such evidence before a foreign tribunal, it is very desirable, in the interest of judicial proceedings in Canada, that a higher class of judicial officers should be charged with the preparation of this evidence.

Hon. Sir RICHARD CARTWRIGHT—As this is a technical legal matter, I do not profess to be in a position to answer my hon. friend's objection, but is it not probable that in all cases the proceedings taken before a justice of the peace would be reviewed by a higher court?

Hon. Mr. LOUGHEED—The depositions would go from the justice of the peace to the officers of the Crown here, and be sent to the foreign country. They would not be subject to any review by a higher court.

Hon. Mr. DANDURAND—Nine cases out of ten emanate from towns or cities where there are magistrates who are in the habit of taking those depositions. If my hon. friend will look at the records, he will find that eighteen out of the last twenty extradition cases have originated in Toronto and Montreal. It is not a thing to boast of, but it is from those large centres that defaulters are likely to run away. Generally these depositions are taken be-

fore regularly constituted courts, and it would not be proper to deprive the public at large of the right of going before a justice of the peace. Heretofore, inasmuch as cases perforce could not be brought before a magistrate, it was difficult to get depositions, and there was no other way of proceeding than by bringing in a few depositions before getting a warrant. That was, perhaps, a somewhat questionable way; but if three or four witnesses were needed, inasmuch as they could not be brought to the magistrate's presence, after the warrant had been issued, the practice has prevailed of getting those witnesses to fortify the complaint and get the warrant. Of course this has nothing to do with the point raised by the hon. gentleman, but I do not think any harm can ensue from a justice of the peace acting.

Hon. Mr. LOUGHEED—I am not objecting to facilitating the getting of depositions. In the interest of the Crown here, and of the fugitive, it seems to me that a more responsible officer should be charged with this duty. Let me instance a case of where it might be attempted to obtain fictitious evidence for the purpose of bringing a fugitive back to Canada. A justice of the peace is approached; he knows nothing about the taking of evidence or analysing the statements of a witness, and there is no security whatever. It reflects no credit on this country to send out irregular depositions. Certainly no class of judical officers less than that of a police magistrate should be charged with the taking of such depositions.

Hon. Sir RICHARD CARTWRIGHT—I will not put this Bill through committee until Tuesday, and in the interim I shall call the attention of the Minister of Justice to my hon. friend's remarks. Of course it is a purely technical matter and I offer any opinion on it with the greatest reserve; but, like most of us, I know that justices of the peace administer justice by rule of thumb. I will see that my hon. friend's remarks are brought to the attention of the minister.

Hon. Mr. FERGUSON—In addition to the argument addressed to the House by the hon. member from Calgary, with which I entirely agree, there may possibly be a further danger. Presumably the depositions will be all drawn up by a lawyer. He goes before a Justice of the Peace, who does not know much of the rules of evidence, and there is a strong desire, with strong public opinion behind it, to get the fugitive extradited, and brought back and put on his trial. May there not possibly be another danger in having loose affidavits of this kind sent forward to support the extradition? A case might possibly arise in which some of these depositions would be used in the trial of the accused when he is brought back. In case any of the witnesses making a deposition should die, would the court admit the deposition as evidence? There is danger in allowing a deposition like that, taken loosely, perhaps in a moment of excitement, prepared ex-parte by a lawyer who wanted to get the prisoner back and allowed to go through loosely by a Justice of the Peace. In the event of a trial, a situation might arise under which that deposition could be used and it might work great wrong.

Hon. Mr. POWER—I am disposed to take the same view as the hon. member from Calgary. With respect to the point made by the hon. member from De Lorimier, I would call his attention to the fact that in Montreal and Toronto there are magistrates of a special character, and that in almost all the cities and incorporated towns there are stipendiary magistrates who are qualified to take depositions; but there would be a strong objection to allowing an ordinary Justice of the Peace to take these depositions, and, probably, if the right hon. gentleman in charge of the Bill submits the point raised by the leader of the opposition to the Minister of Justice, that minister will see the force of it.

Hon. Mr. DANDURAND—I see the difficulty in forcing parties to go to a higher tribunal. It will be easy in towns and cities, but cases arise at considerable distances from towns and cities where it would be most important to allow a Justice of the Peace to receive those depositions.

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

NATIONAL TRANSCONTINENTAL RAILWAY BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT — moved the second reading of Bill (No. 153) An Act respecting the National Transcontinental Railway. He said: This Bill has reference to a certain railway bridge about to be constructed across the Red river. The commissioners are desirous of entering into an agreement with the cities of Winnipeg and St. Boniface to construct a bridge across the Red river wide enough to accommodate street cars and vehicular traffic in addition to the railway. A committee of the councils of these cities lately waited on the government and pointed out that while they had intended to construct a traffic bridge at the point where the commissioners are about to build their railway bridge, the commissioners were likely to appropriate the entire site which the cities had intended to use. Thereupon arose a discussion as to whether it would not be in the public interest that they should join forces and construct a bridge similar to that across the Ottawa here, available as a railway bridge and for the passage of street cars and ordinary vehicles. This empowers the National Transcontinental Commission to agree with these corporations, if they can, to erect a bridge of that sort. Apparently it would be in the public interest that they should have that power, and it would probably save more or less expense to the government.

Hon. Mr. LOUGHEED—I suppose there will be a distribution of the cost between the municipalities and the government.

Hon. Sir RICHARD CARTWRIGHT—We do not propose to build bridges for the convenience of St. Boniface and Winnipeg.

Hon. Mr. FERGUSON—Should not the Bill mention the proportion of cost to be distributed?

Hon. Sir RICHARD CARTWRIGHT — That will have to be settled by agreement. I do not think we could define it in a permissive Bill like this.

Hon. Mr. FERGUSON—There is nothing in this, to prevent the commissioners from building the bridge at the expense of the government.

Hon. Sir RICHARD CARTWRIGHT—It is not the intention of the government to provide for the convenience of these cities at the public cost.

Hon. Mr. FERGUSON—There is nothing to prevent it.

Hon. Mr. POWER—If the hon. gentleman will look at the end of the cause, he will see that there is a proviso requiring any agreement to be sanctioned by the Governor in Council.

Hon. Mr. FERGUSON—But if this clause of the Bill warranted the commissioners in undertaking to defray the whole cost, that would apply only to the plans and specifications.

Hon. Sir RICHARD CARTWRIGHT—I think my hon. friend may trust the Governor in Council to see that fair-play is done.

Hon. Mr. FERGUSON—Yes, if they keep the power to themselves.

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

YUKON ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 156) An Act to amend the Yukon Act. He said: This is a Bill to enfranchise certain barristers, so to speak. The object of the Bill is to qualify barristers practising in the Yukon for appointment to the bench of the Yukon Territorial Court. I am advised that, as the law now stands, barristers of not less than ten years' standing at the bar of any province of Canada or the Northwest Territories are eligible for appointment. This met the case while the Yukon Territory was a part of the Northwest Territories. Since it has been separated, it has become necessary to provide in this way for the eligibility of barristers who may be practising in the Yukon. The amendment is made by adding at the end of section 37 the words 'or of the Yukon Territory.'

Hon. Mr. LOUGHEED—Is this in anticipation of some immediate judicial appointment in the Yukon Territory?

Hon. Sir RICHARD CARTWRIGHT—Not to my knowledge, but I cannot answer for the future.

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

CUSTOMS TARIFF ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 162) An Act to amend the Customs Tariff, 1907. He said: The object of this Bill is mainly to extend certain provisions which terminate by the efflux of time on the 31st of December of the present year. It is to extend the privilege of importing a certain proportion of beet root sugar to be manufactured in Canada by the beet root sugar manufacturers. The extension is for a term of three years for the double quantity, and a term of two years more for an equal quantity. It might be called the Beet Root Sugar Act in place of an amendment of the Customs Tariff Act. If any further explanation is required I suppose we can deal with it in committee.

Hon. Mr. LOUGHEED—It deals with two conditions, does it not?

Hon. Sir RICHARD CARTWRIGHT — A certain privilege is granted to refiners, of importing foreign sugar under the preferential to the extent of one-fifth part of the weight of the sugar refined from raw sugar if they see fit to do so, the contention being that at present they are exposed to combinations on the part of the West India producers which have affected them deleteriously. These are the entire provisions of the Bill.

Hon. Sir MACKENZIE BOWELL—The explanation given by the right hon. gentleman for granting this concession to the sugar refineries of Canada is correct. Originally it was for the purpose of enabling the refiners to import a certain class of beet root sugar at a lower rate of taxation than was imposed upon the cane sugar.

Hon. Sir RICHARD CARTWRIGHT.

Hon. Sir RICHARD CARTWRIGHT — Not at a lower rate—putting them on the same footing as to the preferential rate.

Hon. Sir MACKENZIE BOWELL — The Act which we are now amending was for the purpose of giving an advantage to the sugar manufactured from the cane in the British West Indies, and it was a concession made by the Canadian government at that time of which we all approved in the interest of trade with the West Indies. The duty under this Bill is the same, but there is an increase of the quantity which refiners can import into Canada over that which they were entitled by the old Act to import. The Finance Minister advanced as a reason, when explaining this Bill, making this concession, that the planters in the West Indies had entered into a combination by which the price of cane sugar was raised to such an extent that the Canadian refiner could not profitably import it, and in order to punish the combiners in the West Indies, he increased the quantity of beet root sugar which the refiners could bring into the country. In other words it is a direct increase of protection to the refiners of Canada, a principle that I was rather surprised to find my right hon. friend was prepared to adopt. When I saw the Bill in my hon. friend's name, I thought if a ghost of the Cartwright of some 14 years ago should haunt the present gallant knight, he would not sleep comfortably at night, more particularly when advocating a principle which is to give a greater protection to an industry in which he had not the slightest confidence some 13 or 14 years ago when the granting of bounties and the imposition of duties on sugar were based on the principle of protection.

Hon. Mr. FERGUSON—He called it 'legalized robbery.'

Hon. Sir MACKENZIE BOWELL—I have no doubt my hon. friend, who is a student of political economy and watches what takes place across the line, has observed that cablegrams were sent across the ocean immediately after that declaration had been made by the Finance Minister of Canada, denying in the most positive terms that there was any combination among the growers of cane in the West Indies. If

that be correct—and it has not been denied since—there can be no justification for adopting a policy which, while giving greater protection to the refiners of Canada, will injure the growers of cane in a British colony to which we have given certain concessions in our tariff to help their industry. Perhaps my right hon. friend will be able to tell us whether there is any substantial evidence of that combination existing? It may be that a smaller production, or an increase of wages has caused the planters to raise the price of their cane sugar, or there may be other commercial reasons such as scarcity in the market to cause the increase, as there has been in almost every other article of commerce. I am not finding fault with any resolution that the government may introduce, or any policy they may adopt which would give greater protection to the industries of this country. From the hon. gentleman's standpoint, I am somewhat heterodox on these questions; but I am surprised that such ardent admirers of Cobden should be introducing a measure to give greater protection to an industry that they had so vehemently denounced in the past, at the same time doing injury to a sister colony whose interests were favourably considered at the time of the introduction of the principle involved in these resolutions. The Finance Minister at that time explained that the principle was adopted for the express purpose of aiding the West Indies without granting direct assistance. I think my right hon. friend will admit that the inferences I have drawn from the Bill are correct, so that if no combination really exists, it is question-concerned. I have sat in committees of this by the government which would injure the interests of the West Indies. I hope the time is not far distant when the West Indian colonies shall form part of the Dominion. The policy of the government has been, for years past, to assist as far as possible, by the provisions of our tariff, to relieve the depression which existed in these islands.

Hon. Sir RICHARD CARTWRIGHT—As regards the fact or otherwise of the existence of a combination in the West Indies, the Minister of Finance, who was recently in London, made very special inquiries into the subject, and became convinced that there was a good deal of foundation for the complaints of the sugar refiners, that they are being held up by the West India producers. I have not the details of the evidence which came before him. Much of it is, of necessity, of a sort which could not be reduced to writing or submitted; but that was his conviction after making examination, and it was on that ground that he introduced this Bill. As to the general question of protection, if my hon. friend will compare the amount of protection granted to the sugar refiners under the tariff as it now exists, modified or not, with the amount we found in existence when we came into office in 1896, I think he will agree with me that the protection they now receive is much below what they were receiving in 1896. That is a matter which can be very easily verified by reference to the tariff of that date. I might also add this—and it is an important point—that the practical result in Canada, whose interests he desired to keep in mind, as well as the interests of the refiners and the West Indies producers, of the policy of encouraging beet root sugar manufacture in Canada, appears to have been (I am so advised by parties intimately connected with the trade) a material reduction in the price of sugar to consumers all over Canada. Thanks to the enterprise and energy with which Mr. Gordon and others have been conducting the beet root enterprise of late, there has been a reduction of as much as twenty cents on the hundred pounds at least to the consumers, a matter of no slight significance when you come to remember that sugar is an article of prime necessity, an article which, I may remark, I would desire to have seen free. if it could have been made free, to every inhabitant in Canada as it used to be in England. Since the war, I think, there is still a slight duty on sugar there. The practical result of our policy will be that the Canadian consumer will get his sugar materially cheaper than it was prior to the introduction of those Acts. As to the fact of the existence of a combination, that must rest on the information which the Minister of Finance obtained on the subject. In any case, my hon. friend will note that the refiner is only allowed to import under

the preferential tariff one-fifth of the amount of sugar that he produces, which will not materially affect trade with the West Indies, I should think. We have undoubtedly, of late, imported an enormous quantity of cane sugar from the West Indies, more than we did before. I think our imports in that direction have run up to five or six million. I can easily obtain the facts if my hon. friend wants them.

Hon. Sir MACKENZIE BOWELL—I quite concur in that portion of my hon. friend's remarks, as to the effect of subsidizing and granting bounties for the growth of beet root out of which sugar is manufactured, and I have to congratulate him on having increased the protection accorded to the production of that article over that which was accorded to the manufacturers and producers by the late government. However, we may discuss that more minutely when we get into committee.

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

MANITOBA AND NORTHWESTERN RAILWAY COMPANY BILL.

Hon. Mr. DAVIS—With the consent of the House I will move:

That a message be sent to the House of Commons requesting that the Clerk of the House be permitted to correct the clerical error contained in Bill (81), such correction to consist in the substitution of the figure 9 in the eighth line of the amendment adopted by this House for the figure 8, as intended by this House.

The motion was agreed to.

RAILWAY COMPANIES INCORPORATION BILL.

SECOND READING.

Hon. Mr. DAVIS moved the second reading of Bill (QQ) An Act to provide for the incorporation of Railway Companies.

He said: In moving the second reading of this Bill, I may say that it is rather late in the session to introduce such an important measure. This Bill introduces a new principle entirely in granting railway charters in this country, and at this late date of the session I doubt if we shall be able to give the measure the amount of consideration it should receive at the hands of this House. The first clause of the Bill introduces the new principle, and if the House would agree to that principle, while we might not all agree on the different clauses of the Bill as we proceed, it would be a good thing to adopt a system of granting railway charters other than by legislation of the two Houses. The remainder of the Bill would be a matter of detail which the combined wisdom of this House, no doubt, would work out to make a workable measure. I have given this subject a good deal of thought and consideration, but I have no doubt at all if the Bill were submitted to a committee of the House many amendments would be made which would make it more satisfactory. I do not expect at this late stage of the session that we can get a Bill of this kind through parliament. I think this is a progressive step in the right direction. We have been a little behind some countries in regard to the granting of railway charters. We have the old system of introducing a private Bill in the Senate or House of Commons, and sending it to a committee, and I submit, after twelve years' experience in both Houses, that a better system could be found for the granting of charters than the one we have at the present time. I contend that we do not get the information in the Railway Committee of this House, nor do they receive that information in the Railway Committee in the other House, which would entitle the committee to deal intelligently with the Bill, as far as the granting of stock and bonding powers are concerned. I have sat in committees of this House and seen gentlemen come in with a map, some times not a very large map, and ask for a charter covering between two and three thousand miles of railway, place the map, with a black line running across it to represent the location against the wall and you have to take the word of the promoter for the correctness of his answers. He would say: ' This is a charter to go from here to here.' If you ask him about the topography of the country, or what it will cost per mile to build the road, he can give you no idea of it, except when the bonding powers are pretty high, and he is asking $40,000 a mile, although we have come to the conclusion that a prairie road can be built for $13,000. The promoter will

then tell you that there are rocks and things which we have no knowledge of, and we have to accept his statement. We may change the phraseology of the different Bills slightly in the committee room, but that is all we do. There is a well known principle laid down governing the granting of charters. We do not intend to give, nor do we give to one railway company, or one set of promoters more than we give to another. They are allowed to build a railway from one point to another, subject to the provisions of the Railway Act. We allow them certain bonding powers, although we have not a clear knowledge of what bonding powers we should give them. I do not see why that should not be done by the Secretary of State and Board of Railway Commissioners without coming to this House at all. That was one reason for this Bill. Another reason is that it would have the effect of shutting out what are generally known as charter mongers. Every session we hear about charter mongers coming to parliament to obtain charters to build railways, and I may state, in going over the returns with reference to those same charter mongers, I was surprised to see the number of charters of that character that we have granted in the last ten years.

Hon. Mr. POWER—The hon. gentleman knows how it is.

Hon. Mr. DAVIS—It is pretty near time we should put an end to that practice. This private Bill legislation keeps parliament in session two or three weeks longer than we would be detained under ordinary circumstances, and I do not see why this House or the other Chamber should be bothered with private legislation of that kind, when it can be handled outside of parliament just as well. I suppose hon. gentlemen have never given a thought to this phase of the question: That very often a Bill is brought before the Senate and referred to the Railway Committee, and we then find that six or seven gentlemen of whose bona fides or financial position nobody knows anything, have applied for power to build a railroad for a distance of a hundred to probably a thousand miles across the country, and we grant them that power and also powers of expropriation which gives them the right to go through the people's property, break down their fences and destroy their grain and we never inquire as to the bona fides of these people. Perhaps the whole seven men whose names appear as the promoters of the Bill, would not have money enough to buy a pint of peas, yet we grant them these powers. This Bill will put a stop to that. I hold in my hand the return of the House of Commons which was moved for by an hon. gentleman this session, giving the number of that class of charters granted since the year 1900, up to date, and in this estimate the Grand Trunk Railway, the Canadian Northern Railway and the Canadian Pacific Railway are excluded. This refers to railways outside of these great lines. I have reduced it to a digest, because the report is too long to read or place in the debates.

I find that in 1900 we granted eight charters, covering 2,670 miles of road. Out of that amount of mileage, 84 miles have been built. We have granted 21 extensions of time, and four of these charters have lapsed.

In 1901 we granted 11 charters, covering 2,977 miles of railway, and out of that mileage only 19 miles have been built. We have given 13 extensions of time, and seven charters have lapsed. Only four of them have been kept alive, and in regard to two of them nothing was done.

In 1902 we granted 12 charters covering 6,388 miles of road and there was a mile of them built. We have granted 15 extensions of time. And five of those charters have lapsed.

They were getting bolder all the time, and in 1903 we granted 22 charters, for 8,415 miles—they were getting a lot, and they would soon be getting up to the moon. There were 150 miles of that built, 21 extensions and six charters.

In 1904, 14 charters, 3,803 miles; 50 miles built; 12 extensions and three lapses.

In 1905, 15 charters, 2,365 miles; 15 miles have been built and we have granted 9 extensions.

In 1906 we granted 17 charters, covering 2,254 miles. On one charter they built one and one-fifth mile, and on another charter, the Quebec, Montreal and Southern, they did a good deal of work; they built 144 miles, and we have granted 6 extensions.

In 1907 we granted 13 charters, 5,440 miles; nothing built at all, and we have granted 2 extensions of time.

In 1908, last year, we granted 4 charters, covering 3,550 miles, and nothing was built at all. The total mileage granted since 1900 was 37,862 miles. We have granted the right to charter mongers to build all that mileage. Of that amount, 463 miles have been built, but that has been built by 13 companies out of 116 companies which we chartered; 421 miles of that were built by 8 companies, and 42 miles of it were built by 5 companies; 26 charters lapsed and there were 86 extensions of time given to 68 companies. That statement speaks for itself.

When we take into consideration the amount of work done in both Houses in the last ten years, and the results that have accrued, I think that we shall come to the conclusion that we must put a stop to this indiscriminate granting of charters, and only bona fide people who have something to show should be allowed to obtain a railway charter. The time of this House would be better occupied in dealing with great public questions, which would be more beneficial to the people of the country, than sitting every other day in the Railway Committee passing Bills for extensions of time, which could be obtained by the parties through another channel without coming here and troubling us. The Bill is very simple. It follows the United States system. In the United States, charters are free as the air; but before parties can obtain a charter they must show that they have some money and some backing, and they have to go before the Board of Railway Commissioners with a proposition that they will understand. They must have a plan and profile of the road, and also the report of a skilful engineer showing what the road is going to cost, the character of the country, the character of the excavation and the amount of bridging that is to be done, and all the information the board may require in order to deal intelligently with the question, and when it is submitted the board will say: 'It is going to cost so much money to build this road and we will give you bonding powers to raise so much money to build it. I have heard it argued outside of this House that it does not matter how many bonds you allow a railway to issue on their road. I take issue with that statement, because in the United States—and I fancy that in this country it is the same—the Railway Commissioners of the different states take into account the bond issue, the proceeds of which build a road, in arranging freight rates, so that the people who invest their money shall be paid for what they have put into the road. They do not take the stock into consideration. Lots of stock are not worth five cents on the dollar. I have known, as a matter of fact, in this country where companies issued bonds on a railway for $15,000 and $20,000 a mile, and I do not believe that the $20,000 went into the road. There is always a certain amount of leakage. Perhaps $13,000 will go into the construction of the road and two or three thousands will go into the pockets of the promoters, and perhaps some of it will filter out into the pockets of other people for the purpose of putting in a loop or something of that kind. We know that that is a fact.

Hon. Mr. POWER—I do not think the hon. gentleman has a right to say that. It is a reflection on the House.

Hon. Mr. DAVIS—If my hon. friend lived in Manitoba, or would take a trip up there, he could get some pointers.

Hon. Mr. POWER—If the hon. gentleman confines his remarks to Manitoba, we do not mind.

Hon. Mr. DAVIS—After a road had been built in Manitoba, and operated for a great number of years, the Manitoba government allowed the company to issue $2,000 a mile of new bonds on that road, and these bonds were sold, and from my knowledge of the country and the railway, I do not think the money ever went into the road. If it did, I fail to see it, and I have travelled up and down it four or five times a year ever since the bonds were issued. If you allow, for the sake of argument, say $15,000 a mile to be issued on a railroad, the commissioners in dealing with freight rates have to take into consideration that they must allow enough in freight rates to pay interest on the bonds, and the people who pay those rates are not

only paying the interest on $13,000 a mile of what it cost to build the road, but are paying additional interest on $2,000 a mile which has been diverted into somebody's pocket and has not gone into the road at all. I should like to see this matter of granting railway charters brought under the Railway Commission, because we all have confidence in that commission, and if this duty were submitted to them, we would have no trouble.

Hon. Mr. GIBSON—The hon. gentleman states that railway charters are as free as the air on the other side of the line. Permit me to say that a fee has to be deposited when the application is made, just as they do under the Joint Stock Companies Act, and these fees would amount to very much the same as the fees charged here. My hon. friend has not enlightened the House with regard to the amount of money this parliament has received from the fees for these charters.

Hon. Mr. DAVIS—When I alluded to the fact that charters were as free as air on the other side of the line, what I meant was that any body of men who could show that they had something behind them in order to start building a railroad, could get a charter; that there was no necessity for having the renewals of charters, because anybody could get a charter. I have the Railway Act of Massachusetts here. If my hon. friend will read it, he will find that any body of men from 7 to 25, who have signed articles of association and subscribed for a certain amount of stock, which must be deposited in a bank, can get a charter.

Hon. Mr. GIBSON—But does it not state what amount of fees must be paid with the application?

Hon. Mr. DAVIS—The fees have to be paid. I have provided for that in my Bill. I have taken part of this Bill from the Massachusetts Act, and some from the Illinois Act, which is simpler again than the Massachusetts Act. All that promoters have to do there when they wish to build a railway, is to sign articles of agreement setting forth the proposed name of the corporation and where they intend to build. They have to file that with the registrars of the different counties through which the road runs and take the certificate to the Secretary of State, and get a charter. I have read the Minnesota Act and the Michigan Act and I find they are all simple, and have a simple way of granting charters. This Bill of mine provides in the first clause:

1. Any number of persons, not fewer than seven, of the full age of twenty-one years, who desire to be incorporated for the purpose of constructing, maintaining and operating a railway which is within the legislative authority of the parliament of Canada, may, by agreement in writing, form themselves into an association for those purposes, and, upon complying with the provisions of this Act, may obtain letters-patent creating them and their successors a corporation with all the powers and privileges, and subject to all the obligations and restrictions, contained in the Railway Act and in any other general Act relating to railways.

The whole principle of the Bill is contained in that clause that any seven or more gentlemen up to the number of 25, by signing articles of association and conforming with the provisions of the Railway Act, go to work and become a chartered company. This is what they have to do:

2. The agreement of association shall contain the following particulars:
(a) the proposed name of the corporation, which name shall not be that of any other known company, incorporated or unincorporated, or any name likely to be mistaken therefor or otherwise, on grounds of public policy or convenience, objectionable, and shall end with the words 'Railway Company;'
(b) the terminal points of the proposed railway, and, as nearly as may be estimated, its length in miles;
(c) the proposed route, with the name of each county, city, town, village, and municipality through, into or near which it is proposed to build the railway;
(d) the gauge of the railway, which shall be four feet, eight inches and one-half of an inch;
(e) the amount of the capital stock of the corporation, which shall not be less than ten thousand dollars for each mile of the estimated length of the railway, and shall be divided into shares of one hundred dollars each;
(f) the number of shares of capital stock which each associate agrees to take; but the total amount of stock subscribed must be ten per cent of the whole issue, but an associate shall not be bound by such agreement to pay more than ten per cent upon such shares unless the corporation is duly created;
(g) the place where the head office of the corporation is to be;
(h) the names, residences, occupations and post office addresses of at least seven persons to act as provisional directors. These must

be subscribers to the agreement and a majority of them resident in Canada; they may fill any vacancy occurring among their number; and shall appoint a secretary and a treasurer who shall hold office until their successors are appointed by the corporation if created; the same person may be appointed both secretary and treasurer;

(i) the name, residence, occupation and post office address of the secretary and of the treasurer of the association.

2. The agreement shall be signed with the full name of and be sealed by each associate, who shall, oposite his signature, state his residence, occupation and post office address, and the place and date of his signature. Each signature shall be duly witnessed by one witness, whose full name, residence and occupation shall be stated.

3. Before proceeding to examine or survey the route of the proposed railway the provisional directors shall cause notice of the agreement of association to be given as follows:—

(1) By publication of a copy of the agreement, at least once a week for six consecutive weeks,—

(a) in the 'Canada Gazette,' and

(b) the official 'Gazette' of any province in which the proposed railway or any part thereof is to be constructed; and

(c) in at least one newspaper in each city, town or village through, into or near which the proposed railway is to be constructed, and in which there is a newspaper published.

(2) By sending by registered letter a copy of the agreement of association to the clerk of each county or district council, and of each city, town, village or other municipal corporation, which may be specially affected by the construction or operation of the proposed railway.

2. In the provinces of Quebec and Manitoba, the notice shall be given in both the English and French languages.

3. A statutory declaration by the secretary of the association that any provision of this section has been duly complied with shall be prima facie proof of such compliance.

4. After the notice required by section 3 of this Act has been duly given, the directors may cause an examination and survey of the route of the proposed railway to be made; and for that purpose they or their agents may enter upon any lands along or adjacent to such route.

2. In the exercise of the powers granted by this section as little damage as possible shall be done and full compensation shall be made to all persons interested for all damages by the exercise of such powers.

5. The provisional directors shall cause to be made by a competent engineer, from actual examination and survey, a plan, profile, report and estimate of cost, on such scales and containing such information and in such detail, as may be required by regulations in that behalf to be made by the Board of Railway Commissioners for Canada, or as may be required by special order of the board made when necessary.

2. The plan, profile, report and estimate shall contain generally all necessary information as to—

(a) the character of the country through which the proposed railway is to pass and the feasibiltiy of the proposed route;

(b) the proposed gradients;

(c) all existing railways and highways to be crossed and the mode of crossing in each case;

(d) all rivers and streams to be crossed or diverted, specially distinguishing such as are navigable waters, and giving in each case the nature and estimated cost of the proposed bridge, tunnel, ferry or other means of crossing, or of the proposed diversion;

(e) the kind and amount of excavation, embankment, masonry and other sorts of work;

(f) full information as to the manner of constructing the proposed railway and the standard to be adopted therefor both as to its construction and equipment;

(g) everything necessary to enable the board to determine whether the certificate provided for by this Act should be granted by the board.

6. Within twelve months after the last publication of the notice of agreement of association the provisional directors may apply to the board for a certificate that the public interest requires that a railway should be constructed as proposed in the agreement of association.

2. With such application there shall be submitted to the board—

(a) the original agreement of association, and as many copies thereof as the board may require;

(b) proof, in such form as the board may require, that the preceding provisions of this Act have been complied with;

(c) proof that responsible persons have in good faith subscribed the amount of capital stock required by this Act, and that at least twenty-five per cent on the amount so subscribed has been actually paid in cash into some chartered bank in Canada to the credit of the association to be used only for the purposes of the agreement of association;

(d) proof that the necessary notice has been published and given as required by this Act;

(e) the plan, profile, report and estimate of cost required by this Act;

(f) a statutory declaration, made by at least the majority of the provisional directors and by the secretary of the association, as to the truth of all essentials required by this Act and that it is in good faith intended by the association to locate, construct, maintain, equip and operate the railway on the proposed route.

2. The board may order such further information or proof of any alleged fact to be afforded as in its discretion may be requisite.

3. Any information or proof required by this Act or by the board in pursuance of this Act shall be given in such form, and shall be verified in such way, by statutory declaration or otherwise, as the board may prescribe either by general regulation or by special order.

7. If the board is satisfied—

that the requirements of this Act, and of all regulations and orders made under this Act by the board, have been complied with as regards all matters preliminary to the making of the application and as regards the application; and—

that the amount mentioned in the next preceding section of this Act has been paid in good faith as required by that section, or that such further amount has been so paid as in

the opinion of the board is necessary to pay all damages, immediate or consequential, caused by the laying out or building of the railway or by the taking of any lands or material therefor; and—

that sufficient security has been given, by bond or otherwise, that the said amount shall not be withdrawn for any purposes other than those of the agreement of association; and—

that the construction and operaton of the proposed railway will be in the public interest;

the board shall issue a certificate setting forth that the provisions of this Act have been complied with and recommending that a corporation be created under this Act, under such name, with such powers, and subject to such provisions, as the board may, in pursuance of this Act, determine.

8. If the board is not so satisfied, it shall refuse to issue such certificate, but the associates may within one year from such refusal apply again for a certificate.

9. Before issuing the certificate the board shall determine all such matters relating to the following subjects as are not provided for by The Railway Act—

(a) the persons to be incorporated.

(b) the corporate name to be given to the corporation.

(c) the provisional directors.

(d) the capital stock.

(e) the head office.

(f) the annual meeting of the corporation.

(g) the route of the proposed railway, as to which the board may impose such conditions and restrictions as the board deems advisable in the interest of the public or of any municipality.

The route fixed by the board may include such lines, branches or spurs within municipalities as may be necesary for carrying on the corporation's business; but no such line, branch or spur shall be located or constructed without the consent of the proper municipal authority, who in giving such consent may impose such conditions and restrictions as to the location, construction or use thereof as are agreed upon between the provisional directors, or the directors, and the municipal authority; and the corporation shall be liable to the municipality for all damages or loss caused to the municipality by such location, construction or use, or by the negligence or default of the corporation, its agents or workmen.

(h) the amount of securities that may be issued shall be fixed at a certain rate per mile of the railway, and such issue shall be authorized to be made only in proportion to the length of railway constructed or under contract to be constructed, and on the express condition that all moneys realized from such issue shall be used for no other purpose than the construction, equipment, maintenance and operation of the railway, and that if by any court of competent jurisdiction it is found that this condition has not been fulfilled, that court shall order the corporation to pay an amount equal to the moneys so diverted from their proper use, which amount shall be paid into the consolidated revenue fund of Canada.

(i) the other railway companies with which, if it so desires, the corporation may, subject to the provisions of sections 361, 362 and 363 of The Railway Act, enter into agreements for any of the purposes specified in section 361 of that Act.

10. When in the opinion of the board it would be for the public interest that the powers hereinafter mentioned, or any of them, should be conferred upon the corporation, and that such powers are necessary for the effectual carrying on of the business of the corporation as a common carrier, the board may also determine whether and to what extent any or all of such powers should be conferred upon the corporation, that is to say, powers for—

(a) the acquisition, chartering, maintenance and operation of steam and other vessels in connection with the undertaking of the corporation; and the construction, acquisition and disposal of wharfs, docks, elevators, warehouses and all other structures and buildings necessary for such purposes.

(b) the construction, maintenance and operations of structures and works for the development of power of any kind, and for the conversion of power so obtained into any other form of power, heat, light or electricity, and for the utilization of power, heat, light or electricity obtained by such development or conversion, in and for the purposes of the business of the corporation.

(c) the operation of the telegraph and telephone lines of the corporation for the transmission of messages for the public; the collection of tolls for such transmission, subject to approval of such tolls by the board, and to revision thereof from time to time by the board; and, for the purposes of such operation and transmission, the making of contracts with any companies having telegraph or telephone powers, and the connection of the lines of the corporation with the lines of such companies, or their lease to such companies;

(d) the issue by the corporation of bonds, debentures or other securities, charged upon any property of the corporation other than the railway.

11. If the provisional directors file with the Secretary of State the certificate issued by the Board of Railway Commissioners for Canada, and if the proper fees as set forth in the schedule of this Act have been paid, the Secretary of State shall forthwith cause to be issued under his seal of office, letters patent incorporating the association according to the tenor of the certificate.

12. The Railway Act and all amendments thereof, except in so far as modified by this Act, shall apply to every corporation created under this Act.

2. The expressions 'Special Act' and 'Act authorizing the construction of the railway', wherever used in the Railway Act and its amendments, shall include letters patent issued under this Act.

13. No corporation created under this Act shall amalgamate with, or enter into any agreement for making a common fund or pooling earnings or receipts with, or leasing any part of its line to any other railway company owning a parallel or competing line. Every such amalgamation or arrangement shall be null and void.

2. The provisions of this section shall not extend to arrangements made under section 364 of the Railway Act, as to interchange the traffic, running rights and the other purposes authorized by that section.

14. When any railway company is incorporated by an Act of the parliament of Canada, or its undertaking is declared to be a work for the general advantage of Canada, any extension of the railway of such company not heretofore authorized shall be subject to the provisions of this Act with respect to notice and to the submission to the board of its plans, profiles and reports as provided in section 5 of this Act.

2. Upon the board being satisfied that all the requirements of this Act and the Railway Act applicable thereto have been complied with, the board may fix the amount of the bonding powers and the securities which the company may issue on the said extension, and may give such other powers provided for by this Act as it deems necessary, and may thereupon grant a certificate that public necessity demands the construction of the railway applied for, and that all the provisions of this Act and of the Railway Act and all regulations of the board have been complied with.

3. The applicants may thereupon file the said certificate with the Secretary of State, who shall, upon the payment of the proper fees, grant a certificate under his seal authorizing the construction of the railway.

4. Excepting as in this section provided nothing in this Act shall apply to any railway company incorporated before the passing of this Act.

Schedule.

Note.—It is intended to add the schedule of fees at a future stage of the Bill.

Hon. Sir RICHARD CARTWRIGHT—The subject is very important, and several gentlemen wish to speak upon it. I would therefore suggest to the hon. gentleman that it would be well to move the adjournment of the debate.

Hon. Mr. DAVIS moved that the debate be adjourned until Tuesday next.

The motion was agreed to.

GRAND TRUNK PACIFIC LOAN.

Hon. Sir RICHARD CARTWRIGHT moved the adjournment of the House.

Hon. Mr. LOUGHEED—I would suggest to my right hon. friend that between now and Tuesday next, when the Grand Trunk Pacific Bill is to be presented for a second reading, that the estimates which were laid on the table of the House of Commons be brought down, touching the additional loan to the Grand Trunk Pacific. A number of papers were placed on the table of the House of Commons relative to that loan. They have not been supplied to the Senate, and as they afford information which will assist in the discussion of the Bill I would suggest to my right hon. friend that he should furnish them to-morrow.

Hon. Sir RICHARD CARTWRIGHT—I shall ask to have those papers placed in the possession of the House.

The motion was agreed to, and the Senate adjourned until to-morrow at three p. m.

THE SENATE.

OTTAWA, Friday, May 7, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INTERCOLONIAL RAILWAY COMMISSION.

INQUIRY.

Hon. Mr. CHOQUETTE inquired:

Is it the intention of the government to add to the commission recently appointed for the administration of the Intercolonial Railway a fifth member thereto speaking the French language and representing the province of Quebec through which the said railway runs?

The SPEAKER—This inquiry had better stand till the right hon. minister is present.

Hon. Mr. LANDRY—Perhaps, in the absence of the hon. leader, I might answer. I am strongly in favour of the motion, and will take it into serious consideration. I observe now that we have the French representative of the government here. Perhaps he will answer it himself.

Hon. Mr. DANDURAND—If the hon. gentleman will take my answer instead of the answer of the Minister of Trade and Commerce I will give it.

Hon. Mr. CHOQUETTE—I am quite willing that the hon. gentleman who is so near the government—and I hope soon will be in the government—should give me the answer.

Hon. Mr. DANDURAND—I was informed by the right hon. gentleman yesterday, when the question came up, that the matter had not yet been considered by the government.

Hon. Mr. CHOQUETTE—When may we expect an answer?

Hon. Mr. DANDURAND—The hon. gentleman may renew his inquiry next week.

Hon. Mr. CHOQUETTE—I will be away next week.

Hon. Mr. DANDURAND—I will keep thinking of the hon. gentleman.

Hon. Mr. CHOQUETTE—I will come back in case the hon. gentleman does not remember me.

The motion was allowed to stand.

YUKON ORDINANCE.

MOTION.

Hon. Sir RICHARD CARTWRIGHT moved:

Resolved, that the ordinance of the 9th day of March, 1908, intituled: 'An Ordinance respecting the Hearing and Decision of Disputes in relation to Mining Lands in the Yukon Territory,' and the ordinance of the 17th day of September last intituled: 'An Ordinance respecting the Imposition of a Tax upon ale, porter, beer and lager beer, imported into the Yukon Territory,' which were passed upon their respective dates by the Governor in Council under the authority of section 16 of the Yukon Act, being chapter 63, R.S.C. (1906), copies of which ordinances, as well as the necessary order in council in each case, have been laid before the House, are approved by this House, in accordance with the provisions of section 17 of said chapter 63.

He said: The hon. leader of the opposition wanted some further information about this.

Hon. Mr. LOUGHEED—Yesterday I asked for some additional information in regard to the Yukon ordinances. What I desired to know was whether the ordinance proposed to add a tax on ales and beers in addition to the excise duties, or whether it was in lieu of the excise duties.

Hon. Sir RICHARD CARTWRIGHT—It is in addition, I understand.

Hon. Mr. LOUGHEED—It does not read that way. Of course it is an ordinance of the Governor in Council, and, therefore, I fancy the excise tax would be dispensed with and would be replaced by a direct duty.

Hon. Sir RICHARD CARTWRIGHT—Does my hon. friend want anything further?

Hon. Mr. LOUGHEED—Oh, no; if my hon. friend has no further information, I have no objection.

Hon. Sir RICHARD CARTWRIGHT—I move that we concur in the order. It has to be concurred in by the lower House as well.

Hon. Mr. LANDRY—What is the motion?

Hon. Sir RICHARD CARTWRIGHT—To validate the ordinance of the council of the Yukon.

Hon. Mr. LANDRY—That is assimilated to a tax Bill.

Hon. Sir RICHARD CARTWRIGHT—It is.

Hon. Mr. LANDRY—I suppose we must receive the information that the permission of His Excellency the Governor General has been obtained?

Hon. Sir RICHARD CARTWRIGHT—I do not think that in the case of the ordinances of the Yukon it has been customary to make that announcement—

Hon. Mr. LOUGHEED—I think it is simply approval. Under the Yukon Act it is provided that the Governor in Council may make ordinances.

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. LOUGHEED—This is a resolution of the Commissioner in Council of the Yukon, and it has been approved in the shape of an ordinance by the Governor in Council.

Hon. Sir RICHARD CARTWRIGHT—It has gone into force.

Hon. Mr. LOUGHEED—And it requires the approval of the two branches of parliament before it goes into force.

Hon. Sir RICHARD CARTWRIGHT—Not exactly. It expires the day after parliament rises unless it is approved.

Hon. Mr. LOUGHEED—There are two classes. This comes under the class which requires the approval of the Governor in Council; in fact, it is the ordinance of the Governor in Council, not the ordinance of the commissioner in council, and if my hon. friend will look at the document which he has laid on the table, it will be observed it is an ordinance of the Governor in Council, simply carrying into affect the recommendation or resolution of the Commissioner in Council of the Yukon.

Hon. Sir RICHARD CARTWRIGHT—I have no doubt my hon. friend is right. The clause in the statute to which I was referring renders it necessary that the ordinances should be approved by the two Houses of parliament. Failing that, it expires in one day after we rise.

Hon. Mr. LOUGHEED—I suppose it would be non-effective.

Hon. Mr. LANDRY—Is a Bill to be introduced?

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. LANDRY—Nothing at all?

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. LANDRY—Rule No. 70 says:

The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the King's representative.

Hon. Mr. LOUGHEED—It is an ordinance of the Governor in Council requiring the approval of both branches of parliament. It is not a statute of this parliament. It is passed under section 16 of chapter 63 of the Revised Statutes. The enabling power is as follows: 'Without limiting the generality of the power so conferred the Governor in Council may make ordinances, &c.,' and it is in pursuance of that section this is done.

Hon. Sir RICHARD CARTWRIGHT—Yes.

The motion was agreed to.

Hon. Mr. LOUUGHEED.

THE LOUISE BASIN.

Hon. Mr. CHOQUETTE—Before the orders of the day are called, I should like to ask the right hon. leader of the House if he could give me the names of those who are now in charge of the work at the Louise basin, Quebec? The late Mr. Bissot, a most reliable contractor, had charge of the work. I should like to know if the work is to be continued; if a contract has been awarded, and who is going to do the work?

Hon. Sir RICHARD CARTWRIGHT—I have not the information here. If the hon. gentleman will put the question on the Notice Paper I will get it for him.

THIRD READING.

Bill (YY) An Act to incorporate the Catholic Church Extension Society of Canada.—(Hon. Mr. Bostock).

EXCHEQUER COURT ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (No. 98) An Act to amend the Exchequer Court Act.

(In the Committee).

On clause 2,

Hon. Mr. LOUGHEED—Does the hon. gentleman consider this clause and clause 4 necessary?

Hon. Sir RICHARD CARTWRIGHT—The Department of Justice think that as they repealed the other Act, they must put this through in the shape they have it. I do not think there is the least risk of two officers being appointed, though my hon. friend thinks it is possible.

Hon. Mr. LOUGHEED—It is not the possibility, but there is no necessity for the two clauses.

Hon. Mr. LANDRY—This classification is ordered by this Bill?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. LANDRY—It takes it out of whose hands?

Hon. Sir RICHARD CARTWRIGHT—It brings him under the purview of the Civil Service Commission, by classifying him in this particular way.

Hon. Mr. LANDRY—The classfication under the Act of 1908 is left to the head of the department.

Hon. Sir RICHARD CARTWRIGHT—This officer was not classified at all. He was appointed by statute, and now they wish to bring him into the class.

The clause was adopted.

On clause 3,

Hon. Mr. LANDRY—I understand that all the other officers and servants are attached to the Department of Justice?

Hon. Sir RICHARD CARTWRIGHT—They are attached to the inside service, and that brings them under the control of the Civil Service Commission.

Hon. Mr. LANDRY—But it does not bring them under the classification that should be established by the head or deputy head of a department?

Hon. Sir RICHARD CARTWRIGHT—After this becomes law, then the Minister of Justice can classify him. He cannot at present.

Hon. Mr. LANDRY—If this section becomes law at the same time the previous clause of this Act becomes law.

Hon. Sir RICHARD CARTWRIGHT—As soon as the Bill receives the Governor General's assent.

Hon. Mr. LANDRY—I think there is a confusion of powers. By the Civil Service Act, that power is given to the head of the department, and here we are ourselves exercising that power.

Hon. Sir RICHARD CARTWRIGHT—No, we are simply bringing all these people under the Civil Service Act. They are now made a part of the inside service; heretofore they have been regarded as an outside service.

Hon. Mr. LANDRY—But the moment they come into the inside service they do fall under the Civil Service Act, if they did not the classification would be made, not by us, but by the head of the department.

Hon. Sir RICHARD CARTWRIGHT—It will be made by the head of the department under this clause.

Hon. Mr. LANDRY—We make it ourselves in subsection 2.

Hon. Sir RICHARD CARTWRIGHT—Mr. Audette had a salary by statute, and we decree that he shall be placed in a certain subdivision (a).

Hon. Mr. LANDRY—When this Bill becomes law we are obliged to do the work the head of the department would have done.

Hon. Sir RICHARD CARTWRIGHT—We are, as far as that goes.

The clause was adopted.

Hon. Mr. CHOQUETTE—I am surprised not to find in the Bill an amendment which I thought would be made in relation to cases tried in the province of Quebec. When the Bill was printed, I spoke to one of the ministers from Quebec, and put to him the following facts: Judge Cassels, though an excellent judge, does not understand French well enough to sit in a case where one of the parties and some of the witnesses happen to be French. I have in mind a particular case in Quebec, when Blais was plaintiff. In that case the judge required the services of two stenographers. The party himself could not speak English and some of the witnesses could not, and the lawyers in the case had to employ a French stenographer to take the evidence and then dictated it to an English stenographer for the use of the judge. It is only necessary to mention this to show how unfortunate it is for parties in the province of Quebec who cannot speak English when they bring cases before the Exchequer Court. I have had occasion to argue cases before Judge Cassels myself, and I have entire confidence in his integrity and capacity, and am quite satisfied with him; but I mentioned this matter to a colleague of the right hon. leader of this House and he said he would take it into consideration and see that something was done. As the matter may

have been overlooked, I draw the attention of the government to the fact, and I intend at the third reading of the Bill to move an amendment to this effect—that in the province of Quebec, when the sitting judge cannot speak or understand French, on the demand of one of the parties in the case he may be replaced by a judge from that province who understands both languages. That would be only fair. When one of the parties does not understand English, it is only fair that he and his witnesses should be examined in their own language. The substituted judge should have for the time being the same power as the judge himself.

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman will submit his amendment I shall call the attention of the department to it.

Hon. Mr. CHOQUETTE—I have been away, and have not seen the Bill until now. The minister to whom I spoke on the subject seemed to favour my view, and I am surprised that the Bill has not been amended in the direction I have indicated. I move that the committee rise and report progress, in order that time may be given to draft an amendment which shall be acceptable to the French population of the province of Quebec, and I should like to have time to consult the minister to whom I have spoken on the subject.

Hon. Mr. LANDRY—We might let the Bill be reported from committee, and at the third reading the hon. member might move his amendment.

Hon. Mr. CHOQUETTE—I have no objection to that, if nothing else can be done, but it amounts to the same thing if the committee will rise and report progress, and sit again on Tuesday next. In the meantime I shall take occasion to speak to some of the right hon. gentleman's colleagues about this matter, and perhaps a better amendment than the one I have suggested can be drafted.

Hon. Mr. POWER—There is one feature of the matter which the hon. gentleman from Grandville seems to overlook. I think the late judge of the Exchequer Court was not any more familiar with French than is the present judge.

Hon. Mr. CHOQUETTE—That is worse. The new one should be better.

Hon. Mr. LANDRY—We expected a change.

Hon. Mr. POWER—There is no change in that respect. The point which I particularly wish to make—and it is a small one—is this: Under the present system it is necessary to employ an interpreter to translate what the witness says in French, and then a stenographer is employed to take down the evidence, and you can see that there is employment given for at least two deserving persons under the present system in addition to the judge. I think if my hon. friend gives weight to that consideration, he may not feel called upon to object.

Hon. Mr. CHOQUETTE—We do not care for position or money in Quebec. We look for justice. If, in the province of Nova Scotia, they desire position or money, that is their own affair. In Quebec we want justice, and we will have it.

Hon. Mr. CLORAN—I thoroughly endorse the remarks of the hon. gentleman from Montmagny. This is a matter of right in the province of Quebec, and there should be no hair-splitting or small discussion over it. I understand that in some cases tried in Montreal and Quebec, French witnesses were obliged to speak English. Now, that is not a fair position to place citizens of Quebec in. They may be able to talk English, but they cannot give their evidence as accurately in another language, and I understand that there was quite a revolt against the honourable judge when he forced French Canadians to speak the English language in very serious cases. So that the demand made by the senator from Montmagny is a natural one, and is justified by the condition of things in that province. The senator from Halifax pointed out that it would give a job to one or two more stenographers. That is putting this question on a very small basis. What about the attorneys who have to make their addresses and arguments before the judge?

Hon. Mr. TESSIER—They have the right to speak French.

Hon. Mr. CLORAN—It is their right, and it is necessary for them to speak French, because the attorneys in Quebec, Sorel, Three Rivers and the lower part of the province are not all familiar with the English language. They have some knowledge of it, but not sufficient to deliver their arguments in the manner they would like to do, and in that case how could you have an interpreter? Would a lawyer making his argument be obliged to stop at the conclusion of each sentence while the interpreter explained it to the judge? The position would be ridiculous. Under the circumstances, I think the government ought to accede to the wishes of my hon. friend.

Hon. Mr. CHOQUETTE—My venerable and hon. colleague asks what will happen if the judge does not speak English? Well, I am sure my English friends would not tolerate that for a minute.

Hon. Mr. CLORAN—Not for a second.

Hon. Mr. CHOQUETTE—I am quite willing to make the amendment apply not merely to Quebec, but to the whole Dominion, and insert a clause that if the judge does not understand French he shall be replaced by a judge who speaks both languages, and when he does not speak English, then he shall be replaced by a judge who does.

Hon. Sir RICHARD CARTWRIGHT—Give notice of motion, and put it in plain language, so that we shall understand it.

Hon. Mr. CHOQUETTE—I am sorry the right hon. minister does not understand me. He is not familiar with the French language and I am obliged to speak English. I do not like to hear it stated that I am not understood. If that is the case, in the future I will speak French. I am quite satisfied if the third reading is postponed until Wednesday or Thursday.

Hon. Sir RICHARD CARTWRIGHT—We will not take the third reading until Wednesday.

Hon. Mr. POIRIER—The point raised by my hon. friend is much more serious than the hon. gentleman from Halifax understood it to be, or was desirous to understand it to be. The situation of litigants appearing before a judge who is unable to understand the language of the principal witnesses is a serious one, and conducive to anything but justice, and, I would say, fair-play. I would suggest to my hon. friend to make his amendment apply to both parties, so that when the presiding judge cannot understand French, to give full justice to the French litigants, and also when the presiding judge does not understand English, and English litigants appear before him, that those parties may have the right to have their case heard by a judge who understands English. The extension of the principle to the whole Dominion would be, prima facie, a fair proposition, and should be supported, if feasible. In New Brunswick, where one-fifth of the population is French, and where, in large districts, people do not speak the English language at all, litigants have been confronted with similar conditions, and the result in those instances has been—I will not say deplorable—but unfair to the parties. We have in the province of New Brunswick one judge who can speak both languages. I do not know whether my hon. friend is aware of the fact, but we have an English judge in Nova Scotia who can speak and understand French well. In Ontario there are judges of French origin who understand both languages. I think it would be feasible, without incurring any extra expenditure, to have legislation in the line suggested by my hon. friend, not confining it to the province of Quebec, but extending it is as far as possible to the whole Dominion. I, therefore, seriously ask the hon. leader of this House to take this question into consideration, not at all for the purpose of creating difficulties, or appealing to racial prejudice, which I have never done in this House myself, any more than appealing to the English people. I am convinced that it is the desire of all the members of this and the other House to render equal justice to all. Again, I ask the hon. leader to take this matter into consideration, and see what possible betterment can be provided.

The clause was adopted.

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

COMMITTEE OF THE WHOLE.

BILLS REPORTED.

The following Bills passed through the Committee of the Whole and were reported to the House without amendment:

Bill (No. 131) An Act to amend the Canada Shipping Act.

Bill (No. 153) An Act respecting the National Transcontinental Railway.

Bill (No. 156) An Act to amend the Yukon Act.

OCEAN STEAMSHIP SUBSIDIES ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 146) An Act relating to Ocean Steamship Subsidies.

(In the Committee).

On clause 1,

1. Chapter 68 of the statutes of 1908 is repealed, and the following is enacted as section 4 of chapter 2 of the statutes of 1889, intituled: 'An Act relating to Ocean Steamship Subsidies':—

4. The Governor in Council may enter into contract or contracts for a term or terms not exceeding in all ten years with any individual or company, for the performance of a steamship service between a port or ports in Canada and a French port or ports, on such terms and conditions as the Governor in Council deems expedient, and may grant therefor a subsidy not exceeding two hundred thousand dollars a year, based upon a minimum service of fifteen round voyages a year, and a subsidy therefor not exceeding one hundred thousand dollars, and so in proportion for a more frequent service.

2. The amount required for the payment of this subsidy shall be paid out of the Consolidated Revenue Fund of Canada.

Hon. Mr. LOUGHEED—Can my right hon. friend say whether the contract has been entered into?

Hon. Sir RICHARD CARTWRIGHT—Yes, for one year.

Hon. Mr. LOUGHEED—On the basis of $200,000 for fifteen voyages?

Hon. Sir RICHARD CARTWRIGHT—On the basis set out in this clause.

Hon. Mr. LOUGHEED—Will it be limited to fifteen round voyages?

Hon. Mr. WOOD.

Hon. Sir RICHARD CARTWRIGHT—No, they may go up to thirty. Fifteen round voyages would only entitle them to $100,000, and the hon. gentleman will see the subsidy is not extended, but it amounts to $200,000.

Hon. Mr. LOUGHEED—Is the government getting more than fifteen round voyages for $200,000?

Hon. Sir RICHARD CARTWRIGHT—The government will not give more than $100,000 for fifteen round voyages, but if the company make thirty round voyages they will be paid $200,000, and proportionately, more or less, according to the number of voyages.

The clause was adopted.

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

NEW BRUNSWICK DIVORCE COURT.

Hon. Mr. ELLIS—Before the House adjourns, I should like to ask the right hon. leader if he will impress on his colleagues the necessity of settling the question of the Divorce Court judge in New Brunswick. The court should have been held on the 30th April, but the judge was not in a position to transact business for some time, and no other judge could do his work in consequence of the way the court is constituted. The government is in a position now to appoint a permanent or temporary judge of divorce, and it is really an important matter in view of the position of the work of the court.

Hon. Sir RICHARD CARTWRIGHT—I shall call the attention of the Department of Justice to the matter.

CLASSIFICATION OF SENATE OFFICIALS.

Hon. Sir RICHARD CARTWRIGHT—I would call the attention of the House, and of the members of the Committee on Internal Economy, to the fact that it is becoming urgently necessary to forward the classification of the officers of this House. I do not know exactly what stage it is in, but I hope it will be brought forward promptly.

Hon. Mr. THOMPSON—The committee will meet on Tuesday at 8 p.m.

Hon. Sir RICHARD CARTWRIGHT—It is desirable to get it through.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, May 11, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ROYAL GUARDIANS BENEVOLENT ASSOCIATION BILL.

REPORTED FROM THE COMMITTEE.

Hon. Mr. GIBSON, from the Committee on Banking and Commerce, reported Bill (No. 95) An Act respecting the Royal Guardians Benevolent Association, with amendments, and moved the suspension of the rules.

Hon. Sir RICHARD CARTWRIGHT—I do not want to delay any measure unnecessarily, but I must point out to my hon. friend that there is a grave objection to the use of the word 'Royal,' and that a special despatch has been received from the Imperial authority objecting very decidedly to the use of the word 'royal' in any of these Bills, unless the consent of the government has been obtained thereto. So that I want my hon. friend to understand that in taking any further step with this measure, I must move against the introduction of the word 'royal.'

Hon. Mr. GIBSON—I would like to point out to the right hon. gentleman that, so far as the Banking and Commerce Committee are concerned, they have decided against the word 'royal' being used in any such previous legislation; but this company had the word 'royal' given to them under legislation of the province of Quebec, and the matter was threshed out in the House of Commons as well as in our own committee, and an addition was made to the name; instead of it being the Royal Guardians, it is now called the Royal Guardians Association, so that it would not be mistaken for the Royal of England, or the Guardians.

Hon. Sir RICHARD CARTWRIGHT—I am afraid that would not meet the objection, and I must oppose the use of the word 'royal' under the instructions which we have received.

The motion was agreed to.

Hon. Mr. GIBSON—I will move for concurrence in the report to-morrow.

Hon. Mr. LANDRY—I understand that the hon. gentleman does not avail himself of the permission he has asked from the House. He moved for the suspension of the rules. It was done for a purpose. If he did not desire to have the House concur in the amendment to-day, there was no necessity to suspend the rules.

Hon. Mr. GIBSON—When I moved for the suspension of the rules, I did not know that the right hon. gentleman who leads the House objected to it. It was because of his objection that I did not want to force it through.

Hon. Mr. LANDRY—But the right hon. leader of the House did not object to the suspension of the rules.

Hon. Mr. DANDURAND—The motion was carried.

Hon. Mr. LANDRY—If the hon. gentleman does not want to proceed to-day, I do not see why he should ask to suspend the rules. There is no rule to prevent him doing nothing at all.

Hon. Mr. GIBSON—I do not wish to avail myself of the suspension of the rules in view of what the right hon. leader has said.

Hon. Mr. POWER—As I understood the resolution of the hon. gentleman from Lincoln, it was to suspend not only the rule which required a day's notice for the consideration of the amendment, but the rule which required a day's notice for the third reading, so that to-morrow, if the House concurs in the report, the Bill can be read the third time.

INQUIRIES.

Notices of motion by the hon. Mr. Landry, when called:

Hon. Sir RICHARD CARTWRIGHT—I have received letters from the departments and they request that these three inquiries stand over, as they are not able to supply the answers to-day.

ONTARIO AND MICHIGAN POWER COMPANY BILL.

FIRST READING.

Bill (No. 34) An Act to incorporate the Ontario and Michigan Power Company.—(Hon. Mr. Watson)—was introduced and read the first time.

Hon. Mr. YOUNG—If there is no objection, in the absence of the hon. senator from Portage la Prairie (Hon. Mr. Watson) I would ask that rules 23 (f), 24 (a), (b) and (h), 119 and 129 be suspended.

Hon. Mr. LANDRY—I object.

Hon. Mr. WATSON (just entered)—I move that the Bill be read the second time on Thursday next.

The motion was agreed to.

CANADA LIFE INSURANCE COMPANY BILL.

FIRST READING.

Bill (No. 56) An Act respecting the Canada Life Insurance Company—(Hon. Mr. Young)—was introduced and read the first time.

Hon. Mr. YOUNG—I move that rules 23 (f), 24 (a), (b) and (h), 119 and 129 be suspended.

Hon. Mr. BOLDUC—I object.

Hon. Mr. YOUNG—Will the hon. gentleman consent to the second reading to-morrow?

Hon. Mr. BOLDUC—No.

Hon. Mr. YOUNG—I move that the Bill be read the second time on Thursday next.

The motion was agreed to.

FIRST AND SECOND READINGS.

Bill (No. 91) An Act to incorporate the Prudential Trust Company, Limited—(Hon. Mr. Young).

CLASSIFICATION OF OFFICIALS.

The SPEAKER submitted to the House a message from the House of Commons with the classification and organization of the officers and clerks of the Library of Parliament and the Printing Bureau.

Hon. Mr. POWER—It seems to me, the right hon. leader of the House should give notice of motion to concur with the House of Commons in these classifications, because they have to be approved of by both Houses, and the mere fact that it has come up here does not signify our approval.

Hon. Sir RICHARD CARTWRIGHT moved that the message be taken into consideration to-morrow.

Hon. Mr. LANDRY—Why do we take a different course in this case from the one we have been following? The hon. the Speaker, some time ago, laid before the Senate the classification of the employees of this House about the same time that the classification of the House of Commons was produced. Since that time, some nominations have been presented by the Speaker to this House, which were referred to the Standing Committee on Internal Economy. The same course should be followed in considering the joint action of the Speakers of the two Houses. The report, under the provisions of the Civil Service Act, must be approved by both Houses in the same way that the report affecting our officials here was approved. Why do we in one case submit the report of the Speaker to the Committee on Internal Economy, and not follow the same course in this instance?

Hon. Mr. POWER—It may be that the reason why the message comes up for consideration to-morrow, this House may decide to refer this report to the Internal Economy Committee; but the hon. gentleman must see that the two cases are very different. In the one case we are dealing with our own staff; in the other case we are

dealing with gentlemen who are not exclusively our staff, and where the House of Commons have adopted a certain line of action, unless there is something objectionable in the course they have taken, we would naturally concur.

Hon. Mr. LANDRY—I do not agree with the hon. gentleman when he says that in one case we deal with our own employees and in the other we do not. In both cases we do. The Library and the Printing Bureau are under the direction of joint committees; but we have our share of the responsibility just as the House of Commons has. My reason for asking that question is, that if we want to proceed this evening with the reports, there would be less delay if they were referred immediately to the Internal Economy Committee. If to-morrow the House should think fit to refer that report back to the committee it will cause delay. My desire is to facilitate business.

Hon. Mr. THOMPSON—I would suggest the suspension of the rules in order that these messages may be referred immediately to the Committee on Internal Economy. There has been some criticism on the slowness with which our committee moves, and I think it would be as well to let the messages go to the committee without delay. If it is decided to adopt the decision of the joint committee, very well; if not, the messages should go to the Committee on Internal Economy to-night.

The motion was agreed to.

APPOINTMENT OF MR. NICHOLSON.

The SPEAKER presented the certificate issued by the Civil Service Commissioners in the case of Byron Nicholson's appointment.

Hon. Mr. LANDRY—I suppose it can be referred to the committee dealing with that nomination. I understand that it is one of those questions which will come before the committee this evening.

Hon. Mr. DANDURAND—No. The committee has dealt with that case already.

Hon. Mr. LANDRY—They have dealt with the nomination, but there is the classification. The classification is going to be studied to-night and that name will be certainly proposed.

Hon. Mr. POWER—I move that this matter be referred to the Internal Economy Committee.

The SPEAKER—It is inconvenient that that should be done. I do not know that it should go there at all, the certificate having been issued, it passes to Mr. Nicholson; but I thought it was more convenient to put it on the record.

Hon. Mr. POWER—This matter, which is one affecting our staff, should go to the committee, and I shall just refer to the certificate to point out that there is some reason why the question should go to the committee. The certificate reads:

Civil Service Commission of Canada.
Adam Shortt,
M. G. La Rochelle,
Commissioners.
Wm. Foran,
Secretary.

Ottawa, 8th April, 1909.

The civil Service Commissioners have had under consideration an application from the Honourable the Speaker of the Senate for the issue of a Certificate of Qualification in favour of Mr Byron Nicholson, of Quebec, who has been appointed by the Senate to the position of Clerk of Committees as an Officer of Subdivision A of the Second Division, such appointment having been made under the provisions of Section 21 of the Civil Service Amendment Act, 1908. Having made a careful inquiry into Mr. Nicholson's qualifications for such position and having satisfied themselves that by reason of his education, training, and previous experience in similar work that he is competent, except as to his knowledge of the French language, to fulfil the conditions as laid down in the Order of the Senate appointing Mr. Nicholson.

Now, therefore, this is to certify, prusuant to the provisions of Section 21 of the Civil Service Amendment Act, 1908, that in their opinion, subject to the reservation above noted as to his knowledge of the French language, Mr Nicholson possesses the requisite knowledge and ability and is duly qualified as to health, character and habits, for the position of Clerk of Committees of the Senate as an Officer of Subdivision A of the Second Division.

M. G. A. LAROCHELLE,
ADAM SHORTT,
Civil Service Commissioners.

The certificate states that the commissioners have satisfied themselves that he is competent to fulfil the conditions as laid down in the order of the Senate, ex

cept as to his knowledge of the French language. They say that in their opinion, subject to the reservation as to his knowledge of the French language, he possesses the necessary qualification and ability. There is a serious exception made in this certificate, so that I think it is a matter that might very properly go before the committee.

The motion was agreed to.

THE INSURANCE BILL.

Hon. Mr. LOUGHEED—Before the orders of the day are proceeded with, I should like to ask my right hon. friend what the intention of the government is with reference to the Insurance Bill? It has been discussed in the press of the country, and the apparent intention of the government is to have it passed during the present session. I would point out to my right hon. friend that this is the third session this Bill has been under consideration in the House of Commons. The whole country is interested in it. A great number of witnesses have been examined, in fact all the large financial institutions, probably, of the Dominion have sent their representatives to discuss this Bill before the committee to which it was referred by the House of Commons. I notice that the cards are out for prorogation. It seems to be the intention of parliament to prorogue on the 19th of this month. Can my right hon. friend say, in view of those circumstances, whether it is the intention of the goverment to have the Senate enter on the consideration of that Bill after it passes the House of Commons during the present session?

Hon. Sir RICHARD CARTWRIGHT—In reply to my hon. friend, I believe that the Bill in its present state is likely to pass with pretty much unanimous consent. If all parties are reconciled and prepared to accept it, then perhaps the Senate may be able to consider it. I quite recognize what he has not stated, but perhaps what he intended to state, that a Bill of this importance ought to be brought to the Senate in time to enable it to get proper consideration and I should be loath to take any unreasonable step to put it through. We think the Bill may get through the Commons to-night.

Hon. Mr. LOUGHEED—My right hon. friend may be able to say to-morrow what the intention of the government is?

Hon. Sir RICHARD CARTWRIGHT—Yes.

AN IMPERIAL CONFERENCE.

Hon. Mr. LOUGHEED—May I also ask my right hon. friend a question or two concerning a matter of interest to the Dominion? I understand that the British government has made arrangements for the holding of a conference concerning imperial defence, and has extended an invitation to the various self-governing colonies to send representatives to that conference. I would like to ask my hon. friend if such an invitation has been received by the government of Canada, and what the intention of the government is with reference to sending representatives of this government to that conference. May I also observe that a report has been circulated that the Minister of Militia and the Minister of Marine and Fisheries are going, directly after the session, to London to convey the resolution of the Canadian parliament respecting imperial defence and to communicate with the imperial authorities on that subject. Are those two ministers to whom I have referred as conveying the action of the Canadian parliament respecting imperial defence to be also delegates to the conference already arranged for by the imperial authorities?

Hon. Sir RICHARD CARTWRIGHT—In reply to my hon. friend, I may say that such an invitation has been issued by the imperial authorities, and that it is the intention of the government to accept the invitation and to send one or more ministers to meet and confer with the imperial authorities. It is probable that the hon. gentleman will understand, however, that anything which takes place in these affairs would be of a consultative nature, not in any respect or shape binding the government until after full consideration.

Hon. Mr. LOUGHEED—What about the two ministers? Have the ministers yet been selected who are to attend that conference?

Hon. Sir RICHARD CARTWRIGHT—Very possibly from the nature of the case the Minister of Marine and Fisheries and the Minister of Militia and Defence may be selected, but nothing definite has been done as yet.

THE PACIFIC CABLE CORRESPONDENCE.

Hon. Mr. BELCOURT—Before the orders of the day are called, I would ask the hon. gentleman who leads the House if we can expect soon to have a return to an order which was made nearly two months ago to bring down the correspondence re the Pacific cable?

Hon. Sir RICHARD CARTWRIGHT—I will make inquiry about that. I do not remember the incident. Possibly it may have been brought down.

Hon. Mr. BELCOURT—The right hon. gentleman stated at the time that there was no objection, and that it would be brought down promptly.

Hon. Sir RICHARD CARTWRIGHT—I will make inquiry about it.

THIRD READINGS.

Bill (No. 131) An Act to amend the Canada Shipping Act.—(Rt. Hon. Sir Richard Cartwright).

Bill (No. 146) An Act to amend the Act relating to Ocean Steamship Subsidies.—(Rt. Hon. Sir Richard Cartwright).

Bill (No. 153) An Act respecting the National Transcontinental Railway.—(Rt. Hon. Sir Richard Cartwright).

Bill (No. 156) An Act to amend the Yukon Act.—(Rt. Hon. Sir Richard Cartwright).

EXTRADITION ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The Senate resolved itself into a Committee of the Whole on Bill (No. 149) An Act to amend the Extradition Act.

(In the Committee).

Hon. Mr. LOUGHEED—Has my right hon. friend given any consideration to the suggestion which was made as to justices of the peace taking these depositions?

Hon. Sir RICHARD CARTWRIGHT—Yes, I did, and conferred with the Department of Justice. Perhaps the shortest way will be to read to my hon. friend a memo. which the Department of Justice have forwarded to me in respect to it:

> I may say that for all domestic purposes a criminal prosecution in which it becomes necessary to extradite the accused does not differ substantially from an ordinary prosecution in which the accused is found within the jurisdiction. Additional proceedings have to be taken, however, in the former case in order to bring the accused within the jurisdiction of the domestic courts for trial. It not infrequently happens that a warrant issued by a justice of the peace upon a charge of an indictable offence cannot be executed within the jurisdiction because the accused has fled, and in such a case the foreign jurisdiction has to be invoked under the treaty with a view to having the accused surrendered and returned for trial. The proceedings in the foreign state have, of course, to be conducted in accordance with the laws of that state, and these provide for proof by deposition taken according to the law of Canada. There is a defect in our law upon this point at present which it is the object of this Bill to cure. The defect consists in the absence of any provision for compelling the attendance of witnesses and the taking of their depositions in the absence of the accused. This power certainly ought to exist in the hands of all the justices. You will see by reference to the Fugitive Offenders' Act, R.S.C., 1906, chapter 154, section 27, that such provision is already made so far as what we may term extradition from one part of His Majesty's Dominions to another is concerned. Further you will observe that a kindred provision is inserted in the Bill to amend the Criminal Code (No. 148) now before the House of Commons, section 655 in the schedule.
>
> The depositions taken ex parte are not, of course admissible upon the trial but only in the preliminary proceedings, to show a prima facie case for putting the accused upon his trial.

Under these circumstances, the Department of Justice are disposed to request that the Bill be passed as it stands.

Hon. Mr. LOUGHEED—The Department of Justice seems to have overlooked the essential feature of the objection which I took; namely, that the depositions should be taken by a more responsible officer than a justice of the peace.

Hon. Sir RICHARD CARTWRIGHT—I especially called the attention of the minister to the point my hon. friend had made, and if I remember right—it is not alluded to in this memo, I see—he intimated that in very grave criminal proceedings, even as grave as the case of murder, depositions

of a similar kind may be taken before any justice of the peace. I think that is so, if I am not misinformed.

Hon. Mr. LOUGHEED—Only in the preliminary proceedings.

Hon. Sir RICHARD CARTWRIGHT—It is in the preliminary, as I understand, that this applies under the concluding remarks which I read.

Hon. Mr. LOUGHEED—These are not preliminary proceedings; they are depositions which may be taken at any stage in extradition proceedings, that is, depositions to establish the committal of a crime.

Hon. Sir RICHARD CARTWRIGHT—What he states with reference to these depositions is: 'Depositions taken ex parte are not, of course, admissible on the trial, but only in the preliminary proceedings, to show a prima facie case for putting the accused upon his trial.' However, I presume my hon. friend will not contest it?

Hon. Mr. LOUGHEED—No.

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

GRAND TRUNK PACIFIC RAILWAY COMPANY LOAN BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 128) An Act to authorize a loan to the Grand Trunk Pacific Railway Company. He said: The purpose of this Bill is sufficiently explained by the title thereof, almost. It is in brief, a Bill to authorize the government to lend the sum of ten million dollars to the Grand Trunk Pacific Railway on the security of a mortgage of theirs, further guaranteed by the Grand Trunk Railway. I do not think there can be any reasonable doubt that the security will be sufficient. The reason for the government coming before parliament to allow this advance to be made, arises from the fact that from various causes, some of which are familiar to the House, and indeed were touched upon by my hon. friend (Hon. Mr. Lougheed) and by myself in the very early stages of this session, that the cost of constructing the Grand Trunk Pacific Railway over the prairie section has very largely exceeded their estimates, that the Grand Trunk Railway have had to come to their assistance in the way of guaranteeing an advance to be made by us. The term of the loan will be for a period of ten years, and the rate of interest thereon will be four per cent. Of course, it is to be regretted that the company should have made a miscalculation in this matter, but I am bound to say that they have not been by any manner of means, singular in that respect. I am afraid it must be admitted that the government of Canada made miscalculations of the estimated cost of their portion of the line, as well as the Grand Trunk Pacific. It is only fair to call the attention of the House to certain facts to which I alluded at another time. One is, that beyond all doubt there was an enormous increase in the cost of labour and materials over what could fairly or naturally have been calculated upon at the time that this railway was undertaken, and that a very considerable additional charge has thereby been incurred. The other is—and that perhaps is a matter of even more importance—that the authorities of the Grand Trunk Pacific having carefully considered the matter, concluded that in view of the enormously rapid development of the northwest, and in view of the fact that an unusually large traffic might be expected from the very first to become available for transport over the railway, to construct this road in a much more substantial fashion, and with better facilities than are usually accorded in the case of a road on the prairie, or than were required in the case of the Canadian Pacific Railway. I need not point out to any business man in the House or elsewhere, that the construction of a railroad under such conditions is necessarily greatly more expensive than the construction of a railway as it is ordinarily done. I am quite aware that very good authorities have raised doubts as to the wisdom of such proceedings; but my hon. friends opposite will I think agree that the conditions in the northwest are at the present entirely unprecedented, and that there is a very much better chance of this road having a great volume of business to

handle from the very start than would occur in any ordinary circumstances. Under these conditions, it is probably expedient, on the whole, that the road should be constructed in such a fashion as to enable it to handle a great quantity of traffic at a low rate, and I am advised by the engineers and by the parties we have consulted, that there is a very reasonable probability that the road will receive a great deal of freight, and that it will be able to transport it at unusually low rates. We have every hope that this road will be in full operation from Edmonton to Fort William by the first of September, or at latest by the first of October, and every possible exertion is being made by the Grand Trunk Railway and by the government which is charged with the construction of one link in that portion of the line, to bring that about. Under these circumstances, I believe that the Senate will have no hesitation in concurring with the House of Commons that, on the whole, it is expedient that this loan should be made. I may remind my hon. friends that a similar loan of a good deal larger amount was made in former days to the Canadian Pacific, and it was repaid at a very early period. I have not much doubt, looking at the rate of interest charged, that if the Grand Trunk Pacific proves, as we all hope and believe it will prove, as great a commercial success in proportion as the Canadian Pacific has done, that before the ten years expires they will be able to obtain money for this road on such terms as will induce them to repay us. In any case, I think there can be very little doubt that the security first on the road itself, and secondly under the guarantee of the Grand Trunk, will effectually guard the country against any loss being sustained.

Hon. Mr. LOUGHEED—If this Bill were an isolated case in which the Grand Trunk Pacific Railway Company were making application to this parliament for assistance without our anticipating any further applications of a similar kind, one might possibly deal with the Bill purely upon its merits, and irrespective of the other transactions which have grown out of this undertaking. But as it is manifestly one of a series of concessions, not only that have been asked, but that will be asked for in the future, it involves my trespassing on the indulgence of the House for a few moments while I very shortly review what I regard as the blundering policy of this government in leading to the Dominion of Canada having to assume a financial obligation far in excess of that which was first anticipated, and certainly an obligation which would not have been authorized by the people of Canada had they realized at the time that this undertaking would run into the immense cost which it has already assumed. It is not difficult to discover wherein the blunder originated. The Dominion of Canada since confederation has had a Department of Railways, and that department has been furnished with all the equipment and machinery necessary for the purpose of keeping in touch with the cost of great railway undertakings, and of those obligations which the government of Canada is called upon to assume from time to time in connection with railway building. The first information that we had of this undertaking having been assumed by the government of Canada, was an intimation that the Prime Minister, and, I might say, entirely on his own responsibility, irrespective of the government of Canada and regardless of the Department of Railways, had entered into a contract with the Grand Trunk Railway of Canada and with the Grand Trunk Pacific Railway Company for the building of this great transportation scheme. When this undertaking or this proposal was first submitted to parliament, we had an estimate accompanying it, submitted not only by the Prime Minister, but by the Minister of Finance. A great deal of discussion has taken place as to what the estimate of the Prime Minister upon this undertaking was. The impression was circulated throughout the whole of this Dominion, and was absolutely relied upon as a statement coming from the head of the government and responsible primarily for the expenditure which might be made by the government of Canada from time to time, that this road would not exceed in cost $13,000,000. Reading the discussion which took place in the House of Commons, as appearing on 'Hansard,' that statement

was certainly made; but I cannot say, nor do I think the Prime Minister was so simple, so entirely ignorant of the subject and of the responsibilities which he was assuming, although his ignorance of the question at the time was very marked, as to absolutely believe this road could be built for that amount of money. But the Minister of Finance, the minister charged with guarding the public exchequer, charged with controlling the expenditure of Canada, the man I might say responsible above others, and to whom the people of Canada looked to protect the exchequer, to guard Canada against unnecessary obligations, committed himself to parliament without reserve by stating that this undertaking would not cost more than $51,000,000. The reason I referred to the statements which were made at that time is to endeavour to impress upon this Chamber the necessity of carefully scrutinizing and examining the estimates which are made from time to time by the government of the day as to the anticipated cost of great public works. If there is anything Canada has to regret to-day it seems to me to be the infirmity which is so marked in connection with the expenditure of public money on our great works. I say it advisedly, and the records of parliament will establish that statement beyond all peradventure, that not the slightest reliability can be placed upon the statements which are made from time to time by the different departments of the government as to the expected cost of the great public undertakings which we are entering upon from time to time. Take this for example, which, owing to its colossal importance, impresses itself more deeply upon the people of Canada than the smaller public works upon which we are engaged. Here is an undertaking which in cost will certainly exceed five or six times the estimate placed upon it by the Minister of Finance when he introduced his Bill to parliament in the session of 1903. If hon. gentlemen will endeavour to recall the cost of the various public buildings upon which we have entered from time to time, they must be impressed with the utter futility in our relying in the slightest degree upon the departments of civil government to keep parliament informed, or to keep the public informed, or to protect the public treasury with reference to the cost involved in the assumption of these obligations. Take the question of the Quebec bridge. Here is an undertaking which, when we entered upon it, was regarded as comparatively small. It kept on assuming proportions until it reached at least $6,000,000, and then it went below the waters of the St. Lawrence, and now we are facing an obligation of no less than $15,000,000 for the reconstruction of that bridge. Take, as an instance, any one of the public buildings——

Hon. Sir RICHARD CARTWRIGHT—Would the hon. gentleman allow me to interrupt? He gives $15,000,000 as the cost of the Quebec bridge. I presume he includes in that the loss that has already taken place?

Hon. Mr. LOUGHEED—Yes.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman does not mean $15,000,000 will be expended over and above that?

Hon. Mr. LOUGHEED—The minimum cost of the new bridge will be at least nine or ten millions.

Hon. Sir RICHARD CARTWRIGHT—Possibly.

Hon. Mr. LOUGHEED—That is for the construction of a public work which we were originally told would not cost over five millions. My hon. friend from Stadacona says that the Prime Minister committed himself to the statement that the cost would be four million, but I need not enumerate the various public works upon which we have entered from time to time, to point out the manifest breakdown of our machinery of civil government as to forming a proper estimate of what those works will cost. We are, therefore, entering upon, I might say in connection with this scheme, one of the first of a series of obligations which will have to be assumed from time to time until this work is completed; and while the government of to-day submits in all confidence a Bill proposing to loan to the Grand Trunk Pacific ten millions of money, I say without any hesitation that this will be only one of

a series of applications which will be made from time to time to the parliament of Canada until the completion of that undertaking, and that those loans, by the time we make the last of them, will reach probably seventy-five million dollars. Let me point out to my hon. friend the humiliating position in which not only the parliament of Canada, but the government of Canada is placed, not only with the people of Canada, but with the people of the empire to which we belong. The minister vested with all the responsibility which attaches to an officer of the government charged with administering the exchequer, brings down to parliament a Bill to enter upon this immense undertaking, and we find him stating that it is proposed to build the section from Moncton to Quebec, a distance of 400 miles, at a cost of $25,000 a mile. This estimate for one section of the road, in view of the knowledge that we have, portrays the most colossal ignorance on the part of a public man assuming responsibility for such an important undertaking. It was solemnly made to parliament in 1903. Before proceeding further to deal with that, let me point out the estimates of other sections of the road as mentioned by the Minister of Finance at that time. From Quebec to Winnipeg he estimated the distance at 1,475 miles, and he put that down at $28,000 a mile. That would make the cost of that section $41,300,000. The two sections together would thus call for $51,300,000. Now, I ask my hon. friends on the opposite side, no matter how loyal they may be, and how uncompromising they may be in their support of the present administration, if such a statement made to parliament by the government of the day, and by the Finance Minister, can for one moment be defended? Is it defensible? Is it justifiable? Was he true to the interests of his office or of Canada to make a statement apparently so reckless and, which the facts have since demonstrated, was so absolutely wide of the mark as to have established the greatest possible ignorance of the subject with which he assumed to deal? The people of Canada at that time assumed that the Dominion was entering upon an undertaking to cost $51,000,000. We have a section of the road costing $30,000,000, practically, that was estimated at that time to cost $10,000,000; we have a road which was estimated to be from 120 to 140 miles less than the Intercolonial, only 29 miles less; we have a road with grades, I might say, not very much better than the Intercolonial, upon that section of the road we have two pusher grades of one and four-tenths per cent; and we thus have practically ruined the Intercolonial as a great railway enterprise. It was estimated that the balance of the road would cost, as I have already pointed out, $41,300,000, or $28,000 a mile; according to the last return in parliament that road is to cost over $63,000 a mile. An undertaking which the government of Canada pledged the people of Canada to carry out at the cost of $51,000,000 will cost $200,000,000 before completed. In view of this; in view of the fact that the minister who at that time presided over the Department of Railways estimated the building of the National Transcontinental system at $139,000,000, I ask hon. gentlemen how the government can for one moment vindicate themselves against a recklessness, which borders closely upon public malfeasance?

Then again one would have thought that the government in entering upon this work would have adopted such a system as would be followed by any responsible financial concern in carrying out a great undertaking. It must have become manifest to the government when they entered upon this scheme that at least one hundred and fifty million dollars would have to be expended thereon, and the expenditure of that money would have been vested in the hands of a commission peculiarly selected for assuming the responsibility; but to crown the mistake which the government originally made, they at once appointed a commission of some four or five members not one of whom knew anything about railway building, or ever assisted with a great undertaking of this character. They may all be estimable gentlemen so far as I know and I am not saying a word against any member of the commission or his ability to act in the sphere for which he is qualified, but for the government of the country at the time when it was entering upon the largest undertaking ever assumed by the Dominion to place in the

hands of a commission of laymen who knew absolutely nothing about railway building, the carrying out of so great a work as is involved in this scheme, was a puerile administration of the public duties entrusted to the government. When one looks back upon the policy adopted by the government of 28 years ago in the carrying out of the Canadian Pacific Railway, one must conclude that the government of that day was possessed of very much greater sagacity than the government of to-day. In 1881-2 we entered upon the construction of a great transcontinental system through what was then practically an unknown country. But in what a business-like manner did the government of the day proceed to build that road. They advertised for tenders, not only in Canada and throughout the continent of America, but also in Europe, and when that contract was entered into the people of Canada knew to a dollar what the undertaking would cost. It was a matter upon which we may congratulate ourselves as Canadians, that the greatest railway undertaking that has been carried out on this continent was carried to a successful consummation without costing Canada one dollar more than it was estimated it would cost when the contract was entered into. We are told that the reason for making this loan to the present company is because of the fact that construction became very much more expensive after they had entered upon this work—that the estimates made in 1903 were based upon then existing prices, and that since that time construction has so very far advanced in cost as to necessitate this additional expenditure. While railway construction has become somewhat more expensive, yet it is nothing proportionate with what is alleged on this undertaking known as the prairie section. I am told, from very close inquiry which I have made, and possibly from the best authority to be obtained in Canada, that the increased cost of construction between 1903 and 1908 might be from $1,500 to $2,000 a mile, but certainly nothing beyond that amount. That would place the additional cost upon 916 miles at something less than $2,000,000. Assuming that this road would cost $2,000,000 in excess of what it would have cost in 1903, it might not have been an unreasonable demand on the part of the Grand Trunk Pacific Company to ask of this parliament additional aid to that extent. But I say with confidence that there has not been placed before parliament during the present session, or since the application has been made for this loan, any satisfactory evidence that the prairie section is costing the enormous amount alleged. When the government brought down its Bill in 1903, it was estimated that the prairie section would cost in the vicinity of $18,000 a mile, that $13,000 would be three-fourths of its cost, and no later than April, 1908, at the last session of parliament Mr. Fielding, the Finance Minister, in making a statement of the cost of the prairie section, placed it at $21,873,000, and to-day we are facing, as appears from the parliamentary papers on the table, a cost of $33,000,000 for the prairie section. I ask the government of the day, I ask my right hon. friend opposite, what evidence is there before parliament that this road has cost the difference between what was estimated when the government brought down its Bill in 1903, and the cost which we are called upon to face to-day of over $33,000,000? This again portrays the helplessness of the government; this again demonstrates the breakdown of our machinery of civil government where it has to determine the cost of public works. We have to accept, apparently, the statement of the Grand Trunk Pacific Railway Company as to the cost of this work, and the government of Canada has blundered to such an extent in carrying out this undertaking, has to so recognize its helplessness and advertise to the world its inability in grappling with the cost of this work, that immediately a demand is made upon parliament by the railway company the government at once have to accede to that demand. This encroachment has been reduced to a system ever since the inception of the enterprise. If hon. gentlemen will take up the statute-books from 1903 to the present time, they will find this system of encroachment upon almost every statute-book from that time down to the present day. The policy of the company, apparently, in 1903 was: 'We shall take what we can get and afterwards we will get what we want.' That is the policy adopted by the company, and it has

been a successful one so far as the demands made by this company from time to time upon the government of Canada are concerned, particularly when we take into consideration the various concessions which have been wrung from the government since 1903. We then thought we were entering upon a stupendous undertaking, the greatest that Canada had ever assumed; but since 1903 it has grown to dimensions exceeding that estimate five or six times. We find such encroachments on the statute-books as these: A postponement, for instance, of the securities which were first given us, until now the securities held by the government of Canada upon this road are simply on a parity with the subsequent securities as to which we had priority. That is a matter involving very serious consideration, and yet the government apparently at one fell swoop waives its priority to the subsequent mortgages or securities upon the road, and simply occupies the same position as the subsequent creditors. Take again the case of foreclosure, another very serious concession is wrung from the government of Canada. There was a time when we were in a position to enter upon this property and foreclose should default be made. What position are we in to-day? We are in a position that we cannot move hand or foot; we are manacled for five years to the company after default has been made, and then, after default, a receiver can only be appointed. Foreclosure, we know, is a fiction. All we can do is operate the property. The receiver operates the road, instead of the company, and should the road, under the administration of the receiver, prove to be successfully operated, the company comes in and takes the road back, pays off its obligations, and the government of Canada relapses into the handicapped position which we at present occupy. But should the operation of the road prove disastrous, the government has to pay the losses. Then consider the further concession we have granted to the company on its demands. There was a time when we limited the company to a fixed expenditure upon the mountain division; but a couple of sessions ago, on the demand of the company, we waived that very important provision, and we are to-day guaranteeing 75 per cent of an unlimited amount for the cost of the mountain division. Think, hon. gentlemen, if it is now necessary for the company to approach the government of Canada for assistance on the prairie section as great as the amount proposed in this Bill what will be the assistance demanded under this system of encroachments which I have already pointed out when the company enter upon the construction of the mountain division.

The mountain division is now estimated to cost no less than $80,000 a mile. I notice by this return which has been placed upon the table, that the present estimate—and how far we can rely upon that, judging of the estimates of the past, is very uncertain—is $67,000,000, or in round figures, $80,000 a mile. Compare that with the estimate submitted to parliament in 1903 by the Finance Minister, $18,000,000 for the mountain section as against $67,000,000 to-day, and even with this estimate, I fear that the government is floundering in the dark and has no idea what the mountain section will actually cost. Furthermore, of the three sections, if we may divide them that way, the national transcontinental, the prairie section and the mountain section, it is a well known fact, and cannot be controverted for a moment, that the only productive section of that whole road for years to come must necessarily be the prairie section, and if this company can extract from the government of Canada $10,000,000 by way of loan or otherwise for assistance on the prairie section, what may we expect in the way of demands which will be made next session and the session afterwards and subsequent parliaments, for assistance to construct and complete the mountain section of this great system of transportation. I quite concede that the government of Canada has so far committed itself to this great undertaking that it cannot entirely ignore the demands that may be made from time to time, although that should not absolve the government from scrutinizing most closely and examining most minutely as to how these demands are made. Speaking generally, the government of Canada has committed itself to the policy of building this road, and

when demands like the present are made, it is for the government to sit down, the same as any business concern would, and discuss the terms of the contract with a view to having an equitable arrangement between the negotiating parties. But is there any evidence of such a business scrutiny in connection with this Bill? Looking at it within its four corners, can any hon. gentleman point out to me the slightest evidence of any concession having been secured from the company to the government of Canada with reference to the many infirmities which are quite apparent throughout the entire contract? It was pointed out in parliament in 1903, 1904 and 1905, when the various Acts which the company asked were being considered by parliament what those infirmities were, and yet not the slightest step, apparently, has been taken by the government of Canada to say to the company, 'If we make you this additional loan, if we grant you this great concession which you have asked, you must repair the weaknesses in the contract which were clearly overlooked at the time.' Let me point out, for instance, the absence of any provision in the contract compelling the Grand Trunk Pacific to operate the National Transcontinental Railway. The opinion of the best lawyers seems to be that there is nothing in the contract to compel the company to operate the eastern section, while, on the other hand, it is quite clear, that the company may from time to time make demands upon the government of Canada to operate such sections of the road as they may select, subject, of course, to the terms mentioned in the contract. There should be a rectification of the contract to that extent. It was also pointed out that owing to the collapse of the Quebec bridge it will be impossible to operate what is known as the section from Quebec to Moncton. It is estimated that it will take some five or six years to complete the Quebec bridge, with the great expenditure which I have already pointed out, and until the completion of the Quebec bridge it will be impossible to operate this road as a transcontinental system in its entirety. The Grand Trunk Pacific are therefore at liberty to say to the government of Canada, 'We shall not enter into the operation of this system until you complete the Quebec bridge,' and yet we are left in that position by which the company may defy the government of Canada and say, 'We shall not operate this road until you complete it in every feature.' Another thing I might point out, and which should have been rectified, is the carriage of unrouted freight. It is a well known fact that the contract simply provides for the Grand Trunk Pacific carrying routed freight along the government system, but all unrouted freight may be diverted say at the Lake Superior junction of the Grand Trunk Pacific system. There is no provision made in regard to this very important matter, and which is all essential so far as the operation and success of the National Transcontinental Railway system is concerned. I might point out another infirmity, certainly a very glaring and colossal one when you come to figure it out in dollars and cents, and that is that during fifty years we are leasing this system on a basis of three per cent although the money is costing us at least four. It does not require any very complex calculation for hon. gentlemen to observe that if this road cost $150,000,000, as it certainly will, and probably $200,000,000, and we are paying four per cent on $150,000,000 it means that we are losing one per cent. That is one million and a half a year in interest alone, and in fifty years, without compounding the interest, $75,000,000. Is there any reason why the government should lease this system on a three per cent basis to this or any other company, while the money is costing the Dominion four per cent? I might go on pointing out the various infirmities which have appeared in this contract or series of contracts, concerning which the government have not made the least effort to rectify. I have dealt with the past and present, and now let me say a word or two as to the future of this undertaking. I have said before that the helpless attitude of the government is an express invitation to the Grand Trunk Pacific, at any time during the construction of this great scheme, to demand from the government such assistance as they may need from time to time, notwithstanding the limitations provided for in the contract. I have already pointed out that the mountain section has been estimated by

the government authorities to cost no less than $80,000 a mile. What I wish to direct attention to is this: that the fixed charges upon this system from Moncton to the Pacific will exceed two thousand dollars a mile; on the basis of three per cent upon the cost of the eastern section, it will reach at least two thousand dollars a mile. The fixed charges at four per cent upon the prairie section and upon the mountain section will reach no less than approximately $2,400 a mile. These will be fixed charges that the company will be called upon to pay to the government of Canada, and to the secured creditors of the company before anything can be realized upon the operation of the system. I would like to point out to hon. gentlemen that these fixed charges are at least one hundred per cent in advance of what the fixed charges should be — at least they are more than double the fixed charges of any of the railway systems within the Dominion of Canada. In our last Year-book the net earnings of 1906 on 21,352 miles of railway in operation are given as $38,193,431, or $1,789 per mile, out of which all dividends and fixed charges are paid. The Canadian Pacific Railway, up to June, 1907, with a mileage of 9,153, shows a net revenue over working expenses, after deducting miscellaneous revenue from sleeping cars, express, telegraph, &c., of $9,273,564. This gives a surplus of two thousand one hundred dollars per mile. This gives a surplus applicable to fixed charges and dividends. Out of this, $929 per mile represents the fixed charges and $987 per mile the dividends. I might say that the fixed charges of the Canadian Northern, so far as I can ascertain are less than $1,000 per mile. If hon. gentlemen can solve the problem as to how this system with fixed charges exceeding $2,000 per mile, practically $2,000 per mile upon the National Transcontinental Railway system, and $2,400 per mile upon the mountain and prairie section combined, can possibly meet its obligations, I should be very greatly enlightened in learning the solution of that problem.

Hon. Mr. GIBSON—What do you call the fixed charges?

Hon. Mr. LOUGHEED—Interest payable upon practically the actual cost of the road as represented by the bonded indebtedness by whatever bonds, or mortgages, or securities may be upon the road.

Hon. Mr. CASGRAIN—That is only $900 on the Canadian Pacific Railway.

Hon. Mr. LOUGHEED—Yes. That is given in the Year-book.

Hon. Mr. POWER—I think the hon. gentleman means the yearly cost.

Hon. Mr. LOUGHEED. Yes. I furthermore make this statement, that this section will start off by having greater fixed charges upon its three thousand and some odd miles than upon the entire system of the Canadian Pacific Railway with something over ten thousand miles. However, as I have already said, the government of Canada has committed itself to this scheme, and while in the interests of the Dominion it may not be able from time to time to ignore the various demands which are made upon the treasury by this company, yet it is incumbent upon the government to exercise a very much closer scrutiny than they have made in the past to protect the best interests of Canada in the loans they shall make from time to time to this company. So far as the Bill before us is concerned the Senate cannot amend this Bill; they must either accept or reject it. All I have to say in conclusion, hon. gentlemen, is that as we have committed ourselves to the undertaking I suppose it will have to be completed either as a public work by the government of Canada or by the joint assistance of the government of Canada and the Grand Trunk Railway. However, I regret to say it will be a burden upon the finances of Canada for the next two generations; and a monument to the business incapacity of this government. I regret to say hon. gentlemen and it is a matter for national regret that the government of 1903 rejected the proposals which were made by the Grand Trunk Railway Company in 1902 for the building of a system from North Bay to the Pacific coast upon what would undoubtedly have proved a very small subsidy in comparison with that which we have already granted, and it is to be further regretted that the government of that day

forced upon the Grand Trunk Railway of Canada through its rejection of those proposals, a political instead of a business transcontinental system. Under these circumstances, hon. gentlemen, I can but express my dissent to the recklessness of the financial policy which has been pursued by this government upon this very important enterprise.

Hon. Mr. CASGRAIN—This is the third time the question of the Grand Trunk Pacific has been before this honourable House. It is also the third time I have had the privilege of answering the leader of the opposition, who in 1903 and in 1904 was the hon. member for Hastings (Hon. Sir Mackenzie Bowell). My remarks on those occasions have been extensively published in the press, and while I do not say it as a boast, the fact remains that none of those statements, so far as I know, have yet been contradicted. This I say in order that hon. gentlemen may have confidence in the few remarks I have to make. There may be a difference of opinion as to the cost of this road. I remember full well that during the last general election we claimed credit for the fact that from Winnipeg to Wainwright, a distance of 667 miles, the track had been laid, the road actually in operation and that without costing one cent to the taxpayers of this country, in land or in money. We had a road of a standard such as had never before been built in this country. We all remember perfectly well that an hon. gentleman in the other House, Mr. John Charlton, made an apparently optimistic speech, in which he pictured a railway with four-tenths of one per cent grade, or 21 feet to the mile, traversing the continent from ocean to ocean. People thought then it was nothing but the dream of a visionary; and that such a thing could not be possible; but the realization may be found to-day by any hon. gentleman who will go to the Railway Board and examine the plans and profiles. What brings this question more particularly before this House to-day is the fact that the government engineer, a man of vast experience, a man who has been government engineer for many years, Mr. Collingwood Schreiber, estimated the cost of the prairie section at $17,333 per mile, and the government agreed to guarantee three-quarters of that amount. The calculation proved to be altogether too low, and before lending money again on this enterprise it might be right to examine into what has been done, and whether, in advancing this money now, the country has ample security for the loan it is about to make. There is no disguising the fact that the railway is costing much more than was anticipated by some of the engineers who estimated the cost originally, although other engineers were not mistaken as to what it actually would cost. The actual amount of money spent, for instance, on the section between Winnipeg and Moncton, up to the 30th of September last was $46,000,000; total amount of grading done was six hundred and sixty-nine miles, and the total number of miles of rail laid 309 miles. And, there is this satisfaction about those rails that every one of them has been made in Canada, either by the Dominion Iron and Steel Company, or the Algoma Steel works. Thus the money expended on rails has all gone into Canadian labour, and the Canadian people have had the benefit of that expenditure. Something has been stated just now as to the qualifications of the four members of the Transcontinental Railway Commission who are in charge of the work, and the gravest charge against them is that they are not railway men. No one will deny that the Canadian Pacific Railway is a wonderful success, and if we look at the names of the gentlemen who incorporated the Canadian Pacific Railway, I defy the hon. gentleman to find a railway man amongst them. Lord Strathcona, then Sir Donald Smith, was not a railway man. Mr. Stephens, now Lord Mount Stephen, was not a railway man; Mr. R. B. Angus was not a railway man; none of the directors that I know of were railroad men. The railroad men we imported from the United States; Mr. William Van Horne, now Sir William Van Horne; Mr. Shaughnessey, now Sir Thos. Shaughnessey, came to our country from the United States. We were glad to welcome them and they have accomplished great things for Canada.

Now, the great claim of my hon. friends opposite, though not so much in this House as in the other Chamber, was that the Moncton section was devised for political

purposes. If it were so devised it worked admirably, because from Levis down to the end of the province of Quebec, all but one county traversed by the Transcontinental Railway have returned supporters of the government. In New Brunswick the whole district traversed by the railway has returned Liberals, so that if it was a political job it worked admirably and the people approved of it. The railroad is divided into three great sections; one section from Moncton to Winnipeg, 1,804 miles; the prairie section from Winnipeg to a point 125 miles west of Edmonton, at Wolf Creek, a distance of 915 miles; and lastly the mountain section 837 miles, making a grand total of 3,556 miles. No railway of that length has ever been constructed in Canada at one time, and only one that I know of in all the world, the Trans-Siberian Railway. But the Trans-Siberian Railway cannot be compared or mentioned in the same breath with this railway, which has been built on an immensely higher standard. The hon. leader of the opposition was talking about distances. I find the distance between Moncton and Quebec is 460 miles, and Mr. Butler claims that if the Intercolonial was operated on that route instead of where it is, an equal amount of business could be done for a couple million dollars less in the cost of operation. Be that as it may, it is hoped that his opinion is better than the opinions we have had from others. Every one knows that with the easy grade between Lévis and Moncton, it is possible for a locomotive to do about twice as much work as she could on a heavier grade. Two pusher grades exist near Grand Falls, but right at the Grand Falls, as if Providence had designedly placed it there, we have a water fall of 131 feet head, capable of developing one hundred thousand horse-power which is quite sufficient to transport all the railway traffic up these grades. It may be well for this House to know exactly where the work has been done. In New Brunswick, there have been 40 miles of rails laid; in Quebec, from Quebec city westward, altogether about 120 miles; and from Winnipeg eastward, 149 miles; making a total of 309 miles, including the sidings and the yards, and the sidings are considerable. For instance, on the Winnipeg section, if my memory serves me right, there are some 35 miles of sidings and yards. The grading in New Brunswick to the 31st of December last was 150 miles; the grading east and west of Quebec, 254 miles, in the Abitibi district, 20 miles; and from Winnipeg eastward, 245 miles; making a total of 669 miles.

Now, this route, which my hon. friend the leader of the opposition does not view with favour, has a very great advantage over any known route. The distance from Liverpool to Yokohama via Quebec and Prince Rupert is the shortest possible between these points. As stated in a pamphlet of the Grand Trunk Pacific Company, it is ten thousand and thirty miles. I do not know how they arrive at that estimate, because I make it 9,528 miles, which is 528 miles less than by the Canadian Pacific Railway and 1,313 miles less than via New York. It would also be 130 miles less than via Moscow and the Trans-Siberian line to Yokohama. The length of the circle going right around the globe at that latitude is only 19,164 miles, which is, as you know, about 5,000 miles less than by making the grand circle at the equator. That distance of 19,164 miles is, strangely enough, divided about equally between land and water, being 9,500 miles by steamship and 9,500 miles by rail. If you travel by steamship at 20 knots an hour—and nobody denies that steamers to-day go much faster than that—you would make the ocean part of the journey in seventeen days, and travelling at the rate of 30 miles an hour by rail, you would make the 9,500 miles on land in thirteen days. Of course, the average rate of railway travel is much faster than 30 miles an hour in America, but the trains on the Trans-Siberian Railway go much slower, and a fair average would be 30 miles. It would take, therefore, altogether thirty days for a letter mailed from Quebec, following that route, to make the circuit of the globe and be returned to Quebec. These facts are corroborated by comparing distances. From Liverpool to Quebec the distance is 2,632 miles. A steamship travelling at the rate of 20 knots an hour would make that distance in five days. Then from Quebec to Prince Rupert is 3,096 miles. A train travelling at the

rate of 40 miles an hour—and that may not be considered excessive, because the Canadian Pacific Railway, which is not built on as good a standard as the Grand Trunk Pacific, ran the Trans-Canada train last year and the year before at the rate of 40 miles an hour from Montreal to Vancouver —would run from Quebec to Prince Rupert in three and a half days. Prince Rupert to Yokohama is 3,800 miles, and the steamship would cover that distance in eight days at 20 knots per hour. Yokohama to Vladivostock is a comparatively short distance, and, allowing for slow travelling, could be covered in two days. From Vladivostock to Liverpool would take ten days, owing to the slow rate of speed on the Trans-Siberian Railway. That would make 28½ days as the time it would occupy to go around the world by this new route, which makes Jules Verne's 80-day trip, which was looked upon in those days as being chimerical, appear now to be very slow.

I would estimate the cost of the eastern section at $108,000,000. The Ontario government have built the Temiskaming & Northern Ontario for a distance of 250 miles. A member of this House was on that commission, and he will bear me out in the statement I am about to make. The first section of that railway has not as good a grade as the National Transcontinental Railway, but the last 150 miles of it which connects with the National Transcontinental Railway at Cochrane junction has, I understand, the same easy grade. The railroad, built by the Ontario government cost for the 250 miles the sum of $15,000,000. It is a very simple question of proportion; if 250 miles cost $15,000,000, what will 1,804 miles, the distance from Moncton to Winnipeg, cost: and the answer is $108,000,000. The Temiskaming and Northern Ontario has been built through a country very similar to that which the National Transcontinental Railway traverses. Now, as the construction proceeds, the interest on the money expended is added to the cost of the road. For instance, up to the 31st of December last, the expenditure was $46,000,000. The interest on that is being added every year.

Hon. Mr. LOUGHEED—On which section?

Hon. Mr. CASGRAIN—On the National Transcontinental Railway from Moncton to Winnipeg.

Hon. Mr. LOUGHEED—The Grand Trunk Pacific does not pay that.

Hon. Mr. CASGRAIN—The amount on which they will have to pay 3 per cent will include the interest.

Hon. Mr. LOUGHEED—No. They have that road for seven years after its completion without paying interest and the interest is not added to the principal.

Hon. Mr. CASGRAIN—I read the contract the other day very carefully again, and made special note of that fact, and I have obtained information also from the authorities. I had a conversation with Mr. Wainwright.

Hon. Mr. LOUGHEED—It is only on the prairie section that the interest is added to the cost.

Hon. Mr. CASGRAIN—I am taking the National Transcontinental Railway proper, between Winnipeg and Moncton, and what I claim is that every year the interest on the amount expended in the construction of the line is added to the principal; but during the first seven years of operation, interest is not paid. Then another matter the hon. gentleman did not put before the House, is the fact that the entire equipment of the road, not only from Winnipeg to the Pacific coast, but from Moncton to the Pacific coast, must be furnished by the Grand Trunk Pacific itself, backed by the Grand Trunk Railway, and out of the twenty million dollars rolling stock which they are compelled to put on that road, five million dollars of that equipment is bound to be made for and marked National Transcontinental Railway and to remain on that portion of the line between Winnipeg and Moncton. Allusion has been made to the change in the contract in 1904, relating to the mountain section. Instead of guaranteeing an amount up to $30,000 per mile as the contract provided, when it was estimated that the cost would be $40.000 per

mile, the engineers having found that the road would cost more than that, the government agreed to guarantee 75 per cent of the amount of the actual cost, which was in accordance with the spirit and the very essence of the contract. In guaranteeing 75 per cent the government are not running much risk, because they have not only the guarantee of the Grand Trunk Pacific Company but also the guarantee of the good old Grand Trunk Railway with $187,000,000 assets. Besides that they have behind them again the 25 per cent of money which has to come from somewhere other than from the government.

Hon. Mr. LANDRY—And the stock owned by the Grand Trunk Railway.

Hon. Mr. CASGRAIN—The total stock is $45,000,000, of which $20,000,000, is preferred and $25,000,000 common. In the first contract, the Grand Trunk Railway was to hold the $25,000,000 common stock, and in the amended contract they were allowed to dispose of some of the common stock. It is well now to look at the road, and see what sort of a railway we are building. Starting at Prince Rupert, the foundation is being laid of a model city, which will be equal to Vancouver or Victoria in a few years. Prince Rupert has the immense advantage of possessing a very mild climate. Frost is almost unknown there except for a few days in mid-winter. It has been designed with the greatest care by the very best landscape architects this continent could afford, and the city has been laid out with an eye to beauty as well as commerce. The plans can be seen all over this country, and property there will sell at an enormous price, because the people have faith in Prince Rupert. Ships from the seven seas will soon ride at anchor in that magnificent harbour, unloading silks and rice the products of the Orient, and returning with full cargoes of wheat and lumber. At its narrowest part the harbour is 2,000 feet wide, and it has a depth, at low tide, of 36 feet. There is no better harbour on the Pacific coast, or perhaps, in the world. There are along the coast other fine harbours, such as Port Simpson, and all with a good depth of water. Around Prince Rupert the timber industry is of enormous value. Besides that, cannery after cannery will be erected, as at Vancouver. giving employment to a large number of people, and the Grand Trunk Pacific will, as the Canadian Pacific Railway has been doing for years, carry large consignments of the best of fish to the eastern cities of Canada. Twenty-five years ago, or even fifteen years ago Victoria, Vancouver, Tacoma, Seattle, Portland, San Francisco and the smaller places like Bellingham, Everett, Aberdeen, Astoria, San Pedro and San Diego were small points on the map. Fifteen years hence Prince Rupert will without doubt, be the equal of Vancouver. We claim that this new railway will be the finest in the world. That is a common expression to use, but in this case it is absolutely true. I have looked into the matter and have made inquiry of railway people, and all agree that there is no such railway on the face of the earth as the Grand Trunk Pacific will be when constructed. Now, starting from Prince Rupert, the road follows the north shore of the River Skeena to Hazelton, about 180 miles. There is a very easy grade all that distance. The navigation on the Skeena is scarcely obstructed up as far as Hazelton, proving there is but little difference in level. From the Skeena river, the railway follows the Bulkley river about 100 miles, ascending slowly. Then there is a small summit. That summit corresponds to the summit of the Selkirks, only the Canadian Pacific Railway crosses at an altitude of over 4,000 feet, while here it is much lower, as the mountains decrease in altitude as they run north. Then the line runs north of Fraser lake, and from Fraser lake to the Stewart river and another river with an unpronounceable name to Fort George, where it crosses the Fraser river. I may say that a branch is to be extended down the Fraser river from Fort George to Westminster, a distance of about 350 miles. Near the summit is the only place between Prince Rupert and Quebec, a distance of 3,096 miles, where the grade amounts to one per cent, and that point is at mile 27 westward from the Great Divide up to

mile 48, a distance of a little less than 21 miles, following the Fraser river. As every one knows, in former years a one per cent grade was considered easy.

Hon. Mr. LANDRY—What does that amount to per mile?

Hon. Mr. CASGRAIN—It is 52 feet per mile, so that in that 21 miles there is a drop of about 1,000 feet along the Fraser river. Then the road crosses the Great Divide, and I may say in passing, that on the western slope, near Lake Fraser and between Fort George and Hazelton, there is some excellent land. This grade of one per cent for 21 miles is not an adverse grade, because, as we have all heard, the grain of Alberta and northern Saskatchewan is moving westward, and, therefore, it will be a favourable grade to help the grain on its way to the Pacific coast. We all know the importance of easy grades in operating railways. It has been found easy to build this railway because the altitude in the Yellow Head pass is not very great, only some 3,708 feet and there are no great depressions. The lowest point on the line between Prince Rupert and the source of the St. Maurice river is at Winnipeg, which is about 800 feet above the level of the sea. All the other portions are on a level plateau, and there are no great depressions. Compare this with the Southern Pacific. I call special attention to the fact that the Southern Pacific, in the state of Arizona, runs for a long distance at 203 feet below the level of the sea. Not only must that railway master a summit of about 8,000 feet, but it must descend 263 feet below the level of tide water. The summit where the Grand Trunk Pacific crosses in the Yellow Head pass, is only 3,708 feet above the level of the sea. The hon. leader of the opposition lives at Calgary, and the elevation at that city is 3,428 feet, only 280 feet below the summit level at the Grand Trunk Pacific in the Yellow Head pass.

There are many buildings in New York and elsewhere much higher than 280 feet, or about the difference between the elevation of the town of Calgary, which is actually in the prairie, and the highest point reached by the Grand Trunk Pacific. A railway train could easily haul—and this is not denied by any one—2,200 tons on a grade of four-tenths of 1 per cent. Here is another point which has been discovered by engineers in actual experience, and not by theoretical calculations. A grade of four-tenths of 1 per cent, or 21 feet to the mile, is such that if a train commences to ascend that grade at a certain speed it will maintain that speed all the way up the grade. On the other hand, if cars get loose and commence to descend such a grade, if they are going at ten miles an hour, they might go on forever without accelerating their speed. On a grade of 1 per cent or 52 feet per mile, if a car gets free, the speed will accelerate until an accident results. There is a point between a grade of 1 per cent and one-tenth of 1 per cent where the car will go down the grade without accelerating, where the grade is sufficient to keep it moving, while the resistance of the air being greater than the effect of the grade, it cannot go any faster. This is the ideal grade that has been found. On a grade of that kind there is no trouble in hauling a train load of 2,200 tons. Take one-third off that for the weight of the cars, you have a net cargo load of 1,466 tons. At 53 bushels of wheat to the ton, it would amount to 48,378 bushels, or roughly, 50,000 bushels as a train load.

I submit the following comparison of summit elevations, maximum gradients and total elevation ascended by various transcontinental railways:

Name of Railway.	Highest Summits.	Maximum gradient in feet per mile.		Total Ascent in feet overcome.	
		East-bound.	West-bound.	East-bound.	West-bound.
	1 summit.				
Grand Trunk Pacific—					
West. Div. Winnipeg to Pr. Rupert	3,712	21	26	6,990	6,890*
Eastern Div. Winnipeg to Moncton	.....	....	31	.....	.....
	2 summits.				
Canadian Pacific	5,299	237	116	23,106	23,051
	4,308	.....	....	....	.....
	3 summits.				
Great Northern	5,202	.....	.....	.....	.....
	4,146	116	116	15,987	15,305
	3,375	.....	.....	.....	.....
	3 summits.				
Northern Pacific	5,569	.....	.....	.....	.....
	5,532	116	116	17,830	17,137
	2,849	.....	.....	.....	.....
	3 summits.				
Union Pacific System Omaha to San Francisco	8,247	.....	... .	.....	.....
	7,017	116	105	18,575	17,552
	5,631	.....	. .. .	....	.....
	5 summits.				
Omaha to Portland	8,247	.. ....	....	.... ..	....
	6,953	.....	....	....	.....
	3,537	106	116	18,171	17,171
	3,936	....	... ...	....	.....
	4,204	.. ..	.....	... . .	.....
	2 summits.				
Western Pacific, $150,000 per mile	5,712	53	53	9,385	5,076
	5,018	.....	.....	.....	.....
	6 summits.				
Santa Fe System	7,510	....	... ...	.....	. ...
	7,453	....	.....	.....	....
	6,987	....	.....	.....	..... .
	7,132	175	185	34,003	34,506
	2,575	.....	.....	.....	.....
	3,819	... .	.....	.....	.....

* From elevation at Moncton.

N.B.—Southern Pacific railway in Arizona runs for several miles at a level 263 feet below sea level.

As to the cost of the prairie section, we have seen that the first 767 miles from Winnipeg to Wainwright have been opened without costing a cent to the country. My hon. friend the leader of the opposition is very anxious about the security for this loan. I would refer him to the speech of his own leader, Mr. R. L. Borden, at page 3698 of 'Hansard' of this year, and there it is seen, according to Mr. Borden, that with the mere influx of population and the growth of the country in a few years the stock will be selling at $100 or $150. I cannot give my hon. friend from Calgary any better authority than his own leader in the House of Commons as to the security the country will hold for this loan. The estimated cost of the prairie section was $17,333 per mile. That was made up by Collingwood Schreiber, a man of vast experience, and he said that the prairie section should be built for that. Mr. Schreiber was mistaken, and it was not exactly his fault that he made this mistake. He assumed that it was all a prairie road, and I will prove that it was not. The actual cost as constructed is $35,000 per mile. The cost of construction above subgrade is $12,000 per running mile. This is an expenditure common to every mile of the road,

whether the work be heavy or light. Cost over subgrade includes fences, rails, &c., ties, telegraphs, depots, section houses, turn-tables, engine houses, ballasting, division yards and buildings. The $12,000 is partly made up as follows:

	Per mile.
Rails	$5,500
Track laying	250
Ties	2,000
Ballast	1,000
Turn-table, terminals and engine house	1,000
Depots	500
Section houses	250

Deducting this $12,000 from the estimated cost of $17,333, it would leave for the construction of the railway to grade $5,333. The spirit of the contract was that the government was to guarantee three-quarters of the total cost, and the three-quarters of $35,000 would be $26,250. The prairie section is 913 miles long and the present loan would be equal to $10,734 per mile, which added to our $13,000 guarantee, would make a guarantee of $23,734 per mile on a road costing $35,000 per mile. We have the first mortgage on the $13,000. The prairie work amounted to $12,000 cubic yards per running mile, and in the mountain country it amounted to very much more. The divisional point between the prairie and the mountain sections was fixed at Wolfe creek, 125 miles west of Edmonton. There was no dispute about that, Mr. Kelliher, the chief engineer of the Grand Trunk Pacific consenting to the point fixed by Mr. Schreiber, notwithstanding the heavy work done east of Wolfe creek. The government moved the point which the Grand Trunk called the prairie 100 miles further west, so that the guarantee on the cost of the mountain section begins 125 miles further west. Now, the bridges between Winnipeg and Edmonton cost as follows:

Bridges between Winnipeg and Edmonton.

Bridge over the Assiniboine river	$ 93,000
Bridge over the Assiniboine river at St. Lazare	53,000
Bridge over the South Saskatchewan	351,000
Bridge and trestle over Battle river	541.200
Approach thereto	45,000
Bridge over the North Saskatchewan	618,000

Other minor bridges between Winnipeg and Edmonton bring up the cost of steel structures and masonry work to $1,674,800. West of Edmonton, the Pembina river is crossed by a bridge costing $320,000, making in all for bridges alone, $2,000,000 in the prairie section.

This road will not only be able to compete successfully, but will be able to do business at about one half the cost of any other road in the country.

It is now after six o'clock and I do not wish to detain the House with further comments at present. I will have to reserve the remainder of my remarks for another occasion. Let me simply say that my most fervent prayer is that Sir Wilfrid Laurier may be permitted by Divine Providence to see the last spike driven in this national enterprise, and the nation can then say 'Laurier has finished his work.'

Hon. Mr. LANDRY—Just a word. My hon. friend boasted that it was the third or fourth time he had got up to answer the leader of the opposition, and he now claims that all he had said in the past has been realized.

Hon. Mr. CASGRAIN—I hope so.

Hon. Mr. LANDRY—I just wish to remind him of one thing he said in the past, which will give the measure of his self-content. It is this. He said:

> The total cost in cash to this country has been fully demonstrated by the Minister of Finance of the country, Mr. Fielding, when he said that the cost in cash would not exceed fourteen million dollars.

Hon. Mr. CASGRAIN—That is what the Minister of Finance said.

Hon. Mr. LANDRY—The hon. gentleman continues:

> The honourable Secretary of State in this House has made it over that. He has put it at between nineteen million and twenty million dollars for the period of ten years, making the burden on the people of this country some two millions a year for ten years. At fourteen million dollars, it would simply mean the surplus of this one year, and if we take the extreme figures furnished by the honourable Secretary of State it would take the surplus a year and a half to pay the whole amount.

Hon. Mr. CASGRAIN—That is what they said.

Hon. Mr. LANDRY—I have nothing more to add.

Hon. Mr. PERLEY—moved the adjournment of the debate until to-morrow.

The motion was agreed to.

BILL INTRODUCED.

Bill (No. 104) An Act respecting the Thessalon Railway and Northern Railway Company.—Mr. McMullen.

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

THE SENATE.

OTTAWA, Wednesday, May 12, 1909.

The SPEAKER took the Chair at Three o clock.

Prayers and routine proceedings.

SUBSIDY FOR RAILWAY, JONQUIERE TO ST. ALPHONSE.

MOTION.

Hon Mr. CHOQUETTE moved:

That an order of this House do issue for copies of the petitions, letters or telegrams sent by the citizens of the parish, or of the township, and of the village of Laterrière, in the county of Chicoutimi, asking for a subsidy for the Ha-Ha Railway Company, or any other railway, to build a railway from Jonquière, or near thereto, to St. Alphonse.

The motion was agreed to.

DIVORCE COURTS FOR CANADA.

MOTION.

Hon. Mr. ROSS (Halifax) moved:

Resolved, 1st. That in the opinion of the Senate, the present method of granting divorce by statute is contrary to the practice in Great Britain and France, as well as being unnecessary for the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and British Columbia, in which provinces there are courts having jurisdiction in divorce.

2. That as regards cost, it favours the rich and is too expensive for the poor;

3. That it should be discontinued, and that jurisdiction in matters of marriage and divorce should be conferred upon the provincial courts or upon judges of those courts specally appointed for the purpose.

He said: The notice I gave the other day having been ruled out of order by the Speaker, I have placed another notice on the paper which I hope will be found to be within the rules. I am not going to take up the time of the Senate by repeating what I said the other day, further than to say that I do not propose that jurisdiction should be given to the provinces, because that would be contrary to the Imperial Act; but that judges shall be appointed in Quebec, Ontario and other provinces which are at present without courts of divorce, and that the present tribunal, which is cumbersome and expensive, should be abolished altogether. I do not think it is the desire of the committee which is appointed by the Senate from year to year that they should be continued. I do not think they have any desire to hear evidence such as is given before them in matters of this kind. I have full confidence in the honour and integrity of the committee, and I believe that according to their best light they do their duty. I would like to limit the number of divorces, if possible, and confine the relief to cases where men are faithless to their wives or wives are faithless to their husbands, and where men absent themselves, perhaps go over to the neighbouring republic and leave the poor unfortunate women to struggle for themselves. It is all very well to say that the fees required by parliament are not exacted in cases where the petitioners claim to be poor; but suppose that to be the case in some instances, what would you do with the witnesses that might have to come from the extreme portions of distant provinces, who could not afford to come? In cases of that kind, you would find it was only the rich who could come here and obtain a divorce. I have the authority of Judge Graham, of Halifax, before whom all divorces in Nova Scotia are heard and granted, that the expense of a divorce suit there is from $80 to $150, and that there were only four cases tried in Nova Scotia during the last calendar year, not one of which could afford to come here to obtain relief. My object is to have this matter discussed as freely and fully as possible, so

that the opinion of this House will be known, and the public shall have the benefit of it.

Hon. Mr. ELLIS—I want to make an observation or two with regard to this matter. I second my hon. friend's motion. I do not think it is necessary to go into the question as to whether divorce be desirable or not desirable at this moment. Divorce is already in operation in Canada. There are divorce courts, I think, in four provinces, Nova Scotia, New Brunswick, Prince Edward Island and British Columbia. For the other provinces there are no provincial divorce courts; the Senate grants divorce for them. I think the Senate ought to get rid of that duty, without reference at all to the question involved as to whether divorces are desirable or not desirable. This is a time certainly of great unrest, and of setting aside of authority in a larger degree than one would like to see. I observe that Cardinal Gibbons, of New York, in a contribution to one of the public journals of the United States this month, refers to the increase of divorce as a deplorable evil. He estimates that at the present time there is in that country one divorce to every ten marriages. Another writer who follows on that subject, shows that there is an increase in the number of divorces, and he enters into calculations, as statisticians and politicians sometimes do, to show that in a comparatively few years there will be one divorce to every four marriages. That might be a good reason, and perhaps a fair reason, at any rate a substantial reason, for the suppression of divorce; but what we have to deal with in the Senate is the fact that divorces are granted by parliament, and are granted in a manner in which I am sure many of them would not be granted in a court of law. The committee, no doubt, exercise their best judgment in what they do, but they are not a court of law. They have adopted, it seems to me, a standard mode of examination; there is no special inquiry as to the credibility of witnesses. I have read two cases, I think, this session, in which it would seem that detectives were put upon the stand—there may have been more—but at any rate two in which detectives were called, and there was no evidence whatever to prove that these detectives were persons of character whose oaths should be taken, or that they were not merely swearing professionally as to certain things which were necessary to prove the case. Then there is also the vast expense which attends the carrying on of the examinations before the committee, and while the committee is some times liberal and allows a poor person to get through at the least expense, yet it is not a practice that is at all satisfactory, and it is not a matter, it seems to me, in which the parliament of Canada should be called upon to act. Viewing the matter, therefore, from that standpoint, I would prefer to see divorce taken out of the hands of the Senate altogether and relegated to courts of law created for the purpose of discharging that duty. I do not think that the present system reflects credit upon the Senate. While the Senate is subject to much criticism as to the way in which it preforms its duty, and a good deal of the criticism is unjust, still this matter, affecting as it does the social life of the Dominion, is rather calculated to create a prejudice against the Senate itself; and the other branch of parliament, which is a party with us in whatever is wrong in the matter, take advantage of the fact that they do not inquire into it as deeply as we do, and they satisfy themselves, or at any rate enjoy themselves, with sneering against the Senate. My view is, having divorce as an institution in this country, the better way to do would be for the Senate to get rid of the duty and hand it over to judges of a divorce court. I know that there are some gentlemen who conscientiously believe there should not be divorce at all; but it does not appear to me that they save their consciences—of course it all depends on how one looks at conscience—by voting negatively on all divorce Bills. I presume they are influenced by the idea that if they vote in the negative they are voting against granting divorce; but practically their vote is on the question which is before the House. I trust, therefore, that the hon. gentlemen will take this matter into their most serious consideration. Whether it can be done this year or it will have to wait until some other year, I do not know; at any rate the Senate ought to exercise its power and in-

fluence against the present mode of granting divorce.

Hon. Mr. LANDRY—I do not want to discuss this question in detail, but I think the first part of the motion is incorrect. It says: 'In the opinion of the Senate the present method of granting divorce by statute is contrary to the practice in Great Britain and France.' I should like to know where the statute comes in? I should like to know where we are guided by any statute in granting divorce?

Hon. Mr. DERBYSHIRE—We make the law.

Hon. Mr. LANDRY—Each Bill that is passed becomes a statute, is that the meaning?

Hon. Mr. DANDURAND—Yes.

Hon. Mr. LANDRY—Because there is no law relating to divorce on the statutes.

Hon. Mr. BEIQUE—It is the practice.

Hon. Mr. LANDRY—I call attention to the third paragraph of the motion:

3. That it should be discontinued, and that jurisdiction in matters of marriage and divorce should be conferred upon the provincial courts or, upon judges of those courts specially appointed for the purpose.

The hon. gentleman wants us to create a provincial court.

Hon. Mr. ROSS (Halifax)—I do not want anything of the kind.

Hon. Mr. LANDRY—Clause 92 of the British North America Act, which defines the exclusive powers of provincial legislatures, says:

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.

If we go down to the fourteenth subsection we find:

The administration of justice in the province including the constitution, maintenance and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts.

So the constitution of our provincial courts is under the jurisdiction of the provinces themselves, and we have no right to say what class of subjects shall be assigned them.

Hon. Mr. DAVID—Did the hon. gentleman read section 101?

Hon. Mr. LANDRY—Yes, I read section 101.

Hon. Mr. DAVID—The last paragraph of that section says that the government may establish additional courts for the better administration of the laws of Canada.

Hon. Mr. LANDRY—Yes, for the laws of Canada; but this motion imposes upon the provincial court a jurisdiction which it has not now. It is the province itself which takes jurisdiction under subsection 14 of section 92 of the British North America Act. I contend that this motion is not in order. It is unconstitutional, and, moreover, clauses 1 and 2 of the resolution are a preface or preamble. They are put there to introduce clause No. 3, and that has been already ruled out of order.

Hon. Mr. BEIQUE—The resolution, to my mind, is in order. All that is suggested by paragraph three of the resolution is that the practice mentioned in the first paragraph should be discontinued, and that jurisdiction in matters of marriage and divorce should be conferred upon the provincial courts or upon judges of those courts especially appointed for the purpose.

Hon. Mr. LANDRY—By whom?

Hon. Mr. BEIQUE—Will the hon. gentleman allow me to proceed. The hon. member is quite right in saying that the establishment of provincial courts belongs exclusively to the province. I do not intend to dispute that, but it has been the practice for the parliament to allot work to the contestation of elections and also admiralty cases. It is well known that admiralty matters are under the jurisdiction of the federal parliament; nevertheless the federal parliament is entrusting the duties as regards inquiry and adjudication of the admiralty cases to provincial judges. As to whether the legislature of the province might object to a judge's time

being taken for that purpose is another question; but, as a matter of fact, it is a right which is being exercised and has been exercised for a great number of years by this parliament of entrusting duties of that kind to provincial judges. If the hon. gentleman turns to section 91, paragraph 26, he will find that marriage and divorce are within the exclusive jurisdiction of this parliament, and, being exclusively within the jurisdiction of parliament, under section 101 it would be open to parliament to create a special court for this purpose. Of course it would be a federal court; but to that federal court might be entrusted, with the consent of the provincial legislature, the work that might be discharged by judges of provincial courts, or so long as the legislature of the province would not have any objection, and the judges are willing to exercise these powers. So that I do not see that there is any point in the contention that the resolution as printed on the orders of the day is in any way out of order.

The third paragraph says that the jurisdiction should be conferred upon the provincial courts, or upon judges of those courts specially appointed for the purpose. It implies, of course, that it would have to be done in a constitutional way, and I do not see that there is anything in the constitution which would prevent that being done. I may be allowed to add that as far as I am concerned I do not believe in divorce. It is against my religion, and, apart from that, even if I were a Protestant, I would not believe in divorce. I think it tends to the destruction of society; but if divorce has to be granted, whether parliament creates a special court for the purpose or not, it would not divest itself of its power to grant divorce in special cases. But if a court were created, parliament would naturally decline to entertain any application of the kind, and the matter would be referred to the court, and as a matter of practice, so long as parliament is in a mood to grant divorces, I think it would be far better if a court such as the Exchequer Court, which is a federal court, were entrusted with the duty, because the Exchequer Court exercises its jurisdiction and holds sittings in all the provinces, and it would afford a much better guarantee than a committee of either branch of parliament.

Hon. Mr. DANDURAND—I entirely agree with the hon. gentleman who has just spoken as to the point of order not being well taken; and I may add that although I am in favour of the restriction of divorce as much as possible, I would feel that if we could transfer our jurisdiction to a federal court, and surround it with all possible safeguards so as to restrict as far as we could the granting of divorce, we would be taking a step in the right direction.

Hon. Mr. POWER—I deprecate any discussion on the merits of the question until the point of order has been decided.

Hon. Mr. LANDRY—Just in answer to my two hon. friends, I may say that I concur with them on this point, that parliament has the right to create a federal court. That power no ones denies, because clause 26 of section 91 states that marriage and divorce are federal matters, but where does it come in in these resolutions? It is not a federal court they are asking for. They are asking parliament to confer jurisdiction upon the provincial courts, and that we have not the power to do.

Hon. Mr. ROSS (Halifax)—That is not asked.

Hon. Mr. LANDRY—If the hon. gentleman wants to create a court, let him create a federal court.

Hon. Mr. ROSS—That is what it is—a judge of the Supreme Court.

Hon. Mr. LANDRY—But it is the provincial courts that are cited in his resolution, and I say that we have no right to impose upon provincial courts a jurisdiction which is all their own. If they want to assume it themselves, let them do it, but we have no right here to impose that jurisdiction upon our provincial courts, and I think I am right.

Hon. Mr. ROSS—There is no doubt about that. It is not in question at all, because to do that you would have to amend the Imperial Act.

The SPEAKER—It appears to me that, under sections 91 and 101 of the British North Amercia Act, power is vested in parliament to legislate in the direction of creating a divorce court, or giving authority to courts, provincial or otherwise, to deal with divorce; but the question does not come up at this particular time in this way. It is quite open to the Senate to express an opinion, and that is all that is being asked now. The Senate is asked to give its opinion that a system such as is pointed out would be better than the system now in force. It seems to me the point of order is not well taken.

Hon. Mr. POWER—The House will pardon me if, at this stage of the session, I devote a little time to the question brought before the Senate by my junior colleague from Halifax. The hon. gentleman wished to fortify himself as against the views which the members of my church might hold by studying the Douay bible to see what is said there on the subject of divorce. It just happens that, as the hon. member from St. John has mentioned, Cardinal Gibbons publishes an article in the May number of the New York 'Century,' which would appear to have been written by one who knew just the line that my hon. colleague was going to take.

Hon. Mr. ROSS (Halifax)—That is complimentary.

Hon. Mr. POWER—He quotes the passage from the 19th chapter of St. Matthew, from which my hon. colleague quoted, and draws a different conclusion from that reached by my hon. colleague. He says:

> To the Pharisees interposing this objection, if marriage is not to be dissolved, why then did Moses command to give a divorce? Our Lord replies that Moses did not command, but simply permitted the separation, and that in tolerating this indulgence, the great law giver had regard to the violent passion of the Jewish people, who would fall into a greater excess if their desire to be divorced and to form a new alliance were refused. But Our Saviour reminded them that in the primitive times no such license was granted.
>
> He then plainly affirms that such a privilege would not be conceded in the new dispensation; for, he adds: 'I say to you, whosoever shall put away his wife, and shall marry another, committeth adultery.' Protestant commentators erroneously assert that the text justifies an injured husband in separating from his adulterous wife, and in marrying again. But the Catholic church explains the gospel in the sense that, while the offended consort may obtain a divorce from bed and board from his unfaithful wife, he is not allowed a divorce a *vinculo matrimonii*, so as to have the privilege of marrying another.
>
> This interpretation is confirmed by the concurrent testimony of the Evangelists Mark and Luke, and by St. Paul, all of whom prohibit divorce a vinculo, without any qualification whatever. In St. Mark we read:
>
> 'Whosoever shall put away his wife and marry another, committeth adultery against her. And if the wife shall put away her husband and be married to another, she committeth adultery.'
>
> The same unqualified declaration is made by St. Luke. 'Every one that putteth away his wife and marrieth another, committeth adultery; and he that marrieth her that is put away from her husband, committeth adultery.'
>
> Both of these evangelists forbid either husband or wife to enter into second wedlock, however serious may be the cause of their separation. And surely, if the case of adultery authorized the aggrieved husband to marry another wife, those inspired penmen would not have failed to mention that qualifying circumstance.

Then he goes on to cite from St. Paul's epistle to the Corinthians to the same effect, and he adds:

> Here we find the apostle in his Master's name commanding the separated couple to remain unmarried, without any reference to the case of adultery. If so important an exception existed, St. Paul would not have omitted to mention it; otherwise he would have rendered the Gospel yoke more grevious than the Founder intended.

I do not read those passages altogether for the information of the Senate, but I wish to indicate to my hon. colleague that he has not got the sound Catholic doctrine.

Hon. Mr. ROSS (Halifax)—I endorse what the hon. gentleman has read.

Hon. Mr. POWER—I understood the hon. gentleman from Halifax to say that he regretted that there should be divorce—that he was opposed to divorce, and would be happy if there were none. Now, one of the reasons why I support the present system is just that it limits divorce. If we had a court sitting, for instance, in the province of Ontario, as we have one sitting in the province of Nova Scotia, with authority to grant divorces, I am satisfied that there would be at least twenty times as many divorces granted in the year in

the province of Ontario as are now granted for that province by this House. I do not know what the sentiments of my Liberal friends may be—I am speaking of my Liberal friends who do not belong to the same denomination as I—but we know that on more than one occasion the late Sir John Macdonald was urged to establish a divorce court, and he always declined, on that ground that the present system minimized the evil, and if a court were established there would be a great many more divorces.

Hon. Mr. ROSS (Halifax)—What about the poor?

Hon. Mr. POWER—I am glad my hon. colleague has reminded me of the poor. The hon. gentleman says: What about the poor? Well, as a matter of fact, hon. gentlemen, in the divorce courts in England the parties, as a rule, are not poor people. Down in the courts of Nova Scotia the parties are not, as a rule, poor people; they are people who are well to do. As a rule poor people, perhaps because they are not so highly fed, are not as likely to jump over the traces as people who are better off. Further, my hon. colleague seems to forget that if a party comes to this House applying for a divorce and establishes the fact that she or he is too poor to pay the fees, the parties are allowed to proceed *in forma pauperis*, and the Senate, for the time being at any rate, defrays the necessary expense; so that there is not any more distinction between the poor and the rich in our divorce court than in the courts of the provinces. I wish to direct the attention of my hon. colleague, and of the House generally, to the fact that while there have been some expressions of opinion in this House and in the House of Commons in favour of divorce courts on the ground that these divorce cases take up the time of either House, there has been no expression of opinion from the public outside, who are supposed to be affected by them; there is no request. I do not think any hon. gentleman can point to any petition or to any resolution adopted at a public meeting, or to any of the usual methods of expressing public opinion, in favour of the substitution of a court for the parliamentary tribunal, and I do not think that we should try to anticipate public opinion. In the province of Nova Scotia—I regret to say it—divorces are more common than the hon. gentleman seems to realize. On the last occasion when I was in Halifax, the judge of the divorce court gave judgment in three cases in one sitting, and I am satisfied that on an average there are as many divorces granted in the province of Nova Scotia per year as granted by this parliament for all the provinces in which there are no divorce courts.

Hon. Mr. ROSS (Halifax)—That is not correct, allow me to say. There were only four during the last calendar year. I have that from Judge Graham himself.

Hon. Mr. POWER—The number during the last calendar year must have been less than during the previous calendar year, and perhaps the three parties to whom I refer were making up for the shortcomings on the previous year.

Hon. Mr. PERLEY—Is divorce granted in the maritime provinces for the same cause as in Ontario and Quebec and the western provinces?

Hon. Mr. POWER—Yes. I am not undertaking to say there are as many divorces per year in the province of Nova Scotia as we have had here this year, but, taking the average for the last ten years, I am satisfied there have been about as many divorces granted in the province of Nova Scotia as by the Senate. One of the reasons why I think the parliamentary tribunal is a good one is that under our rules the notice which is required gives the parties time to reflect, if husband or wife happens to be very much irritated, but if there is a court at hand, he or she is likely to resort to the court. When he or she has to give three or four months' notice in the 'Gazette,' and has to wait till parliament meets, anger is likely to cool off, and they are not nearly so likely to resort to this tribunal. My hon. friend said some thing about publicity given to the proceed ings here. Well, there is not any. The evidence is not distributed except to the members, who have to act to a certain extent as judges. We know what mischief has been done in England by the publication of the proceedings in divorce courts.

There is nothing that I know to hinder the publication of proceedings of divorce courts in Nova Scotia or New Brunswick.

Hon. Mr. ROSS (Halifax)—It is never done.

Hon. Mr. POWER—It is not done, but there is nothing to hinder it being done. The evidence in the cases before the Senate is not distributed. I notice that the hcn. gentleman from St. John (Hon Mr. Ellis) said, and the same thing has been said in other places, that the committee do not conduct the business subject to the strict rules of evidence. I have not scrutinized the decisions of the committee very carefully, but I am satisfied—and the hon. leader of the opposition who has been a member of the committee for some time I think will bear me out—that as a rule the rules of evidence are complied with, and I say that during the present session I do not think the committee has recommended the granting of a divorce in any case in which their recommendation was not justified by the evidence. I see the hon. gentleman from St. John (Hon. Mr. Ellis)—just as some members of the other Chamber—reflected on the employment of detectives. I know that the evidence of detectives is not generally looked upon as being as satisfactory as that of other people, but I do not think, looking at the cases that we have had this year that there was one in which the detective's evidence was more than a sort of corroboration of the evidence which already existed. Then the hon. gentleman from St. John (Hon. Mr. Ellis) said something about the attitude assumed by the Catholic members voting against divorce in a sort of perfunctory way. That question I do not care to go into now; but I am opposed to any change in the system, because there is no demand for it from the outside, no popular demand for it. I have not heard that the hon. gentlemen who serve on the committee, and who deserve the thanks of the House for taking all the trouble they do, have moved any resolution or organized any strike, so to say, against the appointment of the committee or in favour of having the work taken away from them; and inasmuch as the present system diminishes divorce very materially, and any change in the system would largely increase it, I am decidedly opposed to any change in the system.

Hon. Mr. LOUGHEED—I have no intention of entering into a discussion as to the theological controversy which has been raised by my hon. friend from Halifax, particularly in view of the lateness of the session. It is a very prolific subject, and we might occupy a very considerable time over it without arriving at any conclusion; nor do I intend to express any opinion upon the proposition embodied in the notice of motion. I simply desire to answer a remark of my hon. friend from St. John (Hon. Mr. Ellis) who seconded the motion. It has been somewhat fashionable, I might say, in this Chamber for hon. gentlemen to make disparaging remarks of what the Senate does from time to time, and to express the want of appreciation of certain members of the Senate to perform the committee duties which are reposed in them. My hon. friend from St. John occupies a very high position in the journalistic world, and while I accord him a fullness of knowledge as to journalism, I very much question his being an entirely capable critic upon the jurisprudence of the law of evidence. My hon. friend has expressed very disaparaging remarks as to the ability of the Committee on Divorce to properly perform their duties in respect to the taking of evidence, and he has illustrated that opinion by stating that he notices that the credibility of witnesses is not inquired into, and particularly the credibility of detectives. If my learned friend were familiar with the jurisprudence which obtains in our courts with reference to evidence, he would find that no such inquiry is made in our courts of law. If my hon. friend will pause for one moment to consider how it would be possible to inquire into the credibility of witnesses, it would be the best refutation of the charge which he has brought against the Committee on Divorce, because he would at once appreciate the impossibility of thus scrutinizing evidence in the manner indicated. I might say to my hon. friend, that in any case where the credibility of a witness would be impeached, the committee would, without any doubt, inquire into the credibility

of that witness, or at least have the parties to the application call witnesses to pursue that particular line of examination, but if the credibility of the witness is not impeached, it must be manifest to hon. gentlemen that it would be impossible to pursue the line of evidence suggested by my hon. friend. I think the very best recommendation that the committee has as to the way in which it performs its work is this: that the Bills, or the reports of the committee, have not only to pass this House, but have to pass the House of Commons, and in this House, and in the House of Commons particularly, there are some of the ablest lawyers within the Dominion, and in very few cases, I venture to say not one per cent of the cases which go up to the House of Commons, are rejected on the ground of the insufficiency of evidence. I would assure my hon. friend, and I do so in the absence of the chairman, that the committee endeavours to adhere as closely to the laws of evidence, as the practice obtains in the courts of the realm. A close examination of the reports which are prepared from time to time will satisfy the mind of my hon. friend from St. John, who has made these disparaging remarks, that the committee has not been unfaithful to the duties committed to them.

Hon. Mr. ROSS (Halifax)—I wish to say that my object was merely to air this question, and at this stage of the session I have no desire to put it to a vote at all. If I should be spared to come back another session, I may have an opportunity of discussing the subject again. I may say to my hon. colleague from Halifax that on most of his theological quotations he and I agree, and that he and I agree also that it would be well for the government of Canada if they could limit the number of divorces. That would be my desire. With the permission of the House, and promising that I will renew this motion next session, I beg leave to withdraw the resolution.

Hon. Mr. LANDRY—I do not know whether we should give leave to withdraw. This is the second time this matter has been brought up. We had it a few days ago. We might have it on the eve of prorogation. I think it should be declared lost on a division.

The motion was withdrawn.

CHARGES AGAINST MR. L. A. SAUVE.

INQUIRY.

Hon. Mr. LANDRY directed the attention of the government to the following charges which appeared last week in a newspaper published in Montreal, and of which the following extracts are the principal parts:

Three years ago the employees of the Soulanges canal demanded an inquiry into the conduct of their superintendent, Mr. L. A. Sauvé. The petition on this subject sent to the ministry set forth facts of extreme gravity. Not only did the petitioners charge Mr. Sauvé with innumerable acts of injustice and brutality towards his subordinates, but they went the length of accusing him of having despoiled the public treasury of considerable amounts, both by making employees paid by the government work for his personal purposes, and by appropriating to himself materials belonging to the canal, for houses, yachts, and even washing machines which he was having built for himself.

The inquiry asked for took place in Vaudreuil in January, 1907.

This inquiry was only a miserable comedy.

In spite of that, the inquiry revealed scandals which would warrant ten times over a dismissal, and in addition might have embarrassed not only Mr. Sauvé, but also several of his protectors. This was so well understood among the latter that the petitioners have not yet been able to procure the true text of the evidence. In the copy which was sent them the five most important depositions are wanting. Moreover, the shorthand writer has omitted, voluntarily or involuntarily, in the remaining depositions, declarations which are most compromising for Sauvé.

However, this text, although mutilated and falsified from one end to the other contains enough to establish that Mr. Sauvé has practiced thoroughly, at the expense of the government, upon the Soulanges canal the most ingenious pillage that could be imagined.

He used the government material in the construction of his houses to let, his barns and his yachts; he sold to the government, through an intermediary, rotten wood which he could not dispose of anyhow; he carried on a wholesale and retail trade in hay which grows on the banks of the canal.

But where this worthy servant showed himself still wiser, was in the praiseworthy custom he had of keeping in his personal employ diligent and conscientious employees paid by the government. Throughout the year he had them working for him. Some were building or repairing yachts for him; others were harvesting the oats he had sown on the lands of the government; a third lot split his wood, cleaned his stables, and exercised his trotting horse. A canal employee milked Mr. Sauvé's cows; another did Mr. Sauvé's wash-

ing. He thus established for himself at the expense of the country an almost innumerable staff; he had his labourers, his domestic servants, his carpenters, his agricultural labourers, in short everything that was necessary.

One understands, therefore, that Mr. Sauvé holds to his position.

What is less comprehensible is the attitude of the government with regard to him. For after that, would you believe that the government has deemed it its duty to keep on all the same this unworthy official?

That, however, is what has happened, and there is more. We would have thought that as a consequence of this trial Mr. Sauvé would return to a better conception, if not of his duty at least of his interests, and that in default of conscience, he would have at least shown a little prudence. Well, we are mistaken, he was scarcely reinstalled before he began his acts of injustice (if not his robberies, little and big); false returns, dismissals, reductions of salary, and the rest,—by these he revenged himself upon the employees who had asked for the inquiry.

Instead of dismissing this unfaithful and lying servant—against whom the inquiry has established by evidence the worst cases of peculation and dishonesty—he was re-established in his functions

And that he will inquire whether the government, after having assured itself of the existence of these charges, intends to dispense with the services of Mr. Sauvé, or to force that employee, under penalty of dismissal to purge himself of the charges brought against him, by instituting in the courts judicial proceedings against his accusers.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend that on calling the attention of the department more particularly concerned to this matter, they have informed me as follows: Mr. Louis Boyer, advocate, of Montreal, was appointed a royal commissioner to investigate the charges against Mr. L. A. Sauvé, overseer of the Soulanges canal, and under date May 14, 1908, reported his conclusions to the effect that no misappropriation of moneys or incompetency in handling his work had been proven against Mr. Sauvé; that Mr. Sauvé had some difficulties with certain of his subordinates; that there were certain minor irregularities in handling supplies; that each fact taken singly might be overlooked, but that on the whole, unless the conditions as they existed were remedied, discipline would suffer and the service would not be satisfactory. In consequence of the recommendations made by Mr. Boyer, Sauvé was suspended for five months and ten days without pay.

The rules respecting the duties and obligations of each employee were revised and clearly defined. There should be no further difficulty on that canal. If there is, the party in fault will be promptly dealt with as the case warrants.

Hon. Mr. DANDURAND—Since the hon. gentleman has deemed fit to call the attention of the Senate to an article in a weekly paper in Montreal, in which my own name has been referred to as being instrumental in getting Mr. Boyer appointed and in influencing him in his report or shielding Mr. Sauvé, I would crave the liberty of saying that I was not at the time a partner of Mr. Boyer, although my name appeared as in the firm; that I had nothing to do with his appointment, nor with the decision arrived at by the department, and that my only contact with the parties complaining, or the parties siding with Sauvé, was to meet some delegations of people from the counties interested, who represented either the complainants or the friends of Mr. Sauvé, and to try and reconcile them to accepting the decision that had been arrived at by the government. Some wanted his dismissal; others wanted his immediate reinstatement, but the judgment of the department had to follow its course, and neither faction was satisfied.

Hon. Mr. LANDRY—In answer to the observations made by my hon. friend I will say this: When I gave notice of the motion where I recited the facts stated in that newspaper from Montreal, I took great care not to mention his name, so I do not see why, when he is not accused, he should deem it necessary to make this statement.

Hon. Mr. DANDURAND—The hon. gentleman first cited part of the article, and I give him credit for the fact that he eliminated from the article a paragraph which concerned me; but since his question has given greater publicity to the matter, I thought I would answer that part that concerned me.

Hon. Mr. LANDRY—My object was not to put the hon. gentleman in a false position at all.

Hon. Mr. DANDURAND—I recognize that.

Hon. Mr. LANDRY—But as the article said that since the inquiry took place the party had been reinstated and he was doing the same things he was accused of doing before, I desire to call the attention of the government to the fact that he was accused of these matters and to ask if it was the intention of the government to compel him to answer his accusers or to dispense with his services. It was for the public good I made the inquiry, and not as a personal matter.

Hon. Mr. CHOQUETTE—Perhaps I may add, to satisfy my hon. friend, that Mr. Boyer, the commissioner, has within the last few days taken legal proceedings against the paper that has published this charge. The whole thing will go to court, and we shall know exactly who is in the wrong.

Hon. Mr. LANDRY—With this difference, that Mr. Boyer is not named at all in the article, so that the same observation I made to my hon. friend who spoke first applies to my other hon. friend.

Hon. Mr. CHOQUETTE—But you will get all the facts into court.

Hon. Mr. LANDRY—I do not know.

TRANSPORTATION COMMISSION.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. On what date was the commission charged with studying the question of transportation appointed?
2. Who composed that commission?
3. How much has the work of the commission cost?
4. What works have been executed by the government as a consequence of the conclusions in the report of the commission?

Hon. Sir RICHARD CARTWRIGHT—The reply is as follows:

1. 26th August, 1903.

2. Messrs. John Bertram, of Toronto; Robert Reford, of Montreal, and Edward C. Fry, of Quebec. On November 28, 1904, Mr. Bertram died, Mr. Reford succeeding him as chairman; shortly after Mr. Fry resigned, and on January 15, 1905, Mr. J. H. Ashdown, of Winnipeg, was appointed to the commission.

3. $36,333.01.

4. The report of the commission confirmed the scheme of harbour improvements being carried out by the Department of Public Works, and the department has continued the work of improvement at the points recommended by the commission.

JUDICIAL APPOINTMENTS AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. When was the Honourable Sir Melbourne Tait appointed one of the puisné judges of the Superior Court of the province of Quebec?
2. When was he appointed senior judge of the Superior Court for the district of Montreal?
3. When was he appointed chief justice of the Superior Court of the province of Quebec?
4. When was the Honourable François Langelier appointed one of the puisné judges of the Superior Court of the province of Quebec?
5. When was he appointed senior judge of the Superior Court for the district of Quebec?

Hon. Sir RICHARD CARTWRIGHT—Sir Melbourne Tait was appointed on the 18th of January, 1887, one of the puisné judges of the Superior Court of the province of Quebec.

The reply to the second question is 27th October, 1894.

The reply to the third question is 6th June, 1906.

The reply to the fourth question is 12th November, 1903, and to the fifth question, 6th of June, 1906.

The Hon. Francois Langelier was appointed by the Governor in Council to perfrom the duties of Chief Justice of the district of Quebec, as it is comprised and defined for the Court of Review, on the 6th of June, 1906.

CANADA LIFE ASSURANCE COMPANY'S BILL.

Hon. Mr. YOUNG rose to move:

That rules 24 (a), (b), (h), 119 and 129 be suspended in so far as they relate to (Bill 56) An Act respecting the Canada Life Assurance Company.

Hon. Mr. LANDRY—I object. The notice is that the motion will be made to-morrow.

Hon. Mr. YOUNG—I read the notice of motion for to-day, and it has been put by mistake in the 'Minutes' for to-morrow.

Hon. Mr. LANDRY—Here is what Bourinot says at page 334:

The rule which requires strict adherence to the order paper is absolutely necessary to prevent surprises. So rigorously is it inforced in the imperial parliament that even when it has been admitted that a day has been named by mistake, and no one has objected to the appointment of an earlier day, the change has not been permitted.

The SPEAKER—This is not a parallel case.

Hon. Mr. YOUNG—I read my notice under the rule, as the rule requires the one day's notice. I wrote my notice clearly and distinctly for Wednesday and so read it to the House. Therefore, the House had no say in the matter as I was conforming with the rule; but through some error in the records the notice has been changed to one day later.

Hon. Mr. LANDRY—There has been a mistake.

Hon. Mr. YOUNG—Not by me; but if it is more convenient for the House I am willing to let the order stand until to-morrow.

Hon. Mr. LANDRY—I do not say that a mistake has been made by the hon. gentleman; but it is admitted that a mistake has been made in placing the notice on the paper for to-morrow.

Hon. Mr. YOUNG—The mistake was not mine.

Hon. Mr. LANDRY—I am not speaking of the notice of motion itself; I merely claim that a mistake has been made in the way it appears on the order paper.

Hon. Mr. YOUNG—Certainly, but I am willing to let the motion stand until to-morrow.

Hon. Mr. DANDURAND—This motion is not on the orders of the day; it is simply a notice given.

Hon. Mr. LANDRY—That is splitting hairs; it is on our minutes.

Hon. Mr. DANDURAND—If the notice was given for to-day, the hon. gentleman could proceed with it if he chose to insist on his right.

Hon. Mr. LANDRY—But it is put down for to-morrow, and anybody reading our paper would take it for granted that it would not come up until to-morrow, and might be misled.

Hon. Sir MACKENZIE BOWELL—I am an illustration of that. I was not here when my hon. friend gave notice of his motion, and when I looked at the order paper to see what was coming up, I saw it set down for to-morrow and did not prepare myself. In that way it might mislead one not having the information at the time.

Hon. Mr. YOUNG—We will let it stand until to-morrow.

The SPEAKER—The motion stands until to-morrow. I regret very much the mistake having occurred. It might have been a serious one.

Hon. Mr. LANDRY—It cannot be, because if a motion comes up to-morrow and is carried, my hon. friends will gain their point.

Hon. Mr. WATSON—My notice which follows immediately after this was given in the same way, and was intended to be taken up to-day. It is generally supposed we shall have prorogation a week from to-day. If that is carried out, there will be very little time for these private Bills.

The motion was allowed to stand.

BILLS INTRODUCED.

Bill (No. 89) An Act to amend the Government Harbours and Piers Act.—(Hon. Sir Richard Cartwright).

Bill (No. 152) An Act to amend the Navigable Waters Protection Act.—(Hon. Sir Richard Cartwright).

DELAYED RETURNS.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are proceeded with, may I ask the leader of the House if he has ascertained if the Minister of Militia is prepared to lay on the table the correspondence for which I moved?

Hon. Sir RICHARD CARTWRIGHT—I am expecting to receive an answer to that address either this afternoon or to-morrow. The Secretary of State promised to send it to me.

SENATORIAL VACANCIES.

Hon. Mr. LOUGHEED—My hon. friend was to inform the House as to the probable appointment of senators to fill the vacancies in the representation of Nova Scotia in this House, to which I directed his attention last week.

Hon. Sir RICHARD CARTWRIGHT—I do not think I pledged myself to do more than mention that to my colleagues.

Hon. Mr. LOUGHEED—Yes, my hon. friend was to mention it. Has my hon. friend done so?

Hon. Sir RICHARD CARTWRIGHT—Yes, I did mention it.

Hon. Mr. LOUGHEED—With what result?

Hon. Sir RICHARD CARTWRIGHT—That it appeared to excite a great deal of consideration in the breasts of that portion of the cabinet more particularly charged with the important duty of selecting the senators.

Hon. Sir MACKENZIE BOWELL—Was the consideration as to whether they intended to fill the vacancies, or to get some one who would be acceptable?

Hon. Sir RICHARD CARTWRIGHT—I think the latter difficulty is in a fair way of being overcome.

EXCHEQUER COURT ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 98) An Act to amend the Exchequer Court Act.

Hon. Mr. CHOQUETTE moved in amendment, that the Bill be not now read the third time, but that it be amended by adding the following as clause 5 to the Bill:

5. When the judge of the court does not understand the official language of the parties or of one of them he may ask the Chief Justice of the province in which he is sitting to name a judge of that province, who understands the language of the parties, and the judge so appointed shall have the same power as the judge of the Exchequer Court.

The amendment speaks for itself. I stated the other day why I make the motion.

Hon. Sir RICHARD CARTWRIGHT—I may as well, perhaps, in dealing with the amendment of my hon. friend, likewise deal with the amendment which is proposed by the hon. senator from Ottawa in a somewhat similar direction, but differing somewhat in the mode in which he proposes to effect the matter. I have conferred with the Minister of Justice on the subject, and while both he and I are of the opinion that the question is one of very considerable moment and requires consideration, the minister, for reasons which I shall presently give, suggests that this matter be left until he has had full time, which he cannot possibly give just now, to consider the matter and see if any difficulties that may have arisen or are likely to arise in the administration of the Exchequer Court Act can be met. The minister states to me that the amendment my hon. friend proposes would hardly be quite constitutional. Under the British North America Act, section 96, judges must be appointed by the Governor in Council.

Now, this amendment proposes to leave the substitute judge to be selected by the Chief Justice of the province, and it goes on to provide that such judge so selected shall have all the powers of a judge of the Exchequer Court. Then he proceeds to say that with respect to the general question, he would like to point out that Judge Cassels has at least as efficient a knowledge of the French language as Judge Burbidge ever had, which, perhaps, is not saying a great deal. He may not know it well enough to understand evidence or argument given in French, but if such court proceedings were taken down in shorthand he would understand them perfectly when they were written out without the need of any translators. If any witness is unable to speak English, or prefers giving his evi-

dence in French, a competent interpreter is always available. Moreover, the registrar of the court, Mr. Audette, speaks French as his mother tongue, and many cases coming before the court are of such a character that, on account of the nature of the inquiry, the most satisfactory method of taking the evidence and making the report is before the registrar. This is the course taken not infrequently by the presiding judge, and which the judge can always adopt in such cases. Then the minister proceeds to remark that unless parliament is prepared to require that the judge of the Exchequer Court must in all cases be able to speak both French and English, it is hard to see how the difficulty can be always avoided, and that any such suggestion would very greatly limit the area for the choice of the judge. Furthermore, that the appeal from the Exchequer Court is to the Supreme Court, and it would hardly be asked that every member of the Supreme Court should possess the ability to speak or write the French language. But the minister has also authorized me to say that while at this very late stage of the session he does not wish to pass judgment on the suggestions of my hon. friend, he is prepared, if the matter is allowed to stand over, to take the whole question up during the recess, and that we trust at the next session to be able to propose such an amendment as may be necessary to the Exchequer Court Act which will obviate, we hope, any difficulty that may be found to arise in the administration of the court. I would, therefore, ask both my hon. friends opposite me, and the hon. member from Ottawa, to content themselves with having called the attention of the government to this matter, and be satisfied that it will be under the consideration of the Department of Justice during the comparatively short interval which will now elapse between prorogation and the next session of parliament.

Hon. Mr. CHOQUETTE—I am quite willing to let the matter stand until Tuesday of next week; but I will certainly not withdraw the amendment and let matters stand until next session. I wish to have the opinion of the House on the question. It is one that seems to be so plain and so easy to settle, that I am surprised the answer could not be given now. I may say that when the lamented Judge Burbidge died, representation was made to the government that they ought to appoint a man who could speak and understand both languages, because we have only one judge of the Exchequer Court, and when he came to Quebec it was our intention to ask that we examine witnesses in French and argue cases in French. During the term of the late Judge Burbidge when he came to Quebec we had to argue cases before him, and we had to hear witnesses who could not speak English, and we made representations to this government to that effect. I had to argue a case before the late judge, who was a very clever lawyer, but, unfortunately, he could not understand French. As a matter of fact, I think Judge Cassels cannot understand evidence given in French. I am sure he will admit himself that he cannot preside in a court where the witnesses are French and where the argument is in French. Therefore it was that after the death of Judge Burbidge, we made representations to the government and insisted upon the nomination of a judge who would be able to understand both languages. The government ought to have had time to consider the question since then. We had expected that the Hon. Judge Cassels would be in a position to understand French, when he came to Quebec on the Marine investigation; but we have seen that though he may read French he could not sit on a case where the witnesses were French. Moreover, I had some arguments myself with a lawyer who was sent from Toronto who could not understand French and who tried to compel the witnesses to speak in English, so I had to tell him there that before coming to Quebec to argue a case he ought to learn French, that I would never go to Toronto and endeavour to express my views and especially to examine a witness in English if I did not understand the language. I am very sorry, but I cannot let the session pass without doing something, because I know cases are happening in Quebec where the parties are French and the witnesses French, and we require to have a judge or deputy judge or substitute judge

who can understand our language. It seems to me that the point is easy to settle. It is a matter of urgent necessity, in order to give us justice in Quebec, that the Minister of Justice ought to be in a position between now and next Tuesday to give us a better answer. There is a point in the letter which has been read, about the constitution, that, perhaps, if my amendment were carried it might be unconstitutional. I admit there might be something in that contention but I do not think, after studying the matter seriously, we should come to that conclusion. However, it is not my intention to argue the question again. I have given a special reason why I offered that amendment. Though I am quite willing to adjourn the debate, or postpone the matter until Tuesday, I could not go further than that; otherwise I would urge that my amendment be put to the House now.

Hon. Mr. LANDRY—I think there is one respect in which the Minister of Justice is wrong altogether. It is not a favour we are asking. It is simple justice. By clause 133 of the British North America Act it is stated:

> Either the English or the French language may be used by any person in the debates of the Houses of parliament of Canada and of the Houses of the legislature in Quebec, and both those languages shall be used in the respective records and journals of those Houses, and either of those languages may be used by any person, or in pleading or process, in or issuing from any court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

This is a right.

Hon. Sir RICHARD CARTWRIGHT—I do not understand that Judge Cassels has refused to allow any person to speak or give evidence in French.

Hon. Mr. LANDRY—If we have a right to speak French, it is his duty to understand French.

Hon. Sir RICHARD CARTWRIGHT—No, not necessarily; he may have an interpreter.

Hon. Mr. LANDRY—A law must mean something. If you have a law that means nothing, it is no more a law. When the British North America Act says we have a right to speak French, I think it implies that the other party has a duty to understand it, or take the means to understand it.

Hon. Sir RICHARD CARTWRIGHT—Does the hon. gentleman think the British North America Act requires every English judge to understand French? Because that would be the logical deduction from his remarks.

Hon. Mr. LANDRY—No, but in any place where the two languages are official languages, the judges should understand it. We do not always claim the rights we are entitled to. We are lenient. We suffer at times. You never hear us complain very much, but I think there should be an end to the abuses that are occurring now. You send a judge down to the province of Quebec who does not understand a word of French; he is not able to understand the pleadings of the people of that province, and we are obliged to submit to that treatment. I think there is a measure of justice to be given to our people, and there is a measure of justice the government should allow. Let them send us a judge who understands French, when they send him to one of the courts in Quebec. The hon. minister knows that we are right in our claims, and I am sure he will impress it on the Minister of Justice. Why should he not send down a judge who understands enough to permit the parties to plead in French and have their cases tried before him in that language.

Hon. Mr. DANDURAND—I would urge the hon. gentleman from Montmagny not to insist upon his motion, because I believe there is something in the remark made by the Minister of Justice as to the framing of this motion. If he would withdraw his motion I would insist upon calling the attention of my right hon. friend to the notice given by the hon. gentleman from Ottawa, whose views are on the order paper as a notice, and with whom I am in full accord.

Hon. Mr. CHOQUETTE—In order to avoid any discussion about the constitutionality referred to in the letter of the Minister of Justice, as to the power to appoint a judge for the court being delegated

to the chief justices of the province, and as there might be something in that, though I am not quite prepared to argue the point, if the government is willing to accept the amendment prepared by my hon. friend from Ottawa, I am quite willing to withdraw mine.

Hon. Sir RICHARD CARTWRIGHT—I cannot do that.

Hon. Mr. CHOQUETTE—By the amendment proposed by the hon. gentleman from Ottawa, the point I have in view will be carried out. The hon. leader of the House is from Ontario. He does not understand French. Is he going to tell me that the people of Ontario would tolerate for one moment a judge who does not understand English presiding over the Exchequer Court in the city of Toronto? Would they permit for one minute a judge who does not speak English to preside over the Exchequer Court in any part of Ontario where only English is spoken? Would they not come the next day to Ottawa and ask for the appointment of a second judge who could speak English? I just put the question to the right hon. leader and his colleagues.

Hon. Sir RICHARD CARTWRIGHT—These are questions of practical facts. In the first place, four-fifths of the population of this Dominion are English and not French, or nearly that, and in the next place the vast proportion of legal gentlemen, at any rate of the province of Quebec, very much to their credit be it said, speak English and understand it very well, and are quite capable of arguing in that language. As a matter of convenience, there is no doubt whatever that the hon. member from Stadacona was perfectly right in saying that every man is justified in addressing the court in French, and is justified in giving his evidence in French. That is all conceded. In such case, the difficulty he speaks of does not arise, because an interpreter would be appointed to take down all the evidence, or take down the speeches properly translated and to place these before the judge in the event of his not being able to understand French. I think the hon. gentleman ought to be content with the assurance I gave him, that the government propose to consider the matter. It is not fair that within two or three days of the close of the session we should be asked to consider a matter which involves such important consequences and a considerable study of this Act and other Acts; and, as the Minister of Justice truly observed, the appeal is from the Exchequer Court to the Supreme Court. I do not suppose he would require that all the members of the Supreme Court should be proficient in both languages. If he did, the choice of gentlemen to sit in that court would be enormously limited. I have no objection, if my hon. friend from Ottawa wishes it particularly, as I do not want to spend a whole afternoon on this discussion, to let this measure stand until Tuesday, but I certainly cannot promise that the view of the Minister of Justice will be altered on the matter.

Hon. Mr. CHOQUETTE—It is quite true that in this Dominion we are English under an English constitution; but at the same time we have some rights in this Dominion, and we intend to have these rights more respected in future than they have been in the past.

The SPEAKER—I do not want to interrupt, but the hon. gentleman is quite out of order in speaking three times. Of course there has been some irregularity in this debate because he has been asked to withdraw the motion.

Hon. Mr. CHOQUETTE—It is not my fault if I could not put the amendment before. It was because the Bill was brought in so late.

Hon. Mr. BEIQUE—I arise for two purposes: First to ask the hon. gentleman from Montmagny not to insist on his motion, and one of the reasons why I do so is because I am satisfied that the motion will be declared out of order; also because I am satisfied that the motion of the hon. member from Ottawa, which he has given notice of, would better carry out what I believe to be necessary in the premises. Another reason is, that the demand made by the Minister of Justice does not seem to be unreasonable, and I think there is, in the way

that the demand has been presented by the right hon. leader of the government, sufficient reason to believe that justice will be done in the premises. However, I cannot resume my seat without stating that my reading of section 133 of the Constitutional Act is what it implies when it says that either of those languages, English or French, may be used by any person or in any pleading or process in or issuing from any court of Canada established under this Act, and in or from any of the courts of Quebec, that the judges who shall preside over these courts shall understand English and French; otherwise it will be nonsense to allow the right to speak a language which would not be understood by the judge. However, it has been properly stated, that before the Supreme Court it would be inconvenient to require that all the judges shall fully understand French.

Hon. Mr. CHOQUETTE—They ought to.

Hon. Mr. BEIQUE—Thereupon as a matter of convenience, and because of the circumstances, the rights of the French-speaking people of this Dominion have not been insisted upon, and I think that it would be going too far to insist on every judge of the Supreme Court being able to fully understand both languages. But between that and the trying of cases before courts of primary jurisdiction where the judges cannot understand French in provinces where three-fourths of the population are French-speaking, there is a vast difference. Now, speaking as a practising lawyer of 40 years experience, to my mind it is a denial of justice to have a case where all the witnesses can only speak French and where the parties can only speak French, tried before a judge who does not understand the language. There are many circumstances in which it is most important that the judge shall understand the language of the witnesses and of the parties. It is considered important that he shall see the witnesses and observe their demeanour. Can it be believed, for an instant, that he would be satisfied with the translation of a deposition? I cannot agree to that proposition at all. I think that justice requires in the province of Quebec, where the large majority of the population speak only the French language, there should be means whereby the court shall be presided over by a judge who understands both languages, and it is because I believe the Minister of Justice and the government appreciate the importance of it that I suggest to the hon. gentleman not to insist on his motion at present.

Hon. Mr. CHOQUETTE—In view of the fact that my hon. friend from Ottawa is going to move his amendment, with the consent of the House I will withdraw my motion, because I think his is more complete and will meet the object I have in view. Under the circumstances, I withdraw my motion, but on condition that the one prepared by my hon. friend from Ottawa be put forward.

The amendment was withdrawn.

Hon. Mr. BELCOURT moved:

That when the Order of the Day is called for the third reading of (Bill 98) an Act to amend the Exchequer Court Act, he will move that the said Bill be not now read a third time, but that it be amended by adding the following clause thereto:—

5. The judge of the Exchequer Court may, from time to time, and either temporarily or permanently or for special cases, with the approval of the Governor in Council, appoint as deputy judge any person having the requisite qualifications mentioned in section 2 hereof, provided such appointee is proficient in the two official languages, and such deputy judge shall have and exercise all such jurisdiction, powers and authority as are possessed by the judge of the Exchequer Court.

(a) The appointment of a deputy judge shall not be determined by the occurrence of a vacancy in the office of the judge.

(b) The judge of the Exchequer Court may, with the approval of the Governor in Council, at any time revoke the appointment of a deputy judge.

He said: The matter is not a new one, and I do not altogether agree with the reasons given by the Minister of Justice why it should not be dealt with now; therefore I must express my deep disappointment that the Minister of Justice has found neither the time nor the inclination to deal with it at this moment. To prove that the matter is not new, I refer to a letter addressed by the present incumbent of the bench to the right hon. Premier of Canada, on the 6th

April, 1908, from which I would like to read one or two extracts. He says:

> The registrar of the court—Mr. Audette—has been registrar ever since the reorganization of the court in 1887. In the past few years he has, as referee, been performing judicial duties of a very important character, notably in the matter of winding up of the Quebec Southern Railway, and of the Baie des Chaleurs Railway; and it is only necessary to read his voluminous reports to appreciate his work. His work has, I think been appreciated by the profession. From his long experience in the court Mr. Audette has acquired a very thorough knowledge of both law and practice. In cases of expropriation of land, and numerous other forms of action against the Crown, especially in the Province of Quebec, he is probably better qualified than I am to sit in judgment. It would seem to me the best solution of the whole situation, having regard to the present business of the court and its increasing business, would be to appoint Mr. Audette Deputy Judge with all the powers I possess.

This is a letter addressed to the Prime Minister on the 6th of April, 1908, more than a year ago. The matter, I have no doubt, must have come under the notice of the Minister of Justice. I wish to point out that this, so far as my amendment is concerned at all events, is not merely one dealing with the difficulty occasioned by lack of knowledge on the part of the judge of the French language. It is well known to those who practice in the Exchequer Court, as I am sure it is well known to the Minister of Justice, that the work of that Court is now altogether too large for one judge to attend to. A very large number of cases arise there, which have to be sent over to the registrar or to some other official to act as referee—cases which are referred for inquiry and report. I may mention that, at the present moment, there is in the county of Madawaska one hundred and forty-eight cases of expropriation arising out of the construction of the Transcontinental Railway, cases which cannot all possibly be dealt with by one judge, as every one will at once perceive, but which he will have to refer to Mr. Audette or somebody else to deal with. The object of my amendment is to get over that difficulty as much as the other difficulty arising out of want of knowledge of the French language. My amendment proposes that 'the Judge of the Exchequer Court may from time to time, and either temporarily or permanently or for special cases, with the approval of a Governor in Council, appoint a deputy judge.' I want to deal just for a moment with the objection raised by the Minister of Justice as intimated by the right hon. gentleman, the leader of this House. I assume, however, that objection had reference more to the notice of motion given by my hon. friend from Quebec. I do not think the objection which has been made under section 96 of the British North America Act could possibly be applied to this notice of motion, because the power to appoint is clearly left with the Governor General in Council. The power is not given to the Exchequer Court Judge to appoint a deputy judge; he is merely given the power to make a suggestion to the Governor General in Council. who shall be appointed; so that that objection has no weight as far as my amendment is concerned. The other reasons given by the Minister of Justice, which are all reasons of convenience or inconvenience, do not seem to me to be very strong. He says that in the Exchequer Court the difficulty can be got over by the use of an interpreter. I submit that any one who has had experience in interpreting evidence in court knows how very difficult, I should say how impossible it is for any one, I do not care how well qualified he is, to give a proper interpretation of the evidence of a witness. We all know that besides the general forms of language, there is the colloquial language, there is the vernacular which is very frequently used by witnesses in the witness-box. I say that no ordinary interpreter, I do not care how proficient he may be in the two languages, is capable of giving the right colour, the right shade of expression which is so often used by witnesses in the box. There are not only colloquial and vernacular expressions, but there are local expressions that nobody but a man who has lived with the people can possibly interpret, and I appeal here to the members of the profession, in the province of Quebec and Ontario, who have had that experience time and again. If it is necessary that a judge, as was pointed out by the hon. senator from Mille Iles (Hon. Mr. Beique) should hear the witness in order to appreciate the evidence, how much more necessary is it that the judge should understand the language the witness is using? Interpretation of witnesses in the court is

at best a very unsatisfactory procedure. The hon. the Minister of Justice points out that the regstrar of the Exchequer Court is very proficient in the two languages, and that because he is present in court the difficulty which we are trying to solve is not a serious one. We know that Mr. Audette is not present at all cases. We know that very frequently the duties of clerk of the court are performed by Mr. Morse, the reporter, or by some other official of the court. Mr. Audette is not present, I am sure, at possibly more than one-half of the cases which are tried by the Judge of the Exchequer Court. The reason which is advanced by the Minister of Justice, that if we exact proficiency in both languages on the part of the Judge of the Exchequer Court we should have to exact that on the part of judges of the Supreme Court, does not seem to me to be a strong reason. The great difficulty we are trying to overcome is the difficulty which arises at the trial of cases. There is not the same reason for the judges of Appellate Courts to understand the two languages as there is for a judge who presides at nisi prius, who hears the evidence. And, again, we all know that in the Supreme Court the parties themselves and the witnesses are not present; they are represented by the counsel; and we know that all counsel in the province of Quebec know both languages. In my experience in the Supreme Court I think that I can remember only one instance where counsel from the province of Quebec came there and was not sufficiently proficient in the English language to make his argument in English. To-day I venture to say there is not in the province of Quebec a single French-Canadian lawyer who cannot come before the Supreme Court and make his argument in English and be perfectly well understood.

Hon. Mr. PERLEY—Do not most of the judges understand French?

Hon. Mr. BELCOURT—In Quebec, yes I think they do. So that there is no similarity of argument applicable to the case pointed out by the Minister of Justice. If I were satisfied that the matter was going to be dealt with, and dealt with by the time indicated by Tuesday next, I would not to-day insist upon my amendment, but it seems to me the question has been so often discussed, the parties interested have so often bespoken consideration and attention to this matter, that unless some expression of opinion by this House, or by some other influential source, is given I am afraid the matter is going to be dealt with in the future in the same way that it has been dealt with in the meantime, that it is going to be shelved. It seems to me there is no other way of bringing this matter to a conclusion than by forcing it upon the attention of parliament. I know from personal knowledge that the matter has been before the Minister of Justice for a long time—not for weeks or months, but for years.

Hon. Mr. BEIQUE—If I am not mistaken, the hon. gentleman has adopted in his amendment the wording of the Admiralty Act as it stands in the statutes.

Hon. Mr. BELCOURT—My amendment is taken almost word for word from section 11 of the Admiralty Court Act, chapter 141. It provides that a local judge in admiralty may from time to time, with the approval of the Governor in Council, appoint a deputy judge who shall have and exercise all such powers and authority, as are possessed by the local judge. That is almost word for word my amendment, so there can be no such consitutional objection as that which has been mentioned by the Minister of Justice. There is no great difficulty, and no important principle involved; it is simply the recognition of a principle sanctioned at the time of confederation. Why the matter should require so much time and consideration is something which I fail to see. The right exists on the part of those people to be heard in their own language. Surely it will not be contended that they are heard in their own language if they are heard by a man who does not understand it. Under the circumstances, it seems to me that a clear case of the requirements of justice has been made out and the leader of the House should accept my amendment.

Hon. Mr. DAVID—If it is true that the Senate is the guardian of the rights of

the minorities, the hon. gentleman has an opportunity to prove so by accepting the amendment. I do not think there is a civilized country in the world which would expect judges to sit in cases in which they do not understand the language used by the lawyers and witnesses; I think it is in Turkey there are certain parts of the country where such things have been done, but in Canada we are not in such a position. We are a little more civilized than they are in Turkey.

Hon. Mr. DANDURAND—I would suggest that the hon. gentleman's amendment be read, and that the matter be allowed to stand until Tuesday. That would give the Minister of Justice time to think it over, and perhaps he might suggest an amendment which would be acceptable to everybody.

Hon. Mr. CHOQUETTE—On second thought, I withdraw my amendment in order that the one we have just heard may be adopted; but I object to postponing the Bill until Tuesday next. The cards are out for prorogation next week. This is a Bill from the Commons and must go back, if amended. If we postpone this Bill until to-morrow, perhaps the Minister of Justice may have some time to give it consideration. If we find that he has not, it can be postponed for another day, but I object to so long a postponement as the one suggested by my hon. friend opposite, since prorogation is likely to take place next Wednesday and the government might be disposed to let the Bill drop if it should be amended so near the end of the session.

Hon. Mr. POWER—This is only Wednesday, and I see no reason why we should put off the third reading of the Bill until Tuesday next. We might let it stand until Friday. The amendment proposed by the hon. gentleman from Ottawa is a perfectly reasonable one, and is worded in the proper way. I have generally been opposed to increasing officers and offices and expenses, when I did not think it necessary. Up to to-day, I have never been friendly to the idea of having a second judge of the Exchequer court; but I really think it looks now as though it were almost a necessary thing to appoint a second judge. Attention has been called to the fact that the Exchequer Court judge at the present time is unable to overtake the work before his court. If the Minister of Justice will consider this question during the recess, he may make up his mind that, on the whole, the better plan is to appoint a judge of the Exchequer Court who shall be familiar with the French language, and meet the wants of the French people at large better than by passing this amendment.

Hon. Sir RICHARD CARTWRIGHT—I would say to my hon. friend from Ottawa, I presume that before you can appoint a deputy judge you must have some wherewithal to pay him. A vote in the estimates would be a necessary preliminary to the appointment of a judge.

Hon. Mr. BELCOURT—My hon. friend's mind may be relieved on that point. Mr. Audette, the registrar of the court, has as a matter of fact, in numerous cases acted as deputy judge without any remuneration. He is still there, and quite competent to act as judge. He has stated that he is willing to do the work without extra remuneration.

Hon. Mr. BEIQUE—Judges of the provincial courts could also be appointed.

Hon. Mr. BELCOURT—Certainly. If my amendment even indirectly had in view the expenditure of a sum of money, I would have hesitated a long time before moving it in this House.

Hon. Sir MACKENZIE BOWELL—Does not this proposition involve an expenditure of public money?

Hon. Mr. BELCOURT—No, it does not involve the expenditure of one sou.

Hon. Sir RICHARD CARTWRIGHT—I am afraid my hon. friend is unintentionally misleading the House. I have not the slightest doubt if his amendment is passed that there are numerous gentlemen, perhaps including Mr. Audette himself, who would consider themselves qualified to be made judges and receive a judge's salary.

Hon. Mr. BELCOURT—I say that Mr. Audette is not receiving anything like the salary he earns. Three thousand dollars

is wholly inadequate for the services he performs. I speak of something of which I have knowledge, and I say that if Mr. Audette were appointed to-morrow deputy judge, under my amendment, it would not entail an expenditure of one single cent out of the public treasury, and there is nothing in my motion requiring it.

Hon. Sir RICHARD CARTWRIGHT—There may be nothing requiring it, but I think you will find my version the correct one, that some considerable expense would be incurred.

Hon. Mr. BELCOURT—But it does not follow as a necessity from my amendment.

Hon. Sir RICHARD CARTWRIGHT—I think does follow as an inevitable consequence.

Hon. Mr. BELCOURT—I have the greatest respect for the opinion of my right hon. leader, but I do not accept his view on this matter.

Hon. Sir MACKENZIE BOWELL—When I read this amendment, I was under the impression that it would involve an increased expenditure, but I am assured by the hon. gentleman who has moved it that a judge can be appointed and receive no remuneration. If there is any lawyer within the circle of the hon. gentleman's acquaintance who will act as a deputy judge for any length of time for nothing, I would suggest that an appropriation be made to hand down his name to posterity. I must confess I have never yet found any legal gentleman, or anyone else, who was prepared to act in any capacity for the government without remuneration. More than that, I think it would be absurd and improper to ask him to do so. If this resolution involves an additional expenditure of public money, how far is it in order, or what right has this Chamber to adopt it without first having received the sanction of the Governor General and of the House of Commons.

Hon. Sir RICHARD CARTWRIGHT—I would suggest to let it stand until Friday, and I will then bring the subject up again for consideration; but I am not prepared to say whether the amendment will be accepted or not.

Hon. Mr. BELCOURT—I am quite willing to accept that suggestion. I had intended to add after the words 'appointee' in the fourth line, the words following: 'Whenever called upon to act as such deputy judge in the provinces of Quebec and Manitoba.'

Hon. Mr. CHOQUETTE—Why not make it general?

Hon. Mr. BELCOURT—Because it has been pointed out to me that the amendment as framed might require, as a pre-requisite to appointment, proficient knowledge of the French language in cases dealt with in Ontario. That would be unnecessary, and so I want to limit it to the two provinces where French is an official language.

Hon. Mr. CHOQUETTE—We ought to include New Brunswick. The hon. member from Shediac the other day called attention to the fact that it should apply to the maritime provinces.

The Bill and the amendment were allowed to stand until next Friday.

THIRD READINGS.

Bill (No. 149) An Act to amend the Extradition Act.—(Rt. Hon. Sir Richard Cartwright).

Bill (No. 162) An Act to amend the Customs Tariff, 1907.—(Rt. Hon. Sir Richard Cartwright).

Bill (No. 82) An Act respecting the Monarch Fire Insurance Company.—(Hon. Mr. Coffey).

Bill (UU) An Act respecting the Prudential Life Insurance Company of Canada.—(Hon. Mr. Gibson.)

Bill (ZZ) An Act to incorporate the Commerce Insurance Company.—(Hon. Mr. Gibson).

Bill (AAA) An Act respecting the Fidelity Life Insurance Company of Canada.—(Hon. Mr. Gibson).

CLASSIFICATION OF LIBRARY EMPLOYEES.

MOTION.

Hon. Sir RICHARD CARTWRIGHT moved concurrence in the message from the House of Commons, re classification of the officers, clerks, and employees of the library of parliament.

Hon. Mr. POWER said: When this message came up yesterday there was some question raised about it by the hon. gentleman from Stadacona. I think it was on my motion that the consideration was put off until to-day for the purpose of seeing whether it was such a measure as we should concur in. Having looked over this message, I find that there are in the library of parliament two librarians and eight other clerks, and five messengers. This classification takes the two chief clerks and puts them in the First Division Subdivision 'A.' Section 5 of the Civil Service Act provides that officers of this class are paid salaries pertaining to the rank of deputy heads. My contention is that these two chief clerks in the library do not properly come under subdivision 'A' but under subdivision 'B,' 'consisting of and including the chief clerks' now holding office and not eligible for subdivision 'A.'' My contention is that these two gentlemen should be in subdivision 'B,' and their salaries, instead of starting at $2,800, should start at $2,100. One of these gentlemen is now receiving $2,400. That was his salary on the first of September. The other receives $2,100 yet both these officials start at $2,800 and run to $4,000. We do not indulge in that sort of extravagance in connection with our own House, and I do not think we should approve of it in connection with a portion of the parliamentary machinery as to which we are supposed to have an equal say with the other House of parliament. I have already stated that there are altogether under these two chief clerks only eight clerks and five messengers, and when we look at the amount of money which the library authorities have to expend, I think the argument against this expensive and numerous staff will be strengthened. As I understand it, for the purpose of procuring books and binding books there is expended each year only about $12,000. In order to spend that $12,000, and also, of course, to keep the library open, we pay two librarians $10,000. If this measure is adopted, we shall pay these two clerks ultimately $8,000. That will be $18,000, and we pay $5,000 to three first-class clerks. That makes $23,000, and we pay $4,000 to junior clerks; that is $27,000; and we pay nearly $4,000 more for the messengers. We shall pay about $31,000 for the purpose of expending $12,000, and taking care of the books. That is an expenditure hardly justifiable. We cannot alter things as they are now; we cannot cut down the salaries as they exist, but I do think we should not concur in this proposal to raise these two salaries immediately by eleven hundred dollars, and ultimately by a couple of thousand dollars. I propose to move presently that these two gentlemen whose names are put here as being in the first division, and in subdivision 'A' of that division, be placed in subdivision 'B' of that division.

Hon. Mr. LOUGHEED—Will my hon. friend say whether we have authority to amend this report in any respect, or have we to accept it or reject it?

Hon. Mr. POWER—It is not a question of voting money.

The SPEAKER—It is a message.

Hon. Mr. POWER—It is a message asking us to concur in recommending a certain scale of salaries, and we can alter that surely.

Hon. Mr. LOUGHEED—I cannot for the time being appreciate any distinction between amending this Bill and amending any ordinary money Bill, because if it is amended it is tantamount to reducing the salary by whatever the amendment may be.

Hon. Mr. POWER—It is in a different class from a money Bill.

Hon. Mr. BEIQUE—They are employees of both branches of this parliament, and surely a matter therefore over which we have control.

Hon. Mr. LOUGHEED—But are not the supplies voted by parliament every year?

Hon. Mr. BEIQUE—The hon. gentleman will see what his objection may carry us to; it will carry us to not having the right of controlling the salaries of our own employees. Surely he does not suggest that?

Hon. Mr. LANDRY—I would call my hon. friend's attention to clause 8:

8. As soon as practicable after the coming into force of the Act, the head of each department shall cause the organization of his

department to be determined and defined by order in council, due regard being had to the status of each officer or clerk as the case may be.

2. The order in council shall give the names of the several branches of the department, with the number and character of the offices, clerkships and other positions in each, and the duties, titles, and salaries thereafter to pertain thereto.

This action of the Governor in Council, by clause 45, is devolved upon the Senate for the officers of the Senate; so we are practically acting here as the Governor in Council in the discharge of that duty.

Clause 45, provides that:

Wherever under sections 5, 8. . . . any action is authorized or directed to be taken by the Governor in Council or by order in council, such action with respect to the officers, clerks and employees of the House of Commons or of the Senate, shall be taken by the House of Commons or the Senate as the case may be.

So the action that, according to law, should be taken by the Governor in Council is taken by us as representing the Governor in Council. The Governor in Council is, as far as the Senate is concerned, ourselves. So we are acting in this capacity of forming the list and fixing the salaries, because the law gives us that special right. I think we are perfectly in order.

Hon. Mr. DERBYSHIRE—We could send it back to the Commons for them to amend it.

Hon. Mr. LANDRY—We are acting as the Governor in Council. The report to us is made by the head of the department, in that case by his honour the Speaker, and we are taking action upon his recommendation.

Hon. Mr. BEIQUE—I think the hon. member from Halifax (Mr. Power) is correct: Sub-division B of the first division comprises only the gentlemen who cannot be classified in sub-division A of the first division. If they can be classified, it would only be because they would be assistant to the deputy head. Under the Civil Service Act librarians are deputy heads. They might give them the position of assistant to the deputy head, but the message, as it is brought to us, is not in accordance with that; they are described as clerks and, therefore, they necessarily come within the sub-division B of the first division. They cannot come within the other division; therefore I think that the point raised by the hon. member from Halifax (hon. Mr. Power) is correct. Of course, all those clerks could be raised to $2,800 if it is desired to do so, but it would be the maximum salary, as is mentioned there, and they would not be entitled to any increase.

Hon. Mr. SCOTT—I think the House of Commons having adopted this, and as it goes to Supply, it would be very bad taste, and I do not think quite proper for this House to interfere, especially to cut it down. I find one of the officials whose salary is proposed to be reduced, Alfred H. Todd, has been clerk in the library since first April, 1869, 40 years ago. Does any hon. gentleman say that a man in Mr. Todd's capacity, having served the country for 40 years ought to be turned down in the matter of salary?

Hon. Mr. POWER—Who is turning him down?

Hon. Mr. SCOTT—The hon. gentleman is.

Hon. Mr. POWER—Mr. Todd has now a salary of $2,400; if he is placed in sub-division B he will go up to $2,800; but I do not think he is entitled to be raised immediately to $2,800, and after this to $4,000. That is the point. The librarian of parliament only a couple of years ago had only $3,200.

Hon. Mr. SCOTT—The officers of our library have always been underpaid. They are a superior class of men. There is the distribution of the innumerable books that come from all parts of the world, because you know we exchange libraries with various countries, not only with the colonies but with foreign countries, and anyone who will go into that library and take a note of the condition of the books that are there, in so circumscribed space, will admit that it is perfectly wonderful how a clerk can find a book. It surprises me, often as I go into that library, with the terrible confusion that exists from inability to find space to place the books, because

in many of the shelves there are double rows, a back row and a front row, that the clerks are able to find the book asked for. I do think it a most ungenerous and ungracious thing for this Chamber to carp at all at any proposed increase of the salaries, particularly of gentlemen who have been so long meritorious officials of the government.

Hon. Mr. BEIQUE—Will the hon gentlemen allow me to say that he misunderstood me if he thinks that I objected to the salary. I am supporting the hon. member from Halifax because I think his point is well raised. If we adopt this method it would not have the intended effect. I am not disposed to criticise the salary, if the committee of the House of Commons believe that they are entitled to the amount; but I think the best course, the wise course would be to suspend the consideration of this message and call the attention of the committee to the fact that if they desire to achieve the object which they have in view, they should appoint these officials assistant deputy heads, as being the only way by which they can bring them under subdivision A of the first division.

Hon. Mr. SCOTT—If the two houses of parliament agree to the classification and to the payment of the salaries here provided for, who is going to object? Certainly not the hon. gentleman. When this has received the approbation of both House it is tantamount to a statute.

Hon. Mr. POWER—I move my amendment at any rate. It is this:

That all the words after 'That' be struck out and the following words substituted in lieu thereof: 'the Classification and Organization of the Officers, Clerks, and Employees of the Library of Parliament, set forth in the Message from the House of Commons of the tenth day of May instant, be not now agreed to, but that A. H. Todd and L. P. Sylvain therein placed in the First Division Subdivision A, be placed in Subdivision B of the said Division.'

The House will permit me to advert to the language used by the hon. gentleman on my right (Hon. Mr. Scott). He talks as though we were committing some unpardonable offence. What are we doing? We are simply saying that the same rule shall be applied to the officers of the library which we apply to our own officers, and which is applied, I understand, to the officers of the House of Commons.

Hon. Mr. LANDRY—Is the hon. gentleman prepared to say another thing, that we shall apply here the rules that apply to the House of Commons?

Hon. Mr. POWER—That is another matter. We are dealing now with this particular matter.

The amendment having been read by the Speaker.

Hon. Mr. LANDRY—I think the motion is not in order. It will have the effect of putting these names down in another class. The point raised by my hon. friend may be correct; they may not be now in their proper place. Have we a right, in a joint action, to take upon ourselves the responsibility of taking those names out of the place they are in now and putting them in another place? We should have a conference with the hon. gentlemen of the other House to come to an agreement, but I do not think we have a right to settle the question ourselves.

Hon. Mr. POWER—Certainly not; I did not expect we should. I proposed to move, if this amendment carried, that a message be sent to the House of Commons asking them to reconsider the matter. I wish to call the attention of His Honour the Speaker, and hon. gentlemen to the fact that section 45 of the Act says that with respect to officers, clerks, and employees of the Library of Parliament, action shall be taken by both Houses of parliament by resolution; and that just reminds me, if the House will permit me to say another word, that in the Department of Public Printing, which is a very important department, and which deals with an infinitely larger sum of money than the library does, there is no clerk higher than this subdivision 'B' of the first division, and there is only one officer placed in that subdivision, that is Mr. Davidson, the head of the Printing Department, and his salary is to be only $2,100.

Hon. Mr. LANDRY—Is that the distribution department?

Hon. Mr. POWER—Yes.

The SPEAKER—Hon. gentlemen, I desire to say a word or two on this matter. The position which was taken by the other House, and by those who represented the other House, was that Mr. Todd and Mr. Sylvain stand in relation to the library in the same position as an assistant deputy minister does, and that the words in the first subsection as to subdivision 'B' do not apply to them, because they are in the character of assistant deputy clerks, and not to be treated and dealt with as chief clerks.

Subdivision 'B' consisting of the lesser technical and administrative and executive officers, including the chief clerks now holding office and not eligible for subdivision 'A'.

They held that being in the position, standing towards the library as an assistant deputy minister did in a department, that they were to be treated in the same way. That view was presented at the time, and I felt it was my duty to concur in it. It is open to the House to take a different view and, if they do, I would point out the only way it can be done, I think, is by a message to the other House. Although I am new to the Senate in a sense, and new also in my connection with the library, yet it was brought forward at the last meeting of the Library Committee and appears in the report which was presented at that meeting, that it was recommended that Mr. Todd should be appointed assistant librarian, and that the title be given to him of assistant librarian. So that, as far as Mr. Todd is concerned, it would appear that every body, except, perhaps my hon. friend, appreciates his services as entitling him to be treated with consideration.

Hon. Mr. POWER—I may say that that recommendation has not been acted upon.

The SPEAKER — I do not know whether it has been acted upon or not. But a majority of the Library Committee were in favour of it.

Hon. Mr. POWER—There were not more than six members of the committee present at the time.

The SPEAKER—There were only two that voted against it.

Hon. Mr. LANDRY.

Hon. Sir RICHARD CARTWRIGHT—The House might note that these are the only two increases the House of Commons have recommended. In every other case they remain at precisely the same figure. The House has it in its power to disagree or agree, but I hardly think it worth our while discussing the question at length.

Hon. Mr. LANDRY—I understand that report has been accepted by the House of Commons?

Hon. Sir RICHARD CARTWRIGHT—Yes; it is their message to us to ask that we will concur with them.

The amendment was declared lost on division. Yeas—12. Nays—6.

Names not recorded.

The main motion was agreed to.

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

THE SENATE.

OTTAWA, Thursday, May 13, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MORNING SITTINGS.

MOTION POSTPONED.

The order of the day being called:

That when the Senate adjourns to-morrow it do stand adjourned until Monday next at 11 o'clock in the morning, and that on and after Monday there be three distinct sittings each day, to wit: from 11 o'clock to one o'clock, and from three o'clock to six o'clock, and the third sitting commencing at eight o'clock in the evening, and that each sitting shall constitute a sitting day under the rules of the Senate.

Hon. Sir RICHARD CARTWRIGHT—I desire to have this motion stand until to-morrow for the reason that it is possible we may have to ask the House to sit on Saturday, and in that case I would have to alter the motion somewhat.

Hon. Mr. DANDURAND—I understand the motion will stand until to-morrow with

this amendment, that when the Senate adjourns to-day it do stand until to-morrow at 11 a.m.

Hon. Mr. LANDRY—I object to that.

Hon. Mr. DANDURAND—The hon. gentleman cannot object. It is a notice of motion for to-day, and it is not put to-day. The hon. gentleman withdraws it and gives another notice of motion for to-morrow.

The motion was withdrawn.

WORK ON WHARF AT ST. JEAN DESCHAILLONS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. How much a day has the government paid for each workman who worked on the hill which leads to the wharf at St. Jean Deschaillons?
2. How much for each horse and vehicle with their drivers?
3. How long a time did this work last?
4. What were the wages a day of Dr. M. A. Chandonnet, who managed these works?
5. How much has he received under this head?
6. Are the works in question finished?
7. If not, what is the approximate amount that their completion will require?

Hon. Sir RICHARD CARTWRIGHT—The department notified me when I asked for an answer that they were in correspondence with their officer on the subject, and he has not yet furnished them with all the information they require. I will, therefore, ask my hon. friend to permit the motion to stand.

Hon. Mr. LANDRY—Was the request by letter or by wireless telegraphy?

Hon. Sir RICHARD CARTWRIGHT—I think it was by letter on account of the remarkable saving of money which is accomplished by utilizing the post instead of wireless telegraphy.

CANADA LIFE ASSURANCE COMPANY BILL.

MOTION.

Hon. Mr. YOUNG moved:

That rules 24 (a), (b), (h), 119 and 129 be suspended in so far as they relate to (Bill 56) An Act respecting the Canada Life Assurance Company.

The motion was agreed to.

ONTARIO AND MICHIGAN POWER COMPANY BILL.

MOTION.

Hon. Mr. YOUNG (in the absence of the Hon. Mr. Watson) moved:

That rules 24 (a), (b), (h), 119 and 129 be suspended in so far as they relate to (Bill 34) An Act to incorporate the Ontario and Michigan Power Company.

Hon. Mr. LANDRY—I would like to know why we should suspend rules in this case when we shall likely be required to take Saturday and Monday in the discussion of these Bills? I see no reason for suspending the rules, because if we have three sittings on Monday that corresponds to three days, and one on Saturday will make four days. I do not see any reason why that motion should be made to-day.

Hon. Mr. YOUNG—My hon. friend is right in that respect, that it is possible the suspension of the rules is quite unnecessary, but it is only providing for a contingency that might arise through a delay in the committee sittings, and as we are drawing towards the close of the session. it might be convenient to expedite business by suspending the rules. My hon. friend is right enough in saying that this motion may not be required at all.

Hon. Mr. LANDRY—It will not prevent anything from being done to-day. The second reading goes on to-day; nothing interferes with to-day's business. If the hon. gentleman wants to move the suspension of the rules let him do so when it becomes necessary.

Hon. Mr. YOUNG—But it is better to give notice so as not to surprise the House.

Hon. Mr. LANDRY—Will the hon. gentleman let his notice stand?

Hon. Mr. YOUNG—It is better to move it now.

Hon. Mr. DANDURAND—Has it not been the practice in the last days of the session to suspend rules in order to facilitate the passing of Bills?

Hon. Sir MACKENZIE BOWELL—Not where they are objectionable Bills.

Hon. Mr. LANDRY—I thought that since the Liberal party was in power we were done with objectionable practices and that we were complying with the rules. It certainly is unnecessary to suspend the rules to-day.

Hon. Mr. DANDURAND—As far as my recollection goes, we have in the last days of each session suspended rules in order to expedite business.

Hon. Mr. LANDRY—We should not wait until the last days of the session, but at the opening of parliament we should move a resolution that all the rules be suspended, and that we shall have no rules at all. That would be the best way to get over it.

Hon. Mr. DANDURAND—That would be a little radical.

Hon. Mr. GIBSON—Surely my hon. friend from Stadacona is not serious in his objection, because this resolution should have been presented to the House yesterday.

Hon. Mr. LANDRY—Yes.

Hon. Mr. GIBSON—There is no doubt about that at all. The fact of the matter is that when the hon. member for Killarney gave notice, he gave it in plain words for Wednesday, and then my hon. friend took objection to it being put out of its place. It was not the fault of the hon. member that it did not find its proper place on the Order Paper, and the same with Mr. Watson's Bill. They are both on all fours, and surely we are not going to insist a second time on the Bill standing over.

Hon. Mr. LANDRY—I will grant that the hon. gentleman is in perfect good faith in the remarks he has made, but he is in error altogether. The question to-day is to suspend the rules for an object. The motion is before the House; it may be disposed of; I suppose it will carry, but I do not see any reason why the motion should come up to-day.

Hon. Sir MACKENZIE BOWELL—If the same reason is advanced it is likely to meet with opposition. I do not say it is done designedly, but it very often occurs, that such Bills are not introduced in the Senate until a few days before the close of the session, and then all the rules which have been adopted for the protection of the interests of the people are suspended for the time being. This Bill requires a little discussion. It affects the interests of the whole of Ontario, and involves the destruction of a policy which has been adopted by the government of that province; yet we are asked to suspend the rules in order that the Bill may be rushed through the House without receiving proper consideration. I have not seen the Bill since it has been amended, but it should have the careful attention of every member of this House, particularly the representatives from Ontario, and those who have any regard for provincial rights, which the Senate's duty is to protect. This is just one of those measures which, if an attempt is made to rush it through the House, will likely meet with strong opposition. It is likely to be opposed at every stage unless it is so amended as not to interefere with the electric power policy adopted by the province of Ontario. That is one reason why we ought not to suspend the rules in this instance. If the motion is persisted in, we will have to go into a long discussion which may occupy a day or two before it is concluded; therefore I object to the motion.

Hon. Mr. WATSON—I do not think this is the time or place to discuss the merits of this particular measure. If we were to discuss the measure now, I would remind hon. gentlemen that this Bill was passed by the Senate three years ago in a much more objectionable form than it is at present; but I am not discussing that now. The motion does not ask for anything irregular. It should have been made yesterday, according to the notice given, and the only privilege asked from the House is, that the rules be suspended so far as they relate to this Bill. It is for the House to say whether they will grant the suspension or not. The Bill has passed the House of Commons. The promoter of the Bill cannot be blamed for the delay which has occurred. The Bill has been before the other House for weeks, and it is no fault of the promoter that it is only before us now. It is our duty to discuss the Bill and send it to the committee as early as possible in order that it may be given the consideration it deserves.

Hon. Mr. LOUGHEED—Do I understand that this Bill is down for the second reading to-day?

Hon. Mr. WATSON—Yes.

Hon. Mr. LOUGHEED—I cannot find the amended Bill, if it has been distributed. I doubt if any private measure has received more public attention, not only in the House of Commons, but outside of it, than this Bill during the present session. The province of Ontario was represented before the committee to which this Bill was referred, and even the Prime Minister himself took very strong grounds against the measure as it appears upon our files. The Bill which we have upon our file has been practically abandoned, and this Chamber does not know to-day what Bill is before us. Surely my hon. friend cannot be serious in saying that the Senate should go into the consideration and commit itself to the principle of a Bill which is not before it to-day? The press of the whole province of Ontario, including the organ of the Liberal party, the Toronto 'Globe,' has protested most strongly against this Bill, and protests to-day against the form in which it passed the House of Commons. It was no later than Monday last that a very strong editorial appeared in the Toronto 'Globe' condemning most strongly the Bill as it passed the House of Commons, and as it is proposed to be submitted to this Chamber to-day.

Hon. Mr. WATSON. This Bill (No. 34) was passed in the House of Commons on May 8. The hon. member will have it on his file.

Hon. Mr. LOUGHEED—If this is the Bill, what I said with reference to its not being distributed in its amended form is incorrect, and I withdraw that statement. It is a Bill involving very important constitutional questions, and it is certainly due to this Chamber that it should come before us in a way that we can give proper consideration to it. If it is to be railroaded through under suspension of rules and by our being asked to consider it holus bolus, without due consideration or discussion, and without our having before our committee the representatives of the province of Ontario who appeared before the Commons committee; then I submit we are not in a position to give it that careful consideration which it is our duty to do.

Hon. Mr. DANDURAND—The hon. gentleman is surely unduly alarmed. This Bill is on the Order Paper for second reading to-day. The motion which is now before us for discussion will not affect the time that we may give to it for the second reading. It will go to committee. The suspension of the rules does not limit the time that the committee may occupy in dealing with it. When it comes to the House from the committee, it may be given its third reading, but it will be open for discussion on the third reading. So that I do not see, except for the fact of gaining one day, perhaps, that there is an occasion for alarm, or that there is any restriction in the amount of time that will be devoted to this Bill by the Senate. No stage is cut off.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must know that if we suspend all the rules it facilitates the passage of the Bill after it comes back from the committee, should it be approved by committee. It is clear enough that that is the object of the motion.

Hon. Mr. DANDURAND—It allows the Bill to gain one day.

Hon. Sir MACKENZIE BOWELL—Those who desire to defeat the measure have the right to take advantage of that.

The SPEAKER—The hon. gentleman has already spoken.

Hon. Sir MACKENZIE BOWELL—So have others. If that rule is to be enforced with regard to speaking more than once, I shall see that it is applied to others. I was only giving thanks to the hon. gentleman for telling me when I should discuss the question. I must reserve to myself the right to judge as to the time when I think it is proper to discuss any question before this House, and when it is sought to suspend the rules for the purpose of facilitating the passage of a measure that I think should not be passed, I must use my own judgment as to the time when I should discuss it.

Hon. Mr. LANDRY—I want to raise a point of order. Clause 30 of our rules states:

No motion to suspend any rule or standing order, or any part of a rule or order, may be made, except on one day's notice specifying the rule or order or part thereof proposed to be suspended, and the purpose of such suspension.

Any rule or order, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or order, or part thereof, proposed to be suspended being distinctly stated.

This motion is to suspend rules, for what purpose it does not say. It does not say that it is to do away with the day for the third reading, so that the third reading may be taken on the same day it comes back from the committee. It does not say so, and rule 30 says that no motion to suspend any rule may be made if it does not point out the purpose of such suspension. The purpose of the suspension is not pointed out in this case.

Hon. Mr. POWER—I think the gentleman's objection is taken too late. The question has been put by his honour the Speaker, and the vote was being taken.

Hon. Mr. LANDRY—I think I rose to speak before it was put.

Hon. Mr. DANDURAND—But the question was put.

Hon. Mr. LANDRY—But I made my objection and if I made my objection I am not too late. If the Speaker resumed his seat and let me put my point of order, it stands before the chair.

The SPEAKER—The rules which it is proposed by this motion to suspend, are rules of a definite character for a definite purpose, and provide against something being done unless a notice is given. The proposal is a suspension of that rule which dispenses with the giving of notice. The purpose of it is quite clear, and it speaks for itself as a purpose, therefore I am of opinion that the motion is in perfect order.

The motion was agreed to.

CORRESPONDENCE RE FEDERATION OF NEWFOUNDLAND.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to call the attention of the leader of the House to the lack of information in the return just laid down upon the table in answer to an address of the Senate asking for correspondence between the Hon. Sir Frederick Borden and Mr. Crowe, of Newfoundland. The answer is simply, 'There is no official correspondence.' I am under the impression that we were aware of that fact when the motion was made, and the motion did not ask simply for official correspondence, but official or otherwise, based upon the statement made by the minister himself that he would be very much pleased to have the whole correspondence made public. However, I have no doubt that it is his right to answer in this way, but it is not an answer to the motion which was passed by this House.

WATERWAYS TREATY.

Hon. Sir MACKENZIE BOWELL—I desire to call the attention of the leader of the House to a paragraph in this morning's 'Citizen,' and to ask if the hon. minister can verify the statement. It is in reference to the Waterways treaty. It is a very important question, and the paper says:

Sir Wilfrid Laurier received last evening a telegram from Premier Whitney, of Ontario, requesting that if the waterways treaty is ratified by parliament it should be exclusive of the amendment made by the United States Senate. This rider Sir James Whitney says is unfair to the province of Ontario in view of the other provisions of the treaty.

It adds:

The reply of the Prime Minister, it is said, will be that to the original treaty the federal government was prepared to give adhesion, as stated by Sir Wilfrid Laurier in the House, but that the addition of the United States Senate amendments so altered the constitution that further consideration was imperative. So far, nothing has been done towards ratifying the amended treaty on Canada's behalf, and nothing will be done this session in that direction.

I trust that the position indicated in this paragraph as the one taken by the government is correct. I am quite satisfied

that it will not only meet the approval of every citizen of Ontario, but of the whole Dominion if the government takes a firm stand upon this very important question. Unfortunately, in former negotiations between the United States and Canada, they have managed by some means or other—by their persistence, with which I find no fault from their standpoint—to secure advantages which should have not been conceeded by any government to them. In the present instance, I have no doubt, from what little information we have before us, that if the treaty as amended should be ratified by Canada, it will have the effect indicated by the Premier of Ontario—a disadvantage to Ontario and to the Dominion generally.

Hon. Sir RICHARD CARTWRIGHT—With the exception of the paragraph in the newspaper, I have no more information on the question at present than the hon. gentleman has, except that the treaty, up to date, has not been ratified.

OTTAWA AND GEORGIAN BAY CANAL.

Hon. Mr. LANDRY—We learn from the newspapers that a movement to obtain from the government a guarantee of a three per cent loan has been commenced in regard to the Georgian Bay canal, and that Sir Robert Perks has interviewed the government with that object in view. Can the right hon. gentleman inform the House if there is any truth in that statement?

Hon. Sir RICHARD CARTWRIGHT—I believe my hon. friend is correct in saying that Sir Robert Perks, or somebody with a similar name, has been good enough to intimate to the government of Canada that he can find the money to build the canal, but I do not think that any further communication has taken place.

BILLS INTRODUCED.

Bill (No. 136) An Act to amend the Post Office Act.—(Hon. Sir Richard Cartwright).

Bill (No. 137) An Act to amend the Civil Service Act.—(Hon. Sir Richard Cartwright).

CONSERVATION OF NATURAL RESOURCES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 159) An Act to establish a commission for the Conservation of Natural Resources.

The Bill was read the first time.

Hon. Sir RICHARD CARTWRIGHT moved that the Bill be read the second time on Saturday.

Hon. Sir MACKENZIE BOWELL—What is the character of this Bill?

Hon. Sir RICHARD CARTWRIGHT—It is a commission for the purpose of deciding in what way the natural resources of Canada can best be exploited and preserved.

The motion was agreed to.

A CORRECTION.

Hon. Sir RICHARD CARTWRIGHT—Before the orders of the day are called, I should like to make a correction of a mistake in the unrevised edition of the Senate 'Debates' of yesterday's proceedings. I find that I am credited with some very valuable remarks made by the hon. gentleman from Halifax (Hon. Mr. Power), and I do not in the least wish to deprive him of the honour that pertains to him. I should be glad to have the remarks credited to where they properly belong.

Hon. Mr. POWER—I quite concur. There has been a mistake on the part of some one. I only wish the right hon. gentleman had made the remarks credited to him. I have no doubt if he had, the vote would have been entirely different.

Hon. Sir MACKENZIE BOWELL—It is quite evident that he had too much regard for his own reputation to make them.

Hon. Sir RICHARD CARTWRIGHT—I was credited with the excellent speech that my hon. friend made, and I do not desire to wear laurels which do not belong to me.

Hon. Mr. LANDRY—I suppose my right hon. friend should be complimented for disavowing that speech.

CLASSIFICATION OF CIVIL SERVANTS.

Hon. Sir RICHARD CARTWRIGHT—moved concurrence in the message from the House of Commons re classification and organization of the officers and clerks of the distribution office of the Department of the Printing of Parliament. If my honourable friends will look at page 637 of our minutes of proceedings, they will see this report in detail, and they will observe that with the exception of one officer there is no increase at all. The superintendent of the distribution of printed documents has been placed in subdivision 'B' of the first division. He had $1,950; that brings him to $2,100. The others remain exactly as they were.

Hon. Mr. LANDRY—I suppose this change was made in the House of Commons?

Hon. Sir RICHARD CARTWRIGHT—Yes, and they ask for our concurrence.

Hon. Mr. POWER—Although I am of a somewhat critical disposition, I have no criticism whatever to make in connection with this matter. I think the classification of the officers and of the clerks of the distribution office and the Department of Printing, is just what such a document should be. There is no one put into a class away above that in what he should be, and there has been no considerable addition to the salaries. The cost of the whole staff of this very important department is only $5,500, and if the classification we had before us yesterday had been at all along the lines of this one, I should have been the last to have said a word against it.

The motion was agreed to.

AGRICULTURAL FERTILIZERS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 110) An Act respecting Agricultural Fertilizers.

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—I may say in reply to some questions that were put by my hon. friend with respect to this Bill, it has been found that the Act which it is proposed to repeal by this Bill, that is, the Act of 1890, was not working very satisfactorily, and for several reasons. Among others, which my hon. friend will readily understand, it ignored potash as an element in fertilizers, and it ignored fertilizers of less value than ten dollars a ton. It required standards to be filed in January, a condition to which manufacturers and importers could not conform. It required publication of results of analyses of standard samples; an expense quite useless. It failed to secure satisfactory identification of brands put on the market. It set minimum limits for nitrogen and phosphoric acid in contravention of principles of economy in purchase. It operated in the interests of the manufacturer rather than of the users of fertilizers. For these reasons, the department proposes to enact the present Bill. We can take it up in detail. As it goes on I shall have certain amendments to propose, but they are mostly of a character to make the meaning of the Bill clear. They have been suggested to me by some of our officers.

On section 3,

3. Fertilizers shall be considered as distinct brands when differing either in guaranteed composition, trade mark, name, or in any other characteristic method of marking.

Hon. Mr. BOSTOCK—I would like to ask what is the meaning of section 3; I do not understand it. It reads, 'fertilizers shall be considered as distinct brands.' Fertilizer is not a brand.

Hon. Sir RICHARD CARTWRIGHT—But these various descriptions of fertilizers are marked, as I understand, with particular and specific brands and are distinguished one from the other.

Hon. Mr. BOSTOCK—I do not think that is at all the meaning of this section.

Hon. Mr. POWER—If you put in the word 'of' between the words 'as' and 'distinct' I think it would be better.

Hon. Sir RICHARD CARTWRIGHT—The section is intelligible, but if my hon. friend thinks it would be improved by inserting the word 'of' I do not object.

The word ' of ' was inserted in line 1 between the words ' as ' and ' distinct.'

On section 4,

4. Where the manufacturer of any fertilizer has his factory or chief place of business elsewhere than in Canada, he shall file with the minister the name of a person resident in Canada, and acceptable to the minister, or a corporation in, or having its head office in Canada, as the agent or representative of such manufacturer for all the purposes of this Act; and any notice to, or communication or dealing with, such agent or representative by the minister shall be effectual for all the purposes of this Act.

Hon. Mr. LOUGHEED—I pointed out to my hon. friend the advisability of omitting the words ' or a corporation in ' with a view to enforcing the penalty where an agent is appointed. It will be observed that this clause makes provision for the appointment of an agent of a foreign company, and that the penalty shall be enforced against the agent, and that penalty may consist in imprisonment.

Hon. Sir RICHARD CARTWRIGHT—Or a fine.

Hon. Mr. LOUGHEED—Yes. Of course you can fine a corporation but you cannot imprison it.

Hon. Sir RICHARD CARTWRIGHT—I think that is all that can be done. I mentioned the matter to the department and they appeared to think that the power to fine would be all they could hope to do in the case of a corporation.

Hon. Mr. LOUGHEED—They are all corporations practically that handle artificial fertilizers.

Hon. Sir RICHARD CARTWRIGHT—I think most of them are.

Hon. Mr. LOUGHEED—However, I will waive my objection.

Hon. Sir RICHARD CARTWRIGHT—I move that the words ' in, or,' in the twenty-third line after the word ' corporation,' be struck out. It will then read ' or a corporation having its head office in Canada.'

The amendment was agreed to.

Hon. Mr. BAKER, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

COMMERCIAL FEEDING STUFFS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 127) An Act respecting the Commercial Feeding Stuffs.

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—This Bill is being brought forward by the department in consequence of a great number of complaints that have been made to them with respect to frauds that occur in cattle feed. The department looked into the matter, and after receiving deputations from the Guelph college and divers other parties supposed to be authorities on the subject, they decided to submit this Bill for the consideration of the House.

Hon. Mr. BOSTOCK, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read a third time, and passed under suspension of the rules.

MANITOBA AND NORTHWESTERN RAILWAY BILL.

SENATE AMENDMENTS NOT INSISTED ON.

The order of the day being called:

Consideration of the message from the House of Commons disagreeing to the amendments made by the Senate to (Bill 81) An Act respecting the Manitoba and Northwestern Railway Company of Canada.

Hon. Mr. WATSON—I move, seconded by the Hon. Mr. Campbell, that we do not insist on our amendments.

Hon. Mr. DAVIS—I do not propose at this late stage of the session to take any action with reference to this measure or to

oppose the motion made by the hon. member from Portage la Prairie, for the following reasons: In the first place, this amendment that I have been interested in, which was passed by the Senate the other day, relates to only one of many branch lines provided for in the Bill, and I am under the impression that if the Senate were to reaffirm its action of the other day at the present time and send it back to the other House, there might be a question whether the Bill would pass this session or not. I do not wish to block the legislation on account of these other branches, but at the same time I want to draw the attention of the House to the fact that the statement and the reasons given for the disallowance of the amendment passed by this House is incorrect in every particular, and I think it is nothing but right and just to the Senate that I should draw attention to this fact. The Bill was returned from the House of Commons, I think, on Tuesday. The reasons advanced by the House of Commons for the disallowance of the Senate amendments were as follows:

1st. Because the condition imposed by the said amendment is unusual and embarrassing to the company and is of such a character that it would, if adopted, prevent the company from going on with its operations.

I wish to draw the attention of the House to the fact that it is not unusual, because the very Act incorporating this company contains a clause which provides for the building of twenty miles in each and every year, so that when the original Act provided for the building of twenty miles a year by this company, which I am sorry to say they have not carried out, I do not see how the gentleman in the House of Commons who moved to have the amendment struck out could advance the argument that it was an unusual proceeding to incorporate such a provision in the Bill, when it was already part of the charter. The second reason given for the disallowance of the amendment in the House of Commons is as follows:

Because the company has already shown its good faith by the work already performed, and the penalty provided in the said amendment to meet its requirements is unnecessary and would be ineffective.

The company have not shown their good faith. Let me read you a clause from the original charter. In chapter 52 of the statutes of 1893, section 9, subsection A, it is provided that:

An extension of the main line from its present terminus thereof at Yorktown in a northwesterly direction to a point at or near Prince Albert on the North Saskatchewan river.

That is the clause covering this very amendment we are discussing at the present time. So when the company got this charter from parliament 16 years ago, when they bought the old Manitoba and Northwestern Railway Company, they were given the right to build that main line from its terminus at Yorktown to the city of Prince Albert in a northwesterly direction. I want to point out to this House how they have shown their good faith: instead of carrying out the provisions of this Act by building towards Prince Albert at the rate of twenty miles a year in each and every year before the 31st December, they went as far on that line as a place called Sheho, forty miles from Yorktown, and after that, to serve the purposes of the company, not in the interests of the settlers, they deflected their line and ran it off to Saskatoon; so that all they have built, on an average, is two and a half miles a year for the sixteen years; still gentlemen will come forward and say that this company have kept faith, and have shown their good faith. I say they have not shown their good faith. The first reason given against agreeing to our amendment, that it was unusual to place such a clause in a Bill, is not correct, because it was in the original Act, and the second reason, that the company had shown good faith, is not correct, because they have not shown good faith, and I think this Senate showed its good sense in passing this amendment. I am sorry that when the House of Commons wanted to disallow an amendment that certainly was in the interests of the settlers of that country, they could not advance some better argument than is contained in the reasons given in the message. They are the most trumpery reasons why a Senate amendment should be disallowed that I ever heard. I want to give a few instances of the way in which these people have shown their good faith towards

the country. It is well known that the Canadian Pacific Railway got a grant of twenty-five million acres of land in the first place on their main line, and another grant of a very large number of acres of land afterwards on their branch lines. This is only one grievance out of fifty because of not building the line into Prince Albert. Why did they not build the line into Prince Albert at this particular place? Simply because the Pacific Railway had not land in that part of the country. Their land did not lie there; and it did not suit their purpose to increase the value of that land, and they simply did not build the road.

It is a well known fact to every one in the western provinces that this same company, on account of the immense amount of land they hold in different parts of the province, have adopted a certain policy. When they want to raise the value of their lands and get settlers, they send out a surveying party to locate a line in a certain part of the country. The moment the line is run and the stakes are driven in along that line, settlers flock in there, believing that the company, as they have a charter and have made a survey, are going to build a railway. After getting the poor innocent settlers there, they find the value of their own land increase and they leave those settlers there for years without railway facilities. In this case, settlers have been left for sixteen years to struggle along and carry their grain out to market as best they can. They have surveyed another line now to delude another lot of settlers. It is a shame that parliament should allow people to be humbugged in that way by a corporation which has received from the people of Canada the vast amount of land and money that has been granted to the Canadian Pacific Railway. The company, in common decency, should be forced either to build their roads or to drop them, and let the people know what they have to expect. This is a case in point. They have held this charter for sixteen years. When it served their purpose to extend their line to Saskatoon, although at that time there was not a settler along that route, while in the other direction there were settlements where people had been waiting for sixteen years for railway communication, the company simply turned their line to Saskatoon and left the settlers without any means of getting their produce to market. Is it any wonder that the representatives of those people are kicking? That is the condition we are in. It is not a question of what the settlers want, or the benefit of the country; it is just a question of how the company can forward their own interest. Perhaps the company are not to be blamed: corporations have no souls, but the representatives of the people in these two Houses should see that the company is not allowed to pursue a policy of deception. In the west we have three great railway corporations scrambling for territory. The Canadian Pacific Railway, the Grand Trunk Pacific and the Canadian Northern. Not one of them considers the interest of the people. They all are looking out for what they can do for themselves. The Senate this session has served notice, in the amendments which we passed on this company, and they should take warning. They surely will come back again for an extension of their charter. They have been back to parliament six times already, and why should we not expect them back the seventh time. The Senate has served notice on the company and they know what they may expect when they come back again. Instead of limiting the construction to ten miles a year, I hope their Bill will be thrown out. The company had a survey of the line three or four years ago and set their stakes in along the route, but they have no intention of building, this year or next year. I claim that if they are not going to build their road they have no right to mislead the people. I shall not oppose the motion, for the reasons which I have given, that it might perhaps kill the Bill, and there may be other parts of the country where branch lines would be affected, and on which, perhaps, this glorious company will do some work this year. If this Bill were killed they might be prevented from doing that work. I claim that the Senate were perfectly right in passing the amendment to which objection has been taken in the House of Commons. The reasons given by

the promoters in the House of Commons were flimsy and incorrect, and deserving of no consideration whatever.

The motion was agreed to.

RAILWAY COMPANIES INCORPORATION BILL.

DEBATE CONTINUED.

The order of the day being called—resuming the adjourned debate for the second reading of Bill (QQ) An Act to provide for the Incorporation of Railway Companies.

Hon. Mr. DAVIS—When this debate was adjourned a few days ago, I was trying to explain the provisions of this Bill with the object of having it thoroughly discussed in the country, so that in another session, when I bring it up again, there may be some possibility of the measure becoming law. I think it is a step in the right direction—a progressive step which I am certain will relieve this House of a great deal of work that they are doing at the present time in passing this private legislation, and if the principle contained in this measure is extended to other private measures so that all such private measures shall be taken out of this House, we shall be able to shorten the time which parliament would have to sit each year by at least three weeks. I take it for granted that the majority of the hon. members of this House have read this Bill and understand the principle of it, which is, that any body of men who wish to become incorporated, by carrying out the provisions of the Bill may, in a speedy and easy manner, become incorporated for the purpose of building a railway in the country. I would like to explain one provision of the Bill, because it does not appear in the Bill on the files of hon. gentlemen, in reference to allowing incorporated companies to build further extensions. That was left out in some way in the printing. The provision is in the Debates, and with the permission of the House I will read it. This Bill, in the first place, provided for the incorporation of new companies only. But clause 14, if you will notice, provides for the assisting of companies to obtain extended powers. The clause reads:

> 14. When any railway company is incorporated by an Act of the parliament of Canada, or its undertaking is declared to be a work for the general advantage of Canada, any extension of the railway of such company not heretofore authorized shall be subject to the provisions of this Act with respect to notice and to the submission to the board of its plans, profiles and reports as provided in section 5 of this Act.
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> 2. Upon the board being satisfied that all the requirements of this Act and the Railway Act applicable thereto have been complied with, the board may fix the amount of the bonding powers and the securities which the company may issue on the said extension, and may give such other powers provided for by this Act as it deems necessary, and may thereupon grant a certificate that public necessity demands the construction of the railway applied for, and that all the provisions of this Act and of the Railway Act and all regulations of the board have been complied with.
>
> 3. The applicants may thereupon file the said certificate with the Secretary of State, who shall, upon the payment of the proper fees, grant a certificate under his seal authorizing the construction of the railway.
>
> 4. Excepting as in this section provided nothing in this Act shall apply to any railway company incorporated before the passing of this Act.

There you find in clause 14 two subsections, a provision for existing companies like the Canadian Northern Railway or Canadian Pacific Railway, or Grand Trunk Railway, getting ready to extend their undertaking or to build branches or anything of that kind, to do so without coming here to bother this House at all. They have simply to advertise, as they do now. They have to get a profile and plan of the proposed branch, and the information that would be required by the Board of Railway Commissioners, and the Board of Railway Commissioners go over the plan and profile and they estimate how much the road will cost, and if it is necessary at all. The Board can fix the bonding powers and fix the amount of stock that should be required and give them a certificate, and they do not have to come to this House at all. It may be claimed, and I have heard it said that we derive quite a revenue from these charters, as I mentioned the other day. If any hon. member will sit down and figure out for himself the amount of revenue we derive from 116 charters granted since 1900 and add the revenue derived from 86 renewals, and then take the time that has been occupied in this House and the House of Commons in putting these charters and renewals through parliament and figure what it costs to keep parliament going day by day I think you

will find that the balance will be on the wrong side of the sheet, and in place of any revenue being derived from this source, you will find we are losing money as well as the valuable time of the House by bothering our heads with legislation of that kind. I think that would be an absolute answer to that revenue argument.

Again, I have heard the argument advanced: 'We have lots of time; what is the use of introducing a new system when parliament has so much time to deal with measures." I say we have not time. The time is coming when this House, and the other Chamber also, will have to devote more time to important public measures. The population is growing rapidly and the sessions have grown from three to eight months. The time is coming when parliament will have to devote itself to greater measures and more important matters than sitting in the Railway Committee room scrapping over a railway charter which is being promoted by gentlemen who are trying to sell out and make money out of it. I notice—and I think it is a step in the right direction—that my hon. friend from Middlesex had a committee appointed on Trade and Commerce. If that committee were extended to the other House and made a joint committee, it might do much good, and we could make it then a Committee on Trade and Commerce and Tariff. We could hear the evidence of people who urge certain changes in the tariff, and we would be able to get particulars so that when a measure was brought down to increase the duty we would know what we were doing, and not be groping in the dark. We do not know why duties are increased, any more than what we are told by people who are interested. If we were to appoint a committee of this House, or a joint committee of this House and the other Chamber, on militia and defence of this country, our time would be well occupied. We are spending every year seven millions of the people's money on a lot of frills or whatever you may call them, fellows dancing around with tin swords, and the institution is looked upon as something sacred and no man must lay his hands on it or talk about it. I should like to know how the money is spent, and if we had a committee of this House we could bring the gentlemen with the swords before us and find out how the seven millions is being expended. That is one of the benefits that would accrue from such a committee, because we would have time to do that as well as look into the particular matters which we are dealing with at the present time. For instance, the Indian Department spends a lot of money. They have control of the wards of the country. We know nothing about the details. We have no committee and never investigate what they are doing. If these railway matters were placed where they should be, outside of the House, and dealt with by the Secretary of State and Railway Commissioners, we would have time to do a great deal more valuable work.

Hon. Mr. PERLEY—And the patronage list, too.

Hon. Mr. DAVIS—I do not know anything about it, as I have no patronage. I do not deal in patronage and do not want it and am not looking for anything in that line. Another reason why this is a beneficial measure, is that it will make railway charters free. There will be no object in anybody coming here to get a charter to sell, because it will have no value, and they cannot sell it. Anybody who wants to build a road can get a charter by depositing a certain amount of money and complying with the provisions of this Bill. The charter-mongers could not get a charter because they would not put up the money; if they did obtain a charter they could not realize anything on it because it would have no value. There would be none of the wrangling over extensions of time, because anybody could get a charter when he wanted it. Another thing has come under my observation this year: I am interested in having a railway built into our part of the country. The company want to get a charter to build from a point on the main line towards the town where I live, but it was too late to advertise and they cannot get it now, and they must let this whole summer pass over. They cannot build railways in that country in the winter, therefore, a whole year must elapse before the company can build the road, whereas if this measure were in operation, they could obtain a charter in

six weeks. Another important matter is in regard to bond issue. The promoters will tell you all about the character of the country through which their proposed road runs. The immense rivers to be crossed, and what a very expensive road it is to build, and they ask you from $30,000 to $40,000 a mile of bonding power, and you grant it to them without any actual knowledge of the facts, because you have to simply take their word. You cannot see the rivers, you have no report from engineers, no profile, but just a line drawn on some map that costs ten cents; whereas when the gentlemen come before the Railway Commission they have to go there with not only the plans and profiles of the road, but the estimate of an engineer showing what the road will cost. The bonds are limited to an amount sufficient to build the road, and there will not be any leakage or rake-off. The Bill also provides that any money that accrues from the sale of securities will be used in the construction of the road alone, and there will be no leakage such as exists under the present system. Companies now issue bonds to the extent of $15,000 a mile on a prairie road. They put $13,000 into the road and $2,000 will go into somebody's pocket, on which amount the farmers and producers will have to pay the interest. This measure will also prevent amalgamation of competing lines; where this country has given subsidies or guarantees for railways to be built as competing lines they are not allowed to amalgamate with any other road running in the same direction, as a competing road. It protects the right of the property holders, inasmuch as before the promoters could enter upon other people's property, they have to put up certain sums of money to the satisfaction of the Board of Railway Commissioners that they are able to pay for the right of way, and any damages they may cause the people, and any land they may expropriate. We now give a charter to a few men who perhaps, are not worth five dollars. We give them the right to go through a farmer's fields and tramp down his grain, and without any provision to see that they are paid for the damages that accrue, but the greatest benefit that will accrue to the people of this country from the passage of this measure is the doing away with the lobby. Nothing has done more to lower public life in this country and in every other country, than what is known as the lobby, a lot of promoters coming around lobbying for Bills. I have no doubt every lawyer in the country will oppose the measure, because, as one gentleman said, I was taking the bread and butter out of his mouth. I do not think the people of this country can afford to have parliament waste three or four weeks of valuable time to keep the bread and butter in the mouths of half a dozen lawyers. With all due respect to them they can get something else to do. If this Bill does nothing more than to do away with the system of lobbying in this country I say it will more than meet all objections that anybody may urge against it. I am sure that every member of parliament will be glad to see the last of the lobby, so that they would not be bothered with gentlemen pirates pestering them. They could try and lobby the Railway Commissioners and see what effect it would have on the chief Commissioner Maybee, or go to the Secretary of State and see what good it would do them there. The Railway Commissioner would tell them that the commission must carry out the provisions of the Act. The commissioner would say to them 'There is the Act, I cannot go outside of it, you must put up so much money, submit the plans, and do the advertising, or I cannot do anything for you.' About one visit of the lobbyists to the Board of Railway Commissioners would settle it; there would be no more lobbying, and they would have no object in coming to parliament. I am sure the lobbyists would not bother their heads about coming to this House to lobby for public Bills going through the House. and we would see no more of them, and would have the advantage of being able to go home about three weeks sooner, or would at least be devoting that three weeks to some legislation which would be beneficial to the people of this country. I do not expect my Bill to go through this session. It is a large measure, introducing a new principle. The people have to think it over. I see the press of western Canada has spoken very favourably of this measure, and I am

satisfied that, after the members of the House have had time to consider it during the recess, when it is brought up next session we will be able to make it a practical working Bill. The argument has been advanced that perhaps this is too expensive a means of getting a charter; in other words, you are throwing everything into the hands of large corporations, and small corporations will not be able to get a charter at all. As I mentioned in the first place, the principle of the Bill was in the first clause. If you adopt the principle, we can sit down and work out a measure that will satisfy everybody. If it is in the minds of hon. gentlemen that we should make it cheaper and easier to get charters, all you have to do is to reduce the amount of the stock you force these people to take, reduce the amount of cash you force them to put up in the first place, and reduce the amount you force them to put up for right of way; and you can make it as easy to get a charter from the Railway Board and the Secretary of State as it is here. I am satisfied if the principle is adopted, that the combined wisdom of this House and of the House of Commons can work out a measure that will prove beneficial to the people of this country, and leave us more time to deal with more important measures than we have under the present system of dealing with railway corporations.

Hon. Mr. CAMPBELL—I move the adjournment of the debate until Wednesday next.

The motion was agreed to.

CLASSIFICATION OF THE SENATE STAFF.

REPORT OF STANDING COMMITTEE ON INTERNAL ECONOMY.

Hon. Mr. THOMPSON—Before moving the adoption of the report of the Standing Committee on Internal Economy and Contingent Accounts, I would like to ask the indulgence of the House, not to amend the report, but really to correct the report, as it is not as it should have been in respect of one matter. The report as handed in was made by the secretary, and did not cover one farther recommendation made by the committee; it is incorrect in omitting a motion to increase the salary of J. W. Pelletier, wardrobe keeper, from $800 to $850. The report as it reads leaves Mr. Pelletier with a salary of $800 and also in the subdivision in which he was at the time the matter was brought to the attention of the committee. In this respect, while it is being amended, the report is not correct, as it should have read in the way I have indicated. By the indulgence of the House, I would have that report read as it was the intention it should be read when passed by the committee.

Hon. Mr. LANDRY—He cannot go in the subdivision mentioned, because subdivision (a) of the third division commences with $900.

Hon. Mr. THOMPSON—If the hon. gentleman will allow me two or three minutes, I am really correcting the report to make it read as it should have come from the committee, if the clerk of the committee had given it in the manner in which it should have been given into the hands of the Senate.

Hon. Mr. LANDRY—I object to any corrections in the report made verbally like that. The report is here as it came from the committee.

Hon. Mr. THOMPSON—I am perfectly willing to have the report go as it is. The hon. gentleman is a member of the committee, and took part, and I think supported the resolution; if he is unwilling to amend the report in that respect, I am quite willing to leave it as it is. In moving the adoption of the report, I should like to add further that in the organization of the staff, we did not arrange the precedence as they should properly appear. We placed them in their subdivisions, and the clerk of the House, we presumed, would place them in their proper order in respect of precedence. Then there is another matter, and only one matter that I shall ask to refer to in that respect, that is with reference to the usher of the Black Rod, who, by the memo. of the Speaker, was made secretary of certain committees. As our committee did not accept the recommendation of the Speaker, it was proper that that officer should be dropped from that classification. The committee felt that this was not a finality in respect to the salaries or

subdivisions, or the promotion of the staff of this Senate. The committee felt largely that the action of the Senate last year, having evidenced the desire on the part of the Senate in respect of classification of the messengers of the staff of this House, they would be doing their duty if, instead of exercising large generosity, they should exercise their judgment as to the classification, as though the classification had been made on the 1st day of September, when the Act came into force. I may say that the committee, and I think I am speaking for the committee in that respect, regarded their duty to be more to classify the messengers or the staff of the Senate largely on the amount of the salary that they were receiving, and with one exception, under the provisions of the Act, the assistant clerk of the Senate was put in subdivision one of subdivision (a). This is the opinion as expressed by the committee through this report. Looking back over the history of the Senate in the last twelve years. we found that we had been generous in this respect, and in passing this work over, under the Civil Service Act, to the commission, we felt that the service, promotion and indemnity would be properly carried out. A statement has been handed in by the accountant of the Senate, which shows that the increase in the cost of the Senate in the last twelve years is upwards of $44,000; and with the best of feeling on the part of the committee to do justice in all cases, we felt that this was not a time when we could make large additions in that respect. We differed from the memo handed to us by our Speaker to the extent which this report shows.

Hon. Mr. LOUGHEED—While my hon. friend is on his feet, would he have any objection to pointing out wherein this report differs from the classification of his honour the Speaker? Would my hon. friend enumerate the items in which the report differs?

Hon. Mr. GIBSON—The report was based on the salaries of September.

Hon. Mr. LOUGHEED—The Speaker's classification will be found on page 340 of the 'Minutes.' At the same time would my hon. friend be good enough to inform the House by what authority the committee has departed from the Speaker's classification? Is the classification of the Internal Economy Committee, of the officials of the Senate contemplated by the Civil Service Act?

Hon. Mr. THOMPSON—I presume the Committee on Internal Economy, when the matter was referred to them, exercised their own judgment, and had a right to amend the recommendation as they thought it should be, either in accordance with the Act or in their judgment in accordance with such recommendation as had been made to the Senate. The authority they acted on would be the authority of the committee of this House in dealing with questions which in their judgment would come under the Act that called for a simple classification of the staff and the messengers. I felt it was the opinion of the committee that there should not be large additions made to the salaries, as the salaries of the staff of the Senate had been increased from time to time during the last twelve years, and that last year the Internal Economy Committee made a recommendation to this House on this line. They expressed their judgment in respect to the classification and salaries of the officers of the House, and, in some respects, I assume the committee were influenced by that. The question was asked in respect to the changes in classification; I think there are only two. I think the usher of the Black Rod to be put in subdivision one of subdivision (a), was the Speaker's recommendation. That required an increase of salary that was greater than the committee, in their judgment, felt the Senate would be justified in making. The change was within the rights of the committee when making recommendations to the Senate. The changes have only been in the reduction of salaries and some increases, amounting in all to some $1,200.

Hon. Mr. LANDRY—The report was adopted by a majority of the committee. The authority given to this House to classify its employees is to be found in section 8 of the Civil Service Act of 1908. That clause reads as follows:

As soon as practicable after the coming into force of the Act, the head of each de-

partment shall cause the organization of his department to be determined and defined by order in council, due regard being had to the status of each officer or clerk as the case may be. The order in council shall give the names of the several branches of the department, with the number and character of the offices, clerkships and other positions in each, and the duties, titles and salaries thereafter to pertain thereto.

After being so determined and defined, the organization of a department shall not be changed except by order in council.

Copies of such orders in council shall be sent to the commission.

The head of each department is bound to act in accordance with this section. Section 35 of the Act provides for the officers of parliament. It declares that whenever action is authorized or directed to be taken by the Governor in Council, or by order in council, such action with respect to the employees of the two Houses shall be taken by resolution, or if such action is required during the recess of parliament, by Governor in Council, subject to ratification of the two Houses at the next ensuing session. So that, by law, the action to be taken in this matter should be taken by his honour the Speaker, who, by virtue of subclause (c) of section 2 of the Act, is in the position of a head of a department. Section 8 says that the head of each department shall cause the officials of the department to be classified, and in the case of this House, the head of the department is the Speaker, and his classification must be submitted to the Senate, who, in that instance, acts as the Governor in Council. That is the law. The report of the Speaker should have been sent to this House, and should have been adopted by the Senate. It is only, perhaps, as a matter of convenience that in this instance it has been referred to the Committee on Internal Economy, and I maintain that that committee, in taking up this subject, was bound to accept the law as it stands on the statute-book. We made that law last year, and agreed to abandon the privileges we enjoyed before, and put the matter in the hands of the Speaker, and of the Senate as a whole to ratify by resolution what the law says must be adopted by the Governor in Council. Let us be consistent. We passed the law; let us take the consequences of the law. What occurred? A motion was made in the committee——

Hon. Mr. POWER—It is not regular to refer to what took place in the committee.

Hon. Mr. LANDRY—I beg the hon. gentleman's pardon. I have a perfect right to report all that took place in the committee, when the report of that committee is before the House, and I defy the hon. gentleman to show any authority against the course I am taking now. A motion was made in the committee to the effect that the classification before the committee should be based on something. We wanted a principle to guide us. We supposed that the House of Commons had acted in accordance with the law, and that the Internal Economy Committee and the Speaker of that House had made the classification as the law enacts. We thought if we followed in the footsteps of the House of Commons we were sure to be right, and a motion was made that the classification which had been adopted by the House of Commons should be the basis of the classification for the Senate. We thought that the officers of this House should not be inferior to those of the House of Commons. We felt that the sergeant-at-arms, for instance, in this House, should not be placed in a position inferior to that occupied by the sergeant-at-arms of the Commons. That was a true interpretation of the law. What are the principles laid down by the Act itself? The Act says that the inside service, under the deputy head, excluding messengers, porters, sorters and packers, and other appointments determined by the Governor in Council in the lower grades, shall be divided into three divisions. You will see, later on, that this committee is bringing in messengers to be placed among the clerks of this House. But let us proceed. The officials are divided into three divisions which are as follows:

Subdivision 'A' consisting of officers having the rank of deputy heads but not being deputy heads administering departments, assistant deputy ministers, and the principal technical and administrative and executive officers:

Subdivision B consisting of the lesser technical and administrative and executive officers including the chief clerks and not eligible for subdivision A.

The second division shall consist of certain other clerks having technical administrative, executive or other duties which are of the same character as, but of less import-

ance and responsibility than, those of the first division. This division shall be divided into subdivisions A and B.

4. The third division shall consist of the other clerks in the service whose duties are copying and routine work, under direct supervision, of less importance than that of the second division. This division shall be divided into subdivisions A and B.

Now, what does the committee do? It sets the law aside. The committee set aside the classification made by the House of Commons, and voted down the proposition that the classification should be acording to law, and according to the classification of the other House, and decided to go by the salaries as they had existed on the 1st of September. Where do they get tneir authority for this? They seem to have taken their authority from section 7, which is as follows:

Except as herein otherwise provided, all persons now employed in the first or inside departmental division as defined by paragraph A of section 4 of the Civil Service Act, including temporary clerks paid out of civil government contingencies, shall, upon the coming into force of this Act, be classified according to their salaries under this Act.

That is the provision which only applies where the law does not provide otherwise what shall be done. Let us see what paragraph A of section 4 of the Civil Service Act is: It provides that the service shall be divided into two divisions namely:

(A) The first or inside or departmental division which shall comprise officers, clerks or employees of those classes mentioned in schedule A, employed on the several departmental staffs at Ottawa, and in the office of Auditor General.

So the provisions of section 7 apply only to the officers, clerks and employees mentoned in schedule A. Now let us turn to schedule A. That schedule says:

(a) Deputy heads of departments;
(b) Officers who have special professional or technical qualifications;
(c) Chief clerks of both grades;
(d) First class clerks;
(e) Second class clerks;
(f) Junior second class clerks;
(g) Third class clerks.

So section 7, in which the committee thought they found authority for the division which they made, applies only to the departmental officers as enumerated in the schedule I have just read, and in no way to the personnel of the Senate. Moreover, that that section 7 is a clause of exception governed by the words 'except as herein otherwise provided'—that is if there was nothing in the law providing for the case. So that the classification of salaries is to be resorted to only if we do not proceed with the classification imposed upon us by the exigencies of the law. It is only in default of a legal classification, made under the authority of clauses 8 and 5 that those who appropriate the money to pay the salaries of the Senate officials, finding nothing has been done, will fall back on the salaries paid on the 1st of September last, to determine what shall be paid in the way of salaries. That is the object of that section 7.

At six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. LANDRY—When the House rose at six o'clock I was stating that the Committee on Internal Economy had taken as the basis of their classification the salaries that different employees received on the 1st of September last, and that in taking that as a basis, they thought they had complied with the law; but, as I stated, the Act, clause 7, does not apply in this case. It applies only if this House fails to do its duty—fails to make the classification or fails, at all events, to confirm the classification made by the head of the department, who is in this particular case the Speaker himself. In that case, the money to be provided must come in one form or the other, and must be given by somebody who knows about it, and in the absence of any motion at all they fall back on the salaries that are received on the 1st of September last, and give the money accordingly. But the law is there. Somebody has stated: 'But we cannot go outside of the salaries.' I deny that, and I will prove that we are obliged to go outside of the salaries to find a guide for our classification. I call attention to clause 35 of the Act, which provides:

Nothing in this Act shall be held to reduce the status of any officer, clerk or employee in the service, and if the salary of any officer, clerk or employee is less than the minimum salary of his subdivision or position under the provision of this Act, his salary may forthwith be increased in such minimum.

This clause proves beyond a doubt that the law never intended to impose the question of the salaries as the basis of our classification. Should we be bound to take

the salaries as the basis of the classification, we will arrive at a real chaos in each particular case. Take for instance the case of the assistant clerk of this House. By the law he is placed in a certain class. If you base it on the salary, you put him in a class where he is not entitled to go, and you are acting against the law, because the law says that nothing in this Act shall be held to reduce the status of any officer, clerk or employee in the service. If you put him in a class where he has a right to be, evidently you must leave the salary question aside, and then the Act operates, because it says that if the salary of any such officer, clerk or employee is less than the minimum salary of his subdivision or position under the provisions of this Act, his salary may forthwith be increased to such minimum. So if you place him in a class to which he is entitled, not by the salary, but by his status, then the Act operates and you are compelled to give him the salary which is provided by the Act itself. Great stress has been laid on clause 36. which says:

> Except as herein otherwise provided, the salary of any person placed in the inside service, by or under this Act or to whom the provisions thereof are made applicable, shall be that which he is then receiving, and the said salary shall determine his classification.

It is specially on that clause, coupled with clause 7, that the committee has based itself in making the classification, but what does the law say? The law says: 'Except as herein otherwise provided.' But it is otherwise provided. It is only in cases where it is not provided, but section 8 says that the head of the department shall cause a classification to be made, to be adopted by the Senate. Consequently, the action of the Speaker is not controlled by section 36, and cannot be controlled, because there are other sections which regulate the action of the Speaker, and consequently this section cannot apply.

Hon. Mr. BEIQUE—May I ask the hon. gentleman what he is arguing for? I fail to see what conclusion he is aiming at. We have to deal with the report of the committee. The committee in its report has made a classification, which we are called upon to accept or reject. It seems to me that the hon. gentleman is arguing against something which does not appear. All the hon. gentleman has been contending for is implied by the report itself.

Hon. Mr. LANDRY—If I say that the report is valueless and not worth the paper on which it is written, who will believe me——

Hon. Mr. McSWEENEY—Nobody.

Hon. Mr. LANDRY—I want to prove my case, and to show that the report is against the law, and therefore valueless. When I have stated this clearly, I shall come to my conclusion, and wind up by a motion.

Hon. Mr. BEIQUE—I am not satisfied myself with the report, and I am afraid that the hon. gentleman may speak so long that a good many members may not be open to conviction when we come to deal with it.

Hon. Mr. LANDRY—If my hon. friend is convinced that the report is wrong, I will rely upon him to make the final charge and carry the field. I hope when I have done that he will take the same ground as I take, and convince the House if I fail to do so.

Hon. Mr. BEIQUE—I do not purpose covering as much ground as the hon. gentleman.

Hon. Mr. LANDRY—Perhaps it will not be necessary. The hon. gentleman is more convincing and eloquent than I am, and may be able to convince the House in a few words, and I shall rely upon him to do so. This report, as I have proved, is based on an erroneous interpretation of the law. The committee took as a basis the salaries paid on the 1st of September. Has the report followed that principle? I say no. It reads in this way:

> The Committee on Internal Economy and Contingent Accounts have the honour to make their fifth report, as follows:—
>
> 1. In obedience to the several orders of your Honourable House hereinafter mentioned, your committee have considered the following documents referred to your committee for report thereon, viz.:—
>
> (a) The memorandum of his honour the Speaker, dated 26th March, 1909, presented to the Senate and referred to your committee 30th March, 1909, showing the proposed organ-

ization of the staff of the Senate, with the classification of the various officers, clerks and employees;

It winds up:

2. Your committee recommended that the organization and classification of the staff of the Senate under The Civil Service Act, 1908, be made as proposed in the memorandum submitted by his honour the Speaker on the 30th of March, 1909, amended to read as in the schedule appended to this report.

So the report brought in is an amendment of the report submitted by the Speaker. I shall point out a few differences in the two. The report of the Speaker was submitted to the House on the 30th of March. In the first division of subdivision A there were three appointees, the clerk assistant, the law clerk and the gentleman usher of the Black Rod. In the report presented by the committee, we find that the law clerk has been given precedence over the clerk assistant. I do not know if that is an amendment to the report of the Speaker.

Hon. Mr. POWER—No, the chairman said that the order was not binding.

Hon. Mr. LANDRY—I suppose it is not because it was made by the law clerk himself, and he did not forget that charity begins at home.

Hon. Mr. THOMPSON—I do not think it is fair to make that reference to the law clerk in respect to the report of the committee. I stated that the classification was not intended to establish the precedence of the officers. That will be left to the clerk of the House.

Hon. Mr. LANDRY—I could understand that if it had been copied from the original report, but it is a change from the original. In the original the clerk assistant was placed first on the list; in the amended report he is second on the list, so it must have been done designedly.

Hon. Mr. POWER—The committee made no such order. It is a matter of seniority merely.

Hon. Mr. LANDRY—When the report was made, the salary of Mr. Stephens was $2,600. If the principle accepted by the committee, and which was the instruction given to the sub-committee in making their classification, had been followed, Mr. Stephens in place of being in subdivision A of the firt subdivision, should be in subdivision B. That is the consequence of the principle adopted by the sub-committee.

Hon. Mr. THOMPSON—No.

Hon. Mr. LANDRY—I ask the hon. gentleman if it is not true that the first motion that was made was to classify the employees according to their salaries?

Hon. Mr. THOMPSON—It was, as the first work of the committee who had the subject of classification to take up, and eventually to make a report to this House. Their duty was to make that classification. and that classification was to be offered to the House as the judgment of the committee. It was the basis upon which the subsequent action of the committee was reported, and under the sections which the hon. gentleman has referred to. Where classifications were possible to make them under the one deputy head and executive officers, that special committee reported, handing in the classification they would recommend and amendments of that classification.

Hon. Mr. LANDRY—I think the hon. gentleman did not quite seize my question. I asked him if it was not true that a motion was made in the committee directing the committee to make the classification according to salary?

Hon. Mr. THOMPSON—Not as a basis to report to the House, but as a basis of working out the problem and getting at the judgment of the committee which would eventually shape itself in this report.

Hon. Mr. LANDRY—That is a very long answer to a simple question. The result is a contradiction of the principle laid down by the hon. gentleman. I know what the result is. I know that the committee went black and white on the same question, but I want to extract from the hon. gentleman the fact that in the committee a rule has been adopted, and that rule was that, not the qualifications of the employees, but the salaries they had on the 1st September should be the basis of their classification. That was the rule.

Hon. Mr. McSWEENEY—So it is.

Hon. Mr. LANDRY—Well, if that is the rule, how do you account for the fact that Mr. Stephens, who received on the 1st day of September last $2,600, is placed now in the class from $2,800 up to $4,000?

Hon. Mr. THOMPSON—No; $2,600 up to $2,800. I do not want to interrupt the hon. gentleman; he is right in one respect but he is not stating the case fairly. The question of the classification of salaries that existed on the 1st September, 1908, was made as a preliminary for action, upon which the committee would subsequently resolve their judgment which has been presented in their report to this House. It was not moved as the basis upon which the report would be adopted, but it was a preliminary, like the ground work, to shape up and to get it into shape, which we have done.

Hon. Mr. LANDRY—I differ entirely from what the hon. gentleman has stated. I stated, as a matter of fact, that the subcommittee received an order from the committee, and what was that order? It was to classify the employees, not according to their status, not according to their capacity, but according to the salaries that were received the 1st September previous.

Hon. Mr. THOMPSON—They did that.

Hon. Mr. LANDRY—Why did they do it? Because they received an order to do it.

Hon. Mr. POWER—I do not think the hon. gentleman has any right to cross-examine the chairman of the committee, or to discuss what took place in the committee. The report of the committee is before us, not what took place in arriving at their judgment.

Hon. Mr. LANDRY—Up to the time my hon. friend made his remark, I thought it was the hon. gentleman who interrupted me, but now I am told that I am interrupting him.

Hon. Mr. POWER—I said cross-examining. The chairman of the committee is not here to be cross-examined.

Hon. Mr. LANDRY—I am not here to be told that such a thing did not occur, when I state what I know occurred in the committee.

Hon. Mr. DAVID—Does the hon. gentleman contend that the class was changed by the committee, and that the class for Mr. Stephen was raised, because of his salary, to another class?

Hon. Mr. LANDRY—No, what took place was this: The sub-committee put Mr. Stephen, according to the instructions that it had received, in an inferior class. That came before the committee, and the committee, who had passed a resolution declaring that the classification would be made according to the salaries, felt that they could not stand any more by their principles.

Hon. Mr. DAVID—They made an exception.

Hon. Mr. LANDRY—They made an exception, a right exception; I admit they should do that, but they did that against the principle they had formulated in the committee.

Hon. Mr. DAVID—The hon. gentleman has made his point.

Hon. Mr. LANDRY—And what did this House do two or three days ago? We accepted the joint report of the Library Committee and the joint report to-day of the Joint Committee on Printing. If you open that report you see that there are officials who, according to salary, would not be classified in that position. Nobody took the salaries as a basis. They took the status of the employees, and that is what the law says. Just at the opening of this sitting, the chairman of the committee called to our notice the fact that the clerk had forgotten to put before this House a motion that was passed in the committee, which gave $50 more to Mr. Pelletier, I think. I will not discuss the merits or demerits of Mr. Pelletier, or of any of the employees, but what is the true meaning of such action? Where is the theory that the salaries of the 1st September should be adhered to? Here is another breach of principle by the committee to favour one employee. More than that, the hon. gentleman said with that increase he falls in section (a) of the third subdivision. Why should he fall in section (a) of the third division?

Hon. Mr. McSWEENEY—Why should he not?

Hon. Mr. LANDRY—Because if you give the position according to salaries, section (a) begins with $900, and you are only at $850. Where is the principle? Here is a messenger placed in the same class where the clerks are.

Hon. Mr. THOMPSON—The hon. gentleman is wrong.

Hon. Mr. LANDRY—There is a special provision in the law for those who are simply messengers. You may go up to a certain amount, but that does not give us the right to place him in one class or the other. I desire to point out one or two instances in the classifications made by the House of Commons to show the House what variance there is when we compare our personnel with the personnel of the House of Commons. It should be a matter of pride for us to see our staff placed at least on the same footing as their brethren of the House of Commons. Take our sergeant-at-arms. In what class is he now? If we look at the report we find that the sergeant-at-arms is in the second division and in subdivision (a). In the Commons in what class is the sergeant-at-arms? If those two gentlemen come before the public the people will say: 'Here is the sergeant-at-arms of the Senate two classes behind the sergeant-at-arms of the Comomns.' More than that. In that classification I find that Mr. Nicholson is put in immediately at the sum of $2,100 in subdivision (b) of the first division. I do not object to that, but I am speaking for the sake of argument. Why do you put that gentleman in that class and why do you leave out old translators who have been here for years and who are now put in an inferior class?

Hon. Mr. CHOQUETTE—And who speak both languages.

Hon. Mr. LANDRY—And who speak both English and French. I do not object to the classification of Mr. Nicholson, but I say do justice to everybody. Mr. Cyr has been recommended by the Speaker of this House to replace Mr. Trudel, or to replace one of the staff of the translators. He has been recommended at a salary of $2,100. The committee, by a stroke of the pen, put him at $1,800.

Hon. Mr. CHOQUETTE—He is an ex-member of parliament.

Hon. Mr. LANDRY—My hon. friend says, because he is an ex-member of parliament.

Hon. Mr. CHOQUETTE—No, I simply say that he is an ex-member of parliament. Having been a member of parliament he should have consideration.

Hon. Mr. LANDRY—He has the same right to be placed in that position as Mr. Nicholson.

Hon. Mr. CHOQUETTE—Hear, hear; he should be put on the same footing.

Hon. Mr. LANDRY—I do not speak of him as a personal or political friend of mine, because he is not; but I say, why do you not distribute justice in the same measure for everybody? Look at the House of Commons. The chief translator is placed in subdivision 'A' of the first division. Where is our chief translator placed here? These are technical officers. We do not ask to put our technical officers in subdivision 'A,' but we ask to put them in subdivision 'B' in the lesser technical offices, as Mr. Nicholson is himself. That would be justice. We are not asking more than that. What does the law say? Clause 5 states:

> Subdivision A, consisting of officers having the rank of deputy heads, but not being deputy heads administering departments, assistant deputy ministers.

But the word minister, here means the clerk of the House, so that those who are assistants to the clerk of the House have a right, by the law, to be in class No. 1 in subdivision 'A' of the first division. Why should they not be there? And in subdivision 'B' consisting of the lesser technical administrative and executive officers—that has been done in regard to Mr. Nicholson and why is it not done for the other French translators of our debates? For all these reasons, I think that the report should not be concurred in, and I move that this

House do not adopt the present report of the Standing Committee on Internal Economy and Contingent Accounts, but that it proceed to the proper organization and classification of its own officers, taking into consideration the law as interpreted in the House of Commons in the organization and classification of its own officers and employees.

Hon. Sir MACKENZIE BOWELL—I must confess I am fully in accord with the views expressed by the hon. gentleman from Stadacona as to the irregular manner in which this subject has been treated by the Senate. I can only account for it by the fact that the classifications which were submitted by the Speaker, based upon the recommendation by the clerk of the Senate as provided by law, were referred to the Committee on Internal Economy more as a matter of courtesy than of right. The object of the Senate in adopting that course was to assist to as great an extent as possible, the Speaker in arranging the classification of the staff of the Senate and not from any right that the Committee on Internal Economy had to deal with a subject of this kind. What I more particularly desire to call attention to in connection with this report is what I consider to be the irregularity or improper classification of certain of the officers. I shall deal afterward with the recommendation of the Speaker, based upon the clerk's letter to him, as not being at all in accordance with the recommendation made by the clerk of the Senate, whose duty is, under the law, to make such recommendation, and in addition to that I find that the classification of the different officers is not in accordance either with usage or practice. This Senate is supposed to be what I might perhaps call a miniature of the House of Lords. It has always been understood that the Senate of Canada is governed by the practice and precedents of the House of Lords, and if we look at the classification of the officers of the House of Lords we find that this recommendation to the Senate is not at all in accordance with the classification in England. If you turn to May, page 189, last edition, you find this principle laid down:

> The chief officers of the Upper House are the clerk of the parliaments, the gentleman usher of the Black Rod, the clerk assistant, the reading clerk.

That would be in our case the assistant clerk.

> And the sergeant-at-arms. The clerk of the parliaments is appointed by the Crown by letters patent, &c.

Now we find in this classification, that the clerk of the Senate is given his proper position, but the gentleman usher of the Black Rod, who should rank next to the clerk, is in the third class, and none of these gentlemen are placed in their proper positions so far as precedence is concerned. The law clerk is given a position and style, among others, as master-in-chancery. Now that is an office which was abolished 20 or 30 years ago in England, and really has no significance in this country. So much for that portion of the report which deals with the classification. Now I desire to call attention to the appointment of Mr. Nicholson. I find that the recommendation of the clerk to his honour the Speaker, reads as follows:

> Sir,—I had occasion, at the commencement of the session, to invite your attention to the necessity of obtaining additional help for the clerical work of the Senate. Now that the creation of the six additional committees has, by the appointment of the members thereto, become a fixed fact, some members of the staff will have to be detailed to attend the same as clerk of committee. Inasmuch as there are but two clerks who are available for committee work, viz.: Messrs. Soutter and Caron (the latter only a novice) it will be impossible for them to answer all the calls made upon them.
>
> I do not include Mr. Creighton, who has heretofore held the office of clerk of committees, because in addition to the legal work in his office and having to attend the meetings of the two large committees of Banking and Commerce and of Railways, Telegraphs and Harbours, he has some twenty odd cases of divorce to attend to, which must necessarily take a great deal of his time. I would, therefore, recommend that the services of a competent English clerk be secured and by preference one who understands the French language.

Then there is a postcript:

> P.S.—I might have pointed out that past experience has demonstrated the necessity of having, at all times, a sufficient number of employees well trained to the peculiar work required of them, in cases of emergency.

Upon that report the Speaker makes the following recommendation:

> The undersigned has the honour to represent that he has received a report from the clerk,

stating that the services of an efficient English clerk, well versed in the French language, are required for the staff of the Senate, owing to an increase in the work of the latter, as well as to provide, in case of future emergency, the services of an employee properly trained to the peculiar work required of him.

The undersigned would, therefore, recommend the appointment of Mr. Byron Nicholson, of Quebec, at the minimum salary of subdivision 'B,' of the first division. Said appointment to be subject to the conditions contained in section 19 of the Civil Service Amendment Act of 1908.

Now if you will turn to the report made by the Civil Service Commission as to the qualifications of this gentleman, you will find that it reads as follows:

The Civil Service Commissioners have had under consideration an application from the honourable the Speaker of the Senate for the issue of a certificate of qualification in favour of Mr. Byron Nicholson, of Quebec, who has been appointed by the Senate to the position of clerk of committees as an officer of subdivision A of the second division, such appointment having been made under the provisions of section 21 of the Civil Service Amendment Act, 1908. Having made a careful inquiry into Mr. Nicholson's qualifications for such position and having satisfied themselves that by reason of his education, training, and previous experience in similar work that he is competent, except as to his knowledge of the French language, to fulfil the conditions as laid down in the order of the Senate appointing Mr. Nicholson,

Now, therefore, this is to certify, pursuant to the provisions of section 21 of the Civil Service Amendment Act, 1908, that in their opinion, subject to the reservation above noted as to his knowledge of the French language, Mr. Nicholson possesses the requisite knowledge and ability and is duly qualified as to health, character and habits, for the position of clerk of committees of the Senate as an officer of subdivision A of the second division.

How far does this justify the appointment of Mr. Nicholson? The clerk represents to the Speaker that an officer is required to act as clerk of committees and that clerk should have a knowledge of both languages. We all know how desirable it is that any official occupying such a position should understand both languages, and that the gentleman mentioned in the certificate given by the commissioners lacks that qualification for the position. Furthermore, the recommendation of the Speaker is not strictly in accordance with the recommendation made by the Clerk of the Senate; neither is it in accordance with the Civil Service Act, which provides that any person appointed to such a position should possess certain qualifications. Every one who has been in the habit of attending those committees knows that had the recommendation of the clerk and Speaker been carried out, the clerk should have a knowledge of both languages in order to enable him to perform his duties properly. But we have seen a gentleman without knowledge or experience of such work sitting at the table with an old servant of the Senate (I refer to Mr. Young) teaching him his duty. Apart from that, I should like to ask the Senate what justification can there be for selecting a man who has never had any experience in the Senate, and placing him in the position he fills, paying him a salary of $2,100 a year with a prospect in the future of receiving $2,800, to do that which any ordinary clerk could be found to do at $500 or $600 a year? I do not wish to be understood as saying one word against Mr. Nicholson, but there must be some reason other than a desire to select a clerk to perform certain duties, for placing Mr. Nicholson in a position of that kind, placing him over the heads of clerks who have been in the employment of the Senate for years, and have never had a complaint made against them. It is only another evidence of what has been done in recent years, and I hesitate not to say that the conduct of the Senate in the past in making certain appointments is bringing this House into contempt. We had the appointment made of an assistant clerk. When it was found out that that appointment was unpopular, at the suggestion of the hon. member from Halifax the duties of assistant French translator were attached to his position. No one, especially amongst the English speaking members, objected to that. They were not in a position to express an opinion of his qualifications as a French translator, but he was put in the position without any previous knowlodge of the work, so far as we know, or without any previous claim to the Senate, at a maximum salary of about $2,800. Why? Was it because he had claims of a political character upon the government, which induced the government to foist upon this Senate a clerk they did not want, in order that they might carry out the pledges they had made to a politician for services rendered in the past. We understand it all perfectly. We

know that that gentleman had been promised a seat in the Senate. We know that the seat had been given to another. What better claim could be advanced? The appointment was a good one and a credit to the Senate, but that did not justify the Senate in putting the country to the expense of another officer at $2,800 when he was not required. The appointment of Mr. Nicholson appears to be of a similar character. What his claim on the government was I do not know, but I do know that the duties of his office could be performed just as well by one of the clerks of the Senate who has been in its employ for a number of years, with a slight addition of salary, and if additional help were needed, a man could be got for $600 or $700 a year who would have a knowledge of the French language and be capable of performing the duties discharged by this favoured son of the party. I wish to call the attention of the Senate, and particularly of the ex-Secretary of State, to another point: Do hon. gentlemen know the extent to which the expense of conducting the business of the Senate has increased during the last 12 years? When the Conservative party were in power, and the Contingent Accounts Committee recommended any increases of salary, my hon. friend opposite (Hon. Mr. Scott) used to rise in holy horror and deprecate the increase of expenditure, but my hon. friend has had very little to say during the last 12 years, notwithstanding the fact that the expenditure of the Senate has increased to the extent of $44,000. Part of that expenditure may be justified, and was justiable from the fact of having certain work done by the translators which formerly was not charged to that account.

Hon. Mr. WATSON—The largest portion of that expenditure in the last twelve years, which no doubt the hon. gentleman wishes to attribute to the Liberal government, occurred while the Conservative party were in a majority in this House.

Hon. Sir MACKENZIE BOWELL—It is very strange to suggest that the late government made provision for this large increase of expenditure, and left it for the present Senate to incur and pay. I am not prepared to accept that statement. I was tolerably well acquainted with every increase of salary that was made during the time that the Conservative party were in power, and I know that in every instance, whatever increase was made was on the recommendation of the Internal Economy Committee, and approved by the Senate. But that formed no part of the expenditure to which I now refer, other than the necessary expense that was charged to this account in consequence of taking over the French translation staff and adding to it, and the Senate, in the last 12 years, are responsible for all the increases which have taken place. Scarcely any question arises in this House, whether it be of an ancient or modern character, that is not justified by hon. gentlemen opposite on the ground that their predecessors were a great deal worse. Supposing that statement were correct, is it any reason why a reform administration, which used to deprecate the expenditures of the late government should go on multiplying those expenditures by three or four hundred per cent? It is the result of what I have already stated, the placing of unnecessary officers upon the staff. No man knows that better than my hon. friend from Portage la Prairie; but there seems to be an influence behind the curtain that no one knows anything about except those who make the recommendations. I do not object to Mr. Nicholson personally. I do not know what claims he has, but I do protest against taking a new man, as they have done in this case, who knows nothing of the Senate and its work and giving him a high position and large salary to do work which could be performed by an ordinary clerk. I venture to say there is not a senator who would, in the transaction of his own business, make such an appointment and squander money in that manner. Looking at this classification, I find there are clerks who have been in the service only a year or two who are placed above men who have been here for 15 or 16 years. I do not wish to mention names, but I should like to know why it is that some clerks who have been in the service only a couple of years, and whose duties are not as important as those of the postmaster, are given better posi-

tions and salaries than the postmaster? our postmaster has been in the service of the Senate some 16 years, and I have never heard a complaint against him. He attends assiduously to his duties, and is civil to everybody; but he is put in an inferior class to some who have been in the service only a couple of years. Take the case of the young man in the reading room, who has been in the service ten or twelve years. He has every qualification to perform the duties discharged by others who have been put above him, and who get larger salaries. I can only explain it on the principle that 'kissing goes by favour'. If the business of the Senate is to be conducted on that principle, the sooner we know it the better. For my part, I deprecate a system of that kind. I was in office for nearly 18 years, and I challenge any man to say that in the administration of my department I ever drew any distinction between French and English, Roman Catholic and Protestant, Grit and Tory. I considered those men who were under my control, as far as my ability enabled me, upon their merits.

Hon Mr. POIRIER—It was a matter of duty for you.

Hon. Sir MACKENZIE BOWELL—Yes, a matter of duty, and it is a duty which should be performed by every head of a department, and a duty which should pertain to this Senate. I see one of my old colleagues who has been a number of years here is listening to me; he knows very well how I conducted the affairs of my department, so far as I had them under my control, and I am only advocating now the principle I acted upon for 16 or 17 years, one which I consider to be a fundamental principle of the British constitution, that when a man is in the employment of the government he should be treated according to his merits, and paid in proportion to the value of his services to the country, and this treatment he should receive irrespective of his creed or race. That is the principle on which this country should be governed. It is the principle on which this Senate should act in the appointment and promotion of its officers. I find no fault with the government, or with the majority in the Senate, if, in making appointments to new positions, they select their own friends. When I was in power and had vacancies to fill, I selected men for new positions from the party to which I belonged; but once a man occupies a position in a department, his merits should be the only qualification to be considered in fixing his remuneration or making a promotion. I repeat, there is no justification of this classification or of the appointments which have been made. I venture the assertion, that if I were to put the case plainly to any senator here of the merits of the gentlemen who have been appointed, he would say at once that those who had performed their duties faithfully in the past, ought to be considered in the future in the line of promotion and increase of salary. If that is not done, what incentive is there for any employee of the Senate to faithfully perform his duty? He will say, 'there is no chance for me. Some political favourite will be selected and put above me at a high salary.' I look upon this as a vital and important principle in the administration of the affairs of the government departments, and if there is anything that tends to bring the Senate into disrepute among the people who think and read, it is the manner in which we have been acting in appointing political favourites when they are not required, and giving them high salaries to perform duties for which men could be found at a quarter or one-third of the amount we pay. I should like to know why a gentleman has been selected to fill an inferior position, for which six or seven hundred dollars a year would be a reasonable salary, and give him $2,100 to begin with, and an annual increase bringing it up to a maximum of $2,800?

If any hon. gentleman responsible for it can explain to the Senate the reasons for this appointment, and the duties which this gentleman has to perform to justify the expenditure which has been made, I shall be very glad indeed to withdraw all that I have said, and any objection I may have made; but some years of experience in the conducting of the business of this House justify

me in making the remarks I have made, both in reference to this classification, which is not in accordance with precedent, not in accordance with justice in the appointment of people to office who have no claims so far as I know, other than may be poltical, upon the Senate for the positions which they hold, and salaries which are unjustifiable, and which no one can by any possibility justify if they will consider the merits of the case and do justice to others. I have spoken warmly on the subject, because I feel warmly. Notwithstanding the high opinon that I have of the Senate, and the great desire that I have for its perpetuation, and the belief that I hold that it is essential to the good government of the country, I deprecate strongly this practice of constantly doing for reasons unknown except to those who are behind the curtain, that which is bringing us into contempt with every thinking man in the country.

Hon. Mr. DANDURAND—It is perhaps idle to discuss the reasons that actuated the committee, and the House later on, in appointing a new employee to the staff of the Senate. The hon. gentleman could well have furnished his complaint and put his question in due time. The nomination has been made, and I think that it would be but an academic question to discuss, and one which we could discuss at length and over the night perhaps, as to the reason why each employee was selected for a certain kind of work. To-day we have more pressing work than that, and it is because we have more pressing work that I would urge the hon. gentleman from Stadacona to withdraw his motion in the form in which he has made it. What does he ask? He asks that the report of the committee be set aside, and that the Senate proceed to classify the employees. according to law. Supposing that motion carries, the hon. gentleman is not advanced one inch, because then he has to formulate in a concrete way the modifications he would suggest, if any, to the report of the hon. Speaker. So why bring in a simple academic question to be voted upon, when it has immediately to be followed by a proposition which will contain his desiderata? He is satisfied with the report of his honour the Speaker, or he is not; or he is satisfied with the report of the committee or he is not. If he is not satisfied, let him, in a motion or amendment, say that so and so should be put in such a class. and should be given more or less salary. In that way we shall clinch the question, and come to a decision and do something practical.

Hon. Mr. CHOQUETTE—I desire to give one or two reasons why I am going to support the motion of the hon. gentleman from Stadacona, and I might say at the same time that I agree with a great deal of what has been said by my hon. friend from Hastings. When the recommendation of his honour the Speaker was presented to this House a motion was made by the hon. gentleman from Halifax to have the report referred to the Internal Economy Committee of this House. I then supported the motion, saying at the same time it was not a want of confidence in the Speaker, but I thought that before the committee it would be easier to do justice to everybody in discussing the merits and demerits of every employee who is going to be classified. I thought then, and I think now, it would be better to refer that to the committee, but it was understood the matter would have to come back to the House, and if we were not satisfied with the classification, or the amount allowed to the employees, we could discuss the question here. The hon. gentleman who has just spoken thinks it will be better for the hon. gentleman from Stadacona to withdraw his motion and move an amendment to every name that will be called, because if we are going to go over the report we have a right to ask for explanations in regard to every name mentioned in the report. I think it would be better, instead of making a motion for perhaps every name, to have this other motion put and then go on with the report, and by the clerk reading to the House what is contained in it, perhaps a lot of names will pass without discussion; but there are some names in regard to which there will be discussion, and it will be just as easy to discuss this point now as to bring it up when a certain name is proposed. That is one reason why I am going to support this motion, unless, by consent, the hon. gentleman will withdraw it, and it is understood that he will renew his motion with every name. I am not prepared to accept that report, because there is a great injustice

done to different parties by it. I am quite willing to admit that the committee have done their very best. Perhaps they decided as they have because they did not know better. They did not know how many years employees had been in the House, and did not know their status and qualifications, and I think some explanations should be given to the hon. members of the committee that they will accept. Some injustice has been cited by the hon. mover of the amendment and the hon. gentleman from Hastings, but I wish to illustrate the point by one or two examples. The name of Byron Nicholson has been mentioned. I must say that, although I should be glad to count Mr. Nicholson as a citizen of Quebec, he is not. Mr. Nicholson is a very nice gentleman, highly educated in the English language, but unfortunately he does not speak French, I do not, however, object to this appointment for that reason. He is from Ontario. He has been in Quebec for a few years for some special service, and I do not object to him personally, but I do object that Mr. Nicholson, who is a new man, not proficient in the two official languages, is given a salary of $2,100 with increases according to law, when Mr. Cyr, who is an ex-member of parliament, highly educated, having an extensive knowledge of parliamentary business, knowing perfectly both languages, is placed at $1,800 only, and why? I should like to hear some member of the committee give me a single reason why there should be this difference between these two men. Supposing one is just as good as the other in many respects, I maintain that Mr. Cyr is better than Mr. Nicholson, for the reason that he can speak both languages—and is therefore able to fill the position of two men. He is just as educated, perhaps more in some ways, than Mr. Nicholson, and they came here the same session, one coming fifteen days ago, the other coming earlier, yet there is a difference between the salaries. Why is that so? In taking up the two names, we should be given an explanation, so that we can accept the position, or the members of the committee will say that they were mistaken and should have put the two men on the same footing. I do not object to Mr. Nicholson's salary, he may be a good employee, but others should be on the same footing. Take the translators, Bouchard and Chapman. I am not speaking of them particularly but of the French translators who have been long employed in this House, most reliable men, able to perform their duties perfectly. Being old employees, and occupying the position they do, why should they not be on the same footing as Mr. Nicholson, who is a new employee, or why should they not be on the same footing as the translators of the House of Commons? According to the statement I have in my hand, the translators of this Senate are doing several hundred pages of work more than the House of Commons translators. Why not put them on the same footing as the translators of the other House, or, at least, why should they not be on the same footing, receiving the same salary as Byron Nicholson? That is another point on which I should like to have some explanation from the members of the committee. Go further down. Take for instance on the third subdivision B. Mr. Pelletier, who is marked there as the wardrobe keeper. Here is a man that we all know, a very intelligent gentleman who has been employed 34 or 35 years. He has a salary of $800. Take Mr. Weston, he has been employed three years, and has the same salary. What explanation is it possible to give for that difference? Take Mr. Berube, the next to Mr. Pelletier, he has been employed 24 years, a good man, nothing against him, and he is kept there. His salary is $800; and Mr. Weston, only three years, with the same salary, and he will have the same increase. In ordinary business, when a man has been long employed in office, he deserves a larger salary than the man coming in. We will suppose that Mr. Berube is just as well qualified as Mr. Weston, because he speaks both languages and the other one does not speak French. I do not reproach him for that, but I think it is in the interests of every one to learn French. It is a further qualification for an employee to speak both languages. He will be more useful. But I find here a man employed 34 years, on the same footing as a man employed three years. That is one reason why I should like this report to be taken item by item

or name by name, and for that reason I shall be in favour of the motion presented, in order that the Senate may proceed to the classification of its own officers, taking into consideration the law as interpreted by the Commons in the classification of their employees.

Hon. Mr. DANDURAND—I call attention to the fact that we must examine each case, and we do not require to vote upon the motion of the hon. gentleman in order to proceed in that way.

Hon. Mr. POIRIER—I will not touch the ground covered by my hon. friend the ex-leader of the opposition, and my hon. friend who has just taken his seat, because on the whole, I pretty well agree with them. I will simply take one or two points. Hon. gentlemen all know that the civil service have been looking to us for the last two months for the passage of this classification, and reaching the end of the session, we are now face to face with a classification that is altogether unsatisfactory. I might say unacceptable in many parts of it. At first the question was, who was authorized by the Act which was passed last year to prepare the classification. It has been agreed that the Speaker of the House was the proper person. According to my interpretation of the law the Speaker is not that person. This is what the law provides:

> As soon as practicable after the coming into force of the Act, the head of each department shall cause the organization of the department to be determined and defined by order in council, due regard being had to the status of each officer or clerk as the case may be ?

Who is the head of the Senate as a department? Our Speaker is the head of this deliberative body, but he does not stand in the spirit of the law as the head of a department, as a minister does in his own department. The Speaker here has no executive authority more than any of us. He has not been given any executive authority. In committee, and in the House, he can only vote as any other hon. member. That being the case, who is the head of the Senate in the executive capacity? I submit that it is the Committee on Internal Economy and that that committee stands in lieu of the head of the department mutatis mutandis. Therefore, the initial step, in my opinion, has been wrong. The proper course was to refer this question to the head of the department, the executive head, which is the Committee on Internal Economy. Now, we are face to face with two reports. First, the report of the Speaker which has been, as it were, superseded, and I submit properly so, not on account of its being defective, or more defective than the other report, but because of lack of authority within the spirit of the law as it has been passed. We are confronted with that report, considerably altered by the Committee on Internal Economy, and we are called upon to confirm this report. As members of this House, we are in duty bound to protect the officers in the spirit of justice—that word justice which my ex-leader has expounded. We are asked to confirm a report which I for one deem in many particulars to be unjust and unfair. The employees of the Senate look to us for justice, and, as honest men, we are bound to give them justice, and to see that merit and duration of service be properly rewarded. If an employee is not capable, and not deserving, he may be dismissed; but if he has the qualifications and qualities to which I have referred they should be recognized and other employees should not be passed over their heads. There is another consideration: we of the old generation have been jealous of the ancient privileges and rights of the Senate. What do we find to-day? To-day we are transferring those ancient rights and privileges into the hands of the government by allowing the Speaker—and I am not referring to our most respected Speaker. I am talking of the Speaker not in a personal way as it were, not merely for to-day, but for to-morrow also, when the Conservatives will be in power, because they are bound to come into power some day.

Hon. Mr. CHOQUETTE—In half a century.

Hon. Mr. POIRIER—We are passing the appointment of employees of the Senate into the hands of the government. Our Speaker is appointed by the government. He appoints our employees; therefore, he is practically appointing employees at the dictation of the powers that be, and that is one of the reasons why we are facing

to-day a situation that is altogether, I might say, deplorable. The report which is before us is, in my estimation, not only incomplete and unsatisfactory, but in many instances, incoherent. By what authority, discarding the precedents of the House of Lords or the parliament of Canada, do we find that the first man on the list after the clerk of the Senate is the law clerk of the Senate, parliamentary counsel, Master in Chancery, which is a myth, an English translator, Mr. Aylwin Creighton, in the last report, while in the report presented to us by he Speaker, he was a little lower on the scale? How has that happened. It is not satisfactory to anybody and should not remain as it is. We should follow the precedents established in the House of Lords, or at least as they have been followed heretofore in Canada. I will take other instances without going into minute details. We should see that our employees are paid equally well with the employees of the other House occupying similar situations, when the work and the responsibilities are the same. In the House of Commons, for example, the postmaster is under class B, I believe, with a salary running from $2,100 to $2,800. Our postmaster here as long as he is in the service, with equal responsibility, with hours just as long, is put down at $1,000. That strikes me as not being fair. True there is not as much work in this House as there is in the other chamber, but it is also true that there are four or five employees in the House of Commons post office to one here. There are eleven or twelve there and two here, therefore the proportion is the same. I could refer you to another case. There is Mr. Arthur Ralph, who is the curator of the reading room, salary, $900. In the other House, the gentleman performing the same work absolutely, the same number of newspaper and reviews being received in both Houses, is a class above him; and Mr. Berube, the first assistant at $800, with ten or twelve or 14 years' service, while the corresponding servant in the other House, doing exactly the same work, is one class ahead of him. I am sorry to have to go into details, but this classification does no credit to the committee who have, after months of laborious preparation, having before them the elaborate report of the Speaker, come down with what I may call an incoherent report. I am sorry we are at the close of the session. We have to take some step, because the whole service is suffering, having been promised an increase of salary, and many of them possibly having already spent it. They are looking for and are expecting the money, and we are under now the necessity of railroading this undigested report through the House. I for one express my regret that it has been framed with so little consideration for the due protection of our employees, and that we are called upon to perpetuate what, I am sorry to say, in many instances, will be injustice to subordinates, although we are in duty and honour bound to protect our employees according to their merits.

Hon. Mr. POWER—I think these spirit stirring speeches are perhaps rather to be deprecated in the discussion of a business matter like this. It is true that the members of this House owe a duty to the employees. They owe a duty to be just; and it is also true that we, as members of this House are, in a certain sense, trustees of the public money, and no matter how much disposed we might be as individuals to be very generous with the public money, as trustees we have not the right to be unduly generous, and, with that preliminary observation, I wish to say a few words as to what has taken place in this matter. Under the Civil Service Act, as has been stated more than once, the clerk takes the place of the deputy head and his honour the Speaker takes the place of the minister, and the Senate takes the place of the Governor in Council, the cabinet. That being the case, the clerk has made recommendations, his honour the Speaker has laid those recommendations before the Senate, and the Senate was at liberty then either to accept those recommendations as they came or to refer them to the committee, or to deal with them directly, and amend them here in the House. As there were a a great many details to be dealt with in connection with this classification, the usual course in such cases was adopted, and the classification submitted by his honour the Speaker was sent to the Committee on Internal Economy, which has

always dealt with matters affecting the staff of the Senate, and now the report of the committee comes before us for consideration. What is the position now that it comes up to be considered by the House. I think everything has been perfectly regular and proper up to date. The question is as to the merits of this report. If the report is on the whole satisfactory, I think it is the duty of the House to adopt it. Every hon. gentleman cannot have his own way. For instance, one hon. gentleman found fault with the report because it proposed to give something additional to the wardrobe keeper, and another hon. gentleman found fault with it because it did not do that. Now you cannot find fault with it for both reasons. It is a case of if you do and if you don't. I think we should deal with the report in a more reasonable spirit. The first case which came up was that of the clerk assistant. Subsection 2 of section 5 of the Civil Service Act of last year reads:

> The first division shall be divided into subdivision A, consisting of officers having the rank of deputy heads, but not being deputy heads administering departments, assistant deputy ministers, and the principal technical and administrative and executive officers.

Now our clerk is a deputy minister. He takes the place of a deputy minister and naturally the clerk assistant takes the place of an assistant deputy minister, and under the terms of the Act cited by the hon. member from Stadacona, it was the duty of the committee to put the clerk assistant in that subdivision in which they put him, namely subdivision A of the first division. Has the hon. gentleman any fault to find with that?

Hon. Mr. LANDRY—I find no fault with that, but I do find fault with the fact that a resolution was passed that the salaries would be your guide.

Hon. Mr. POWER—I am asking now about this particular case, the case of the clerk assistant. The name of the clerk assistant appears in the same way in the classification submitted by the Speaker, and in the classification reported by the committee. It is true that attention has been called to the fact that in the one case the name of the clerk assistant appeared first on the list, and in the other the name of the law clerk. That was, I presume, an accident which occurred in the drawing up of the report. We did not undertake to determine the precedence of the two officers. The precedence would be governed, I supposed, by seniority, and the clerk assistant is far senior to the other officer. We have disposed, I think, fairly well of the first division, subdivision A. Our duty was clear with respect to the clerk assistant; we had to follow the law, even though the salary had to be increased. There is a section of the Act which has a provision for that, and which the hon. gentleman from Stadacona has read, the first subsection of section 35.

> Nothing in this Act shall be held to reduce the status of any officer, clerk or employee in the service; and if the salary of any such officer, clerk or employee is less than the minimum salary of his subdivision or position under the provisions of this Act, his salary may forthwith be increased to such minimum.

That is the case of the clerk assistant. It is true that the committee adopted as a basis the salaries as they existed on the 1st of September. Now were they justified in that? Section 36 of the Act says:

> Except as herein otherwise provided, the salary of any person placed in the inside service by or under this Act or to whom the provisions thereof are made applicable shall be that which he is then receiving.

That is the salary he was receiving on the 1st of September.

> And the said salary shall determine his classification, except as herein otherwise provided.

The exception is in the subsection of section 35, which I have just read. You cannot lower the status of an officer and except in that case you have to take the salary as it was on the 1st of September.

Hon. Mr. LANDRY—Does the hon. gentleman contend that that exception applies only to section 35?

Hon. Mr. POWER—That is my contention.

Hon. Mr. LANDRY—It is a very crude one.

Hon. Mr. POWER—It is my opinion. I am confirmed in that view by a reference to the discussion on this same matter in the other Chamber on the 10th of May, in

connection with their own classification. Mr. Fisher, the minister who had charge of this Bill last session, and who has charge of the Bill amending it this session, says:

My hon. friend (Mr. Foster) probably does not realize that officers of the House of Commons were not in the inside service until the Civil Service Act came into force last year. Then the Department of Justice gave it as their deliberate opinion, and it has been acted upon, that on the first of September last all outside employees and officers had to be put into the classification at the salaries which they were enjoying at that time; they came into the subdivision and division which was indicated by their salaries on the 1st of September. I am not very familiar with the fact as regards the employees of the House of Commons, but I understand that on the 1st of September last the Sergeant-at-Arms was receiving $2,500 as salary and certain accommodation in the House which was reckoned as being valued at $800 a year. Under the ruling of the Department of Justice, if only the salary of the Sergeant-at-Arms had been taken into account he would have had to be put into the class ranging from $2,100 to $2,800, but the Speaker, and the Clerk of the House, and the internal economy committee thought it would be unfair to do that, and they added the $800 a year the assumed rental of his department, to the $2,500 and called the salary $3,300. In that way, on the 1st of September the Sergeant-at-Arms was enjoying a salary of $3,300 and under the ruling of the Department of Justice he came in the classification which ranged from $2,800 to $4,000. If the Sergeant-at-Arms or any other officer had been in a lower subdivision and the classification was so arranged that the officer should in the future be put in a higher subdivision, then his salary might be increased to the minimum of the subdivision in which he was placed. But if he comes into a certain subdivision without having been promoted or raised from another subdivision he has to come in at the salary which he was enjoying on the 1st of September. I do not understand, how, under the law, it would be possible for the House at this present time to increase or change the salaries. Of course the House of Commons can at any time by a special vote in the estimates add to the salaries of its officers, but under a resolution of this kind and in this classification I do not think they can do more than transfer from the outside service to the inside service at the salary which the officer was enjoying on the 1st of September.

I quote this to show that my view of the law is substantially the same as that taken there. Then the Minister of Public Works, at page 6236, took the same view of the law, that the salary must be what was paid on the 1st of September. That view was taken by the hon. member from North Toronto in the House of Commons, the financial critic of the opposition, and it was taken by the leader of the opposition —that the salaries of the officials in the Commons were not to be increased from what they stood at on the 1st of September, and there was quite a discussion as to the salary of the clerk assistant of the House of Commons.

Hon. Mr. LANDRY—What does the hon. gentleman do with section 35 of the Act?

Hon. Mr. POWER—Mr. Plante's salary was increased. There was a report of the Commission made, I think, in January of last year, increasing Mr. Plante's salary to $3,500 and the gentlemen who were leading the opposition contended that that was not legal, because, although the House had decided at that time to increase his salary, he had not actually been paid under that decision of the House. So in the House of Commons the leaders of both parties—government and opposition—took the view that the salaries which were to form the basis of the classification were the salaries which the officers had been receiving on the 1st of September. That seems a very reasonable proposition. Under this Act, when it goes into operation, the officers of both Houses will not be tied down to the salaries which they receive under this classification. There are provisions in the Act for paying an addition of $100 a year in the case of the higher officers, and $50 a year in the case of the officers who are not of the highest grade, and there are provisions for promotion also. The door is not shut against any one. Now, with respect to this claim that there is gross injustice; have the committee recommended that the salary of any officer of this House be cut down? No one can say that. The hon. gentleman from Hastings—I am sorry to see is not in his place—took the ground that we were exceedingly extravagant, that we had increased the expenditure of the Senate during the last twelve years by a very large sum; but other hon. gentlemen who criticised the report took the ground that we should not be contented with the salaries we have now; that we should increase the salaries of our officials to the same figures as the salaries of the Commons officials. That is not the kind of economy the hon. member from Hastings advocated. It was the other way. It never has been the practice—and I have been a great many years

a member of the Senate now—to base our salaries on the salaries paid in the House of Commons. We have paid our officers, on the whole, liberally. As a rule they have been contented; gentlemen who were not contented had no real reason for their discontent. It would increase the cost of carrying on the business of the Senate immensely if we were to adopt the salaries paid in the Commons.

Hon. Mr. LANDRY—We have more than the rule—we have the law.

Hon. Mr. POWER—There is no law to govern the amount we shall pay.

Hon. Mr. LANDRY—Look at section 27 of the Act

Hon. Mr. POWER—That fixes the minimum and maximum salaries in each division, but that has nothing to do with the salaries paid by the House of Commons.

Hon. Mr. LANDRY—Look at the following section, 28.

Hon. Mr. POWER—I have said that, in the case of the clerk assistant, the law may be perfectly clear that he had to be placed in the first subdivision A, of the first division. Beyond that, in the cases of most of the officers, the only guide we had really was the remuneration they were receiving, and that was a fairly reasonable guide. A good deal has been said with respect to the case of Mr. Nicholson. I am sorry to have to mention the name of any employee, but his name has been bandied about in a very free way. The kind of officer mentioned in the memo. from the clerk and the memo. from the Speaker was one to take the position of chief clerk of committees. That is an important office, and his honour the Speaker submitted the name of this gentleman, who has been so talked about, for that position and indicated that the salary should be $2,100. It will be remembered that I did raise some question about the case of the clerk of committees, and I was rather surprised to hear the hon. gentleman from Hastings a little while ago denouncing in such vigorous language those who were responsible for that appointment; but when the appointment was being considered here in the House the hon. gentleman never said a word. It is too late now. When the committee came to consider these salaries they would probably—I think I am speaking within the mark, and am safe in saying what I do—if the House had not solemnly fixed the salary of Mr. Nicholson at $2,100, have put him in at the same figure as Mr. Cyr. Something has been said about the precedents of the House of Lords. We have not the same offices here that they have in the House of Lords, and our officers have not all the same functions. It has never been the practice of the Senate to pay Black Rod as one of the highest officers. He is a very important officer, and his position is a dignified one. At the opening and closing of parliament he is a conspicuous figure, but it has never been the practice of the Senate in the past to pay that officer at the rate indicated by the speech of the hon. gentleman from Hastings, that he was to come next to the clerk. Up to the present incumbent, the officers did not receive more than $1,800. The present incumbent is now receiving $2,200. Something has been said about the postmaster. We have followed in the case of the present postmaster the same line that was followed with respect to his predecessor. The postmaster has got up to $1,050, and is increased at the rate of $50. His predecessor had been thirty years in the employ of the Senate before he got $1,100. I do not think any hon. gentleman can say too much in favor of our present postmaster. I think he is an admirable officer, and I trust that his salary will be increased still further. Something has been said about the messengers and about $800. It happens that $800 is the maximum salary which the law allows for a messenger, and that is why some of them have not been increased. We cannot each have his own way. There are things in this report that I do not approve of, but one has to sink his own individual opinion to a certain extent, and I may as well mention before I sit down that, in my humble opinion, the sergeant-at-arms is an officer who would naturally fall in the same class as the usher of the Black Rod. The sergeant-at-arms has been in the employment of the Senate for 40 years. He sits at one side of the bar and the Usher of the Black Rod at

the other side. If the report is adopted, I should be disposed to take the view that he should be placed in the same division—and I think he properly and naturally goes there —as the Usher of the Black Rod.

Hon. Mr. DAVID—What is the outcome of all the excellent things which have been said this evening? The outcome is that the members of this House, and even the members of the committee, and the chairman of the committee which has reported, consider that they are not bound by the classification which has been based on the salaries as they were fixed in the month of September last. They claim that the Senate has a right to amend or reject the report, and nobody can deny that it has been shown that errors have been committed, errors amounting even to injustice, that the classification recommended has not been made as it should have been made, that certain officers of this House have been placed in classes where they should not have been, and that, consequently, the most practical thing we have to do now is to consider and amend the report. I am sure that the hon. members of this House are too reasonable not to do what may be necessary to remedy errors or injustices which may have occurred inadvertently. If the Senate fails to do justice, it will be the first time that it has not been ready to do what is just and fair. Consequently, I ask this House to accept the motion made by the hon. gentleman from Stadacona. When we have examined the report, everybody will be satisfied and justice will be done to the deserving. But in order to do that, the motion should be amended. As it stands, it involves the rejection of the report. We do not want to reject the report. We want to modify and amend it, to remedy errors and injustices which may have been committed. The motion might be modified by the unanimous consent of the House, or another motion substituted for it, to the effect that this House proceed to the consideration of the report item by item, in order to make the classification right.

Hon. Mr. LANDRY—If the House will permit I shall accept the suggestion of my hon. friend, and make my motion read as follows: 'That the present report be considered item by item.'

Hon. Mr. CLORAN—It is evident from the discussion that the report as it stands is not right in its entirety. Several hon. members have spoken in regard to the personal merits of many of our employees who have been overlooked in the classification, and in the matter of salaries. I thoroughly agree with their criticism in that regard. The report is fair as far as it goes in regard to the men who have been advanced either by classification or by increased salary, but the report is not fair to quite a number of our employees who have not been advanced either by classification or by increase of salary. I do not intend to go over all the list the same as the hon. member from Halifax started out to do.

Hon. Mr. POWER—The hon. gentleman has no right to say that I went over all the names. I mentioned two names.

Hon. Mr. CLORAN—As I was saying, the hon. gentleman from Halifax started out to go over the list, but did not continue. He made allusion to a demand for an increase of salary for the Usher of the Black Rod. The hon. gentleman forgets that the Black Rod in olden days had an equivalent for what is now demanded in the salary—he had three apartments.

Hon. Mr. POWER—He had only $1,350 of a salary after having been here for twenty years.

Hon. Mr. CLORAN—The demand made on behalf of the Usher of the Black Rod is not an extravagant one. Next to the clerk, he is the most prominent official. He is a link between the viceroy and democracy and he ought to be guilded a little. I would have no objection to see him put in the first division.

Hon. Mr. CHOQUETTE—Knighted.

Hon. Mr. CLORAN—Knighted too. An injustice has been done also to the translators. For the translation of the Senate debates we have only two translators on our staff, while the House of Commons has twelve. The result is that one translator here does nearly one-third more work than any

one of the twelve translators of the House of Commons. That will be a surprise to a great many of our hon. friends, yet our translators get nearly 20 per cent less remuneration, receiving only $1,800, while a translator in the Commons gets $2,100.

Hon. Mr. McSWEENEY—I think we have four French translators.

Hon. Mr. CLORAN—There are only two to translate the debates. I wish to make a comparison of the work done in the two Houses for the last three years. In 1906 there were 3,852 pages to be translated in the ' Hansard ' of the House of Commons by twelve translators, which gave them an average of 321 pages for each translator. In the same year, the Senate 'Hansard ' contained 1,275 pages. Instead of having to translate 321 pages each, our translators had to translate 657 pages, more than double. The work requires just as much talent and ability in our House as in the Commons—in fact it requires more ability to translate our debates. Of course the comparison was not always as striking as in 1906. In 1907 the Commons ' Hansard ' contained 3,398 pages, and each translator translated 333 pages. In 1907 the Senate ' Debates ' contained 1,079 pages, and each of our translators translated 539 pages, almost double again. Last year the Commons ' Hansard ' contained 6,992 pages, giving each translator 82 pages to translate. The Senate ' Debates ' for that year contained 1,356 pages, and each of our translators had 668 pages to translate, over 100 pages more than the average in the Commons, notwithstanding the length of the session and all the talk in the House of Commons. During last session we were absent from the Senate for nearly two-thirds of the session, yet our translators had to do that much more work, and the same obtains through the years previous, but I have only taken three years to make good my argument that the translators of this House are doing work for which they are not paid, notwithstanding the contention of the hon. gentleman from Halifax. We do not want to be generous with public money. We are the trustees of it; but we must not be unfair to men who deserve to be properly recompensed for their work. It is not fair to send it broadcast through the country that the Senate is generous with the public money. We are in some cases, but in many cases we act contrary to that principle, and this is one. Apart from that, these two translators have to remain here for twelve months in the year, while the translators of the House of Commons, as soon as the session is over, are free. Our translators are here 365 working days in the year. They have to prepare the index for the debates.

Hon. Mr. CAMPBELL—Does it take them all that time to do the work?

Hon. Mr. CLORAN—No, but they have to remain here.

Hon. Mr. CAMPBELL—I should like to ask the hon. gentleman if the pages of the Commons ' Hansard ' do not contain very much more on account of the closer print than the Senate ' Debates '?

Hon. Mr. CLORAN—Yes, there may be a few ems more in the page. There may be three or four lines different. The Senate ' Debates ' are just about as closely printed as the others. Five or six lines in the column would make the difference.

Hon. Mr. BEIQUE—I am in a position to state the facts as they are. Taking into consideration the help that they have had, and the difference between the quantity of material on a page, our translators have actually within the last five years translated an average of 50 pages more than in the House of Commons.

Hon. Mr. CLORAN—And they receive $300 less. I contend that when this matter goes before the committee, or if it remains before the House, this state of things should be corrected in regard to these gentlemen. They are men of ability; they are authors, men who are pushing the literature of our country to a high standard. We have among these translators one who is a well known poet, a man who has given his time and intellect to the development of social and intellectual matters, the writing of history and novels, and why should we not pay him adequately for his work? I say this matter should be remedied at once as far as these two translators are concerned. Other names

in the service have been mentioned. We have a man who has been here for the past thirty-five years, a faithful servant from 9 a.m. until midnight, whenever it is necessary for a senator to be here at that hour. He is present at all hours of the day and night, appointed under the Mackenzie regime in 1874, drawing only $800 with a beggarly increase of $50 that they are trying to take away from him. I refer to Mr. Pelletier who has been kind and polite to all the senators for thirty-five years, and is only receiving this small salary. In the stationery office, Mr. Young has rendered valuable service to the Senate and the same with regard to Mr. O'Neil. Surely they are entitled to an increase. They have responsible duties to perform. They perform clerkship work, and they are left in the lurch. These are things that require consideration, and I hope they may receive reasonable consideration. There are other employees whom I could name, but I do not propose to detain the House. I hope, when this measure comes before the Senate, that it will be received in an amicable spirit, not in a party or fighting spirit, but that fair play will be accorded to all.

Hon. Mr. BEIQUE—I think it will be admitted that I very seldom interfere with the report of a committee, but there are occasions when exception should be made to any general rule, and I think this is a case where it should be done. I feel that in accepting the report as it is now before this honourable House a very great injustice would be done, and whether I am supported or not, feeling as deeply as I do on the question, I think it is my duty to offer the amendment which I propose to move. I do so, not because I have any friends to protect, for such is not the case. I have not allowed any gentleman to ask my advice or to solicit my vote in his favour any more in this case than in any other matter; but we have to deal specially with two men, one of them, Mr. Bouchard who has been in the employ of this branch of parliament for some 15 or 20 years.

Hon. Mr. POWER—Ten years in our employ.

Hon. Mr. BEIQUE—He has been in the service for 20 years; at any rate he has been rendering most valuable service, and I am satisfied he could not be replaced by anybody to whom we would be paying $2,000 or $2,200. There are in the House of Commons eleven translators who are doing the very same work, and who are not doing it any better than he is. He is a faithful servant with a family, a respectable citizen, and I think it is but fair to deal with him as this House has dealt with the other employees.

Hon. Mr. CAMPBELL—I see there are four translators. What are the duties of the other two?

Hon. Mr. BEIQUE—Two of the translators, Mr. Lelievre and Mr. Trudel, are occupied translating the Bills and the proceedings of the House. They are altogether separate and have nothing whatever to do with the Senate 'Debates,' which are translated by Bouchard and Chapman alone, whereas in the House of Commons there are twelve gentlemen employed preparing the translation of the House of Commons 'Hansard' and our translators have each been doing more work than a translator in the House of Commons, and I feel that it is but justice to submit their case, because they are being paid less than the other translators are. If I considered that the translators in the House of Commons were overpaid I would not submit the motion which I propose to move, but it is because I know that the work is exceedingly difficult. It requires a thorough knowledge of both French and English, and it requires more than that, a very high education to be able to translate the speeches of members of parliament. Let me add a word as far as Mr. Chapman is concerned. I opposed Mr. Chapman's nomination at the time he was appointed, but Mr. Chapman has proved to be perfectly qualified, and if he were either an Irishman, Scotchman or Englishman, he would be a man of whom you would be so proud, by reason of his literary attainments, that there would be nothing too good for him. As a matter of fact, men of that position in the literary world should be given an occasion to be able to earn their living and devote more time than this gentleman is able to, to literary work. Mr. Chapman's ability has been recognized in France, and we, as French Canadians, are

proud of his reputation not only here, but also in France. It seems to me it is an additional reason why Mr. Chapman as well as Mr. Bouchard should be treated as they deserve to be treated. The committee has decided to appoint Mr. Cyr as one of the translators in place of Mr. Trudel. He should be paid the same salary as the others. There are other persons who, I believe, have not been treated as liberally or as justly as other employees of the Senate, but I do not propose to go any further. I move the following amendment, leaving to others the responsibility of their own actions:

That the report be not now adopted, but that it be amended in such a manner as to place Messrs. Bouchard, Chapman and Cyr in first division of subdivision A.

This would place them exactly in the position of similar employees in the House of Commons, which will give them $2,100.

The SPEAKER—I suppose the hon. gentleman's amendment will be that all the words after 'that' in the first line be struck out, and that the report be not adopted, but that it be amended in the manner the hon. gentleman has stated.

Hon. Mr. POWER—It seems to me, an amendment must be such that it cannot carry at the same time with the motion which it is proposed to amend, but I do not know that the amendment proposed by the hon. gentleman from De Salaberry would come in that category, because it is quite consistent with the amendment moved by the hon. gentleman from Stadacona. If we adopt the amendment of the hon. gentleman from Stadacona, and take up the items one by one, we may do just the thing that the amendment proposes.

The SPEAKER—The difference is that it absolutely and definitely prescribes what is to be voted upon, or how these names are to be placed, and in what subdivision. Therefore, it seems to me that the amendment to the amendment is in order.

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

Contents:

The Honourable Messieurs

Baker,	Godbout,
Béique,	Landry,
Bolduc,	Lougheed,
Bowell	Mcgregor,
(Sir Mackenzie),	McHugh,
Chevrier.	Miller,
Choquette,	Mitchell,
Cloran,	Poirrier,
Costigan,	Ross (Middlesex),
Dandurand,	Roy,
David,	Scott—22.
Fiset,	

Non-Contents:

The Honourable Messieurs

Bostock,	McSweeney,
Boucherville de	Perley,
Campbell,	Power,
Cartwright	Riley,
(Sir Richard),	Robertson,
Coffey,	Ross (Halifax),
Derbyshire,	Ross (Moosejaw),
De Veber,	Talbot,
Douglas,	Thompson,
Frost,	Watson,
Gibson,	Wood,
Jaffray,	Yeo,
McMullen,	Young—25.

Hon. Mr. CHOQUETTE—I think the hon. member from Wellington has forgotten that he was paired with Mr. Tessier, who left for Quebec at four o'clock; at least I understood they were paired.

Hon. Mr. McMULLEN—I did not so understand it. I was paired upon the amendment that was intended to be moved by the hon. member from Ottawa, that is the Hon. Mr. Belcourt.

Hon. Mr. CLORAN—That is the Exchequer Bill.

Hon. Mr. CHOQUETTE—I am sorry; it may be an error on my part.

The Senate divided on the amendment, to the main motion, which was rejected by the following vote:—

Contents:

The Honourable Messieurs

Baker,	Fiset,
Bolduc,	Godbout,
Boucherville de,	Landry,
Bowell,	Lougheed,
(Sir Mackenzie),	Miller,
Choquette,	Poirier,
Cloran,	Roy—14.
David,	

Non-Contents:

The Honourable Messieurs

Bostock,	McSweeney,
Campbell,	Mitchell,
Cartwright (Sir Richard),	Perley,
	Power,
Chevrier,	Riley,
Coffey,	Robertson,
Costigan,	Ross (Moosejaw),
Dandurand,	Ross (Halifax),
Derbyshire,	Ross (Middlesex),
DeVeber,	Scott,
Douglas,	Talbot,
Frost,	Thompson,
Gibson,	Watson,
Jaffray,	Wood,
McGregor,	Yeo,
McHugh,	Young—22.
McMullen,	

Hon. Mr. LOUGHEED—Before the main motion is submitted I desire to move an amendment, I do not intend to occupy the time of the House at any length. What I desire to move is this, that the report of the committee be amended so as to restore the classification of his honour the Speaker as to the Black Rod and the sergeant-at-arms. The classification of his honour the Speaker will be found on page 340 of the Minutes, in which under first division, subdivison A the gentleman officer of the Black Rod is classified, and under first division subdivision B the sergeant-at-arms is classified. I certainly cannot appreciate what led to the reduction of those officers to the classification embodied in this report of the committee. There is no reason why the officers in the Senate should occupy an inferior position to the same officers in the House of Commons; for instance, in the classification of the House of Commons we find in the first division, subdivision A the sergeant-at-arms of that House. Is there any reason why the Black Rod of the Senate who takes priority in the precedence of parliament to the sergeant-at-arms of the Commons should occupy an inferior position to that gentleman. It seems to me extremely unreasonable, and why it has come about that that gentleman was reduced by the Internal Economy I cannot very well understand.

I might also point out that the salary mentioned in the classification submitted by the Committee on Internal Economy is less than the salary which this Chamber authorized to be paid the Black Rod. He is classified at twenty two hundred whereas under our minutes he is now entitled to twenty three hundred dollars. Surely it is not the intention of this Chamber to reduce that gentleman not only in the priority which he should occupy, but also in the salary which he should receive, as now made part and parcel of our minutes. I might also make the same reference to the sergeant-at-arms. The sergeant-at-arms according to this classification is in a grade practically three steps below that occupied by the sergeant-at-arms in the House of Commons. I think hon. gentlemen owe it to their own dignity that the corresponding officers of this House should occupy an equally good and dignified position to those in the House of Commons. The sergeant-at-arms in this House has been in the employ of the government of Canada since 1869, some 40 years, and yet we propose placing that gentleman in a position inferior to that of some of the clerks who have been recently appointed to this Chamber, a gentleman who has to fill certain social obligations, and the demand upon whose purse is very considerable so far as the social obligations of the office are concerned. Let me direct hon. gentlemen to May's parliamentary practice with reference to the precedence which this gentleman should occupy to other officers of parliament:

> The chief officers of the Upper House,—that is the House of Lords, are the clerk, the clerk of parliament, the gentlemen usherer of the Black Rod, the clerk assistant, the reading clerk, and the Sergeant-at-Arms.

Notwithstanding the practice in England we are practically putting the sergeant-at-arms of the Senate in a position inferior to some of the clerks. I think it is unintentional, and that it is only necessary to point this out to hon. gentlemen to appreciate the desirability of maintaining at least the dignity of this House and the obligations we are under to the officers of the House. I might also refer to another clerk, to Mr. Young, who has been in the service of the government of Canada no less than 50 years.

He is yet in the prime of life, a gentleman as well qualified to perform the duties of his office as any clerk in the Senate. Mr. Young entered the service of the government of Canada as a page, and there is no good reason why Mr. Young should not

occupy a corresponding rank, and have the same advantages as Mr. Bowles in the House of Commons. I think that it would not be unreasonable that we should place that gentleman in precisely the same position as that occupied by Mr. Bowles in the House of Commons. Their duties are similar; the office corresponds to each other, and certainly the duties of Mr. Young are quite as onerous and quite as important as those of Mr. Bowles, and while he might not come under the motion which I have moved at the present time, as the classification may be somewhat different in the classification of his honour the Speaker, I would however move that as to the officers, the Black Rod and the sergeant-at-arms, the classification of the Speaker be maintained and that Mr. Young be given the higher classification.

Hon. Sir RICHARD CARTWRIGHT—I would point out to my hon. friend that we may, without intending it, do a very considerable injury to these various gentlemen whose salaries are about to be considerably increased, taking them all around, by the report of the committee. At this period of the session, if we go on amending, amending and amending, we may be quite unable to get the report down in time to be adopted, and, if I understand the position, everybody will fall back on the salaries they have been receiving. I do not want to go into the merits of the matter; but I am afraid there is no option for us if we are to provide our officers with the increases which have been recommended, except to adopt the report of the committee. Every hon. gentleman probably would like to augment the salary of one or more officers. to whom he is particularly attached, or for whom he has a particular regard; but at this period of the session there will be absolutely no chance of getting through with this matter unless we maintain the report of the committee.

Hon. Mr. LOUGHEED—It would be very much better that the report should stand over until next session and allow the present condition of things to continue until justice could be done to all the officers of the House, than to do an injustice to any one now. It must appeal to my hon. friend that this classification which has been arrived at by the Committee on Internal Economy, has been reached through the importunities of the various parties interested, and according to the importunity of the officer the salary has been largely determined.

Hon. Mr. POWER—The hon. gentleman is mistaken, and his statement is directly contrary to the facts. The committee have resisted the importunity of any one.

Hon. Mr. LOUGHEED—It may be due to the importunity of the hon. member from Halifax.

Hon. Mr. POWER—What kind of importunity?

Hon. Mr. LOUGHEED—If there be no time to give proper consideration to the report, would it not be better, and more just to the parties interested, to let it stand until next session?

Hon. Sir RICHARD CARTWRIGHT—I am afraid that would hardy meet with the approbation of the various parties whose salaries are about to be increased. I offer no opinion on the merits of the matter, because I have been unable to attend the meetings of the committee, and the gentlemen who formed the committee have better acquaintance with the officers of the Senate and their merits than I could possibly possess, but I think, weighing the advantages and disadvantages, that it is in the best interests of the officers of this House that we should adopt the report of the committee.

Hon. Mr. LANDRY—My hon. friend forgets this fact, that a Bill must be introduced in the other House incorporating all these changes. Nothing will be done before we adopt the Bill, and previous to that we can make any changes we like.

Hon. Sir RICHARD CARTWRIGHT—They may proceed with the Bill without receiving the classification of the Senate.

Hon. Mr. LANDRY—If so, when the Bill comes to the Senate we have a right to amend it.

Hon. Sir RICHARD CARTWRIGHT—No, we cannot amend it.

Hon. Mr. LANDRY—They will not send it before we are ready, because there are too many interested. At all events, what would be the difference? If we adopt the principle that we must go by the salaries of the 1st of September, what difference does it make?

Hon. Mr. POWER—Would my hon. friend the leader of the opposition state just what his amendment is?

Hon. Mr. LOUGHEED—My amendment is to restore the classification reported by the Speaker with reference to these two officers.

The motion was declared lost on a division.

Hon. Mr. CHOQUETTE moved that the report be not now adopted, but that it be amended by placing Joseph H. Pelletier in the 3rd division, subdivision A.

Hon. Mr. DANDURAND—That gives him how much?

Hon. Mr. CHOQUETTE—Nine hundred dollars. He has been in the employ of the Senate 35 years, and is entitled to some consideration. He is now in the 3rd subdivision, subdivision B, and I ask to have him put in subdivision A.

The amendment was declared lost.

Hon. Mr. WATSON—I notice by this report that, in the 3rd division, subdivision B, in the case of messengers, there is no salary attached to Abraham Delaire. I think that is a mistake, and I move that that vacancy be filled in by inserting $700. He has been a sessional messenger, and is now put on the permanent list. He was paid by the day.

Hon. Mr. POWER—You cannot do that. He has to go in at the minimum.

The SPEAKER—Let me call attention to the fact that Mr. Pelletier is placed in 3rd division, subdivision B, where the maximum is only $800, so that if his salary is to be above that it will be more than is allowed by the Act for that subdivision.

Hon. Mr. LANDRY.

Hon. Mr. THOMPSON—The clerk suggested that he should be placed in the 3rd division, subdivision A.

Hon. Mr. CHOQUETTE—I have asked that he be put there.

Hon. Mr. WATSON—Delaire has been engaged for the last two years at the rate of $2.50 per day, and if you accept that as a basis, the salary he received on the 1st of September last was about $700, and I therefore move that the blank be filled in with $700.

The SPEAKER—I am told by the clerk that this gentleman has been receiving $2.50 per day which would be at the rate of $75 per month. That would be $900 per year. The statute provides that where a person has been employed temporarily and placed on the staff, he shall be employed at the rate he was receiving.

Hon. Mr. WATSON—I know he is one of the best messengers that we have, and I should be glad to see his salary fixed at $800.

Some hon. GENTLEMEN—No, no.

Hon. Mr. WATSON—Then I press my motion to make it $700.

The SPEAKER—I have called attention to what the effect of that may be.

The amendment was agreed to.

Hon. Mr. CHOQUETTE—There is another employee of the Senate whose name is not mentioned here, Mr. Samard, who translates the reports prepared by Mr. Hannay for the press. He has been working steadily since the beginning of the session. Mr. Hannay receives $40 a week. They are both very competent men, and make good reports, and I think Mr. Samard ought to be put on the staff in the same way that Mr. Hannay has been.

Hon. Mr. POWER—These gentlemen are not on the staff of the Senate. They are specially employed, but only temporarily employed, and will be paid out of our contingencies.

Hon. Mr. CHOQUETTE—Then put Mr. Samard in the same position as Mr. Hannay.

Hon. Mr. POWER—I see no objection to that. The heading is 'The following are specially employed,' and these are only temporarily employed, and I do not think there is any necessity for it; but there is no objection to mentioning his name.

Hon. Mr. BEIQUE—Mr. Simard has been acting in the place of Mr. Belanger, who was appointed on the condition that he was to be paid $15 a week when the Senate was sitting.

Hon. Mr. CHOQUETTE moved that Mr. Simard's name be placed with that of Mr. Hannay.

Hon. Mr. WATSON—From the explanation which has just been made, it appears that Mr. Simard is not the gentleman who was named by the Senate to do this work. He has not been appointed by the Senate. We have no objection to the Debates Committee appointing anybody to have this work performed, and we are glad to know that it is being performed satisfactorily. Surely the $15 a week can be paid out of the contingencies.

Hon. Mr. DANDURAND—The Debates Committee will settle that point.

Hon. Mr. CHOQUETTE—Provided his claim is recognized, I have no objection.

Hon. Mr. MITCHELL moved that Joseph H. Pelletier be put in the third division, sub-division A.

The SPEAKER—That motion has already been voted on.

The motion for the adoption of the report as amended was adopted on a division.

Hon Sir RICHARD CARTWRIGHT moved that a message be sent to the Commons to acquaint that House with the fact that the Senate has adopted the classification of its officials.

Hon. Mr. LANDRY—I do not think there is any necessity for sending a message to the Commons. Did the Commons send their classification to us?

The SPEAKER—Certainly.

Hon. Mr. POWER—This has to be communicated to the Commons, in order that it may be put in the Bill.

Hon. Mr. LANDRY—It is for the minister to do that.

Hon. Sir RICHARD CARTWRIGHT—The Commons send us their classification in a Bill. They are waiting for the classification of the Senate.

The motion was agreed to.

ONTARIO AND MICHIGAN POWER COMPANY'S BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (No. 34) An Act to incorporate the Ontario and Michigan Power Company.

Hon. Mr. LOUGHEED—Will the hon. gentleman explain the Bill?

Hon. Mr. WATSON—The Bill comes to us in the usual way from the House of Commons. Two years ago, this Bill, on similar lines, for developing power at this point was passed by the Senate. Objection was taken to it at the time, because it contained a declaration that it was for the general advantage of Canada. In the Bill before us, that objection has been removed. I also find that the Commons have restricted the powers of the company which were granted two years ago, in a great many particulars, and in other respects have modified the Bill to a great extent. I suppose it will require very little explanation on my part in introducing the measure. In fact, I believe this Bill, which was fought in the early stages of the session in the House and in committee, has been so amended that it pretty well represents the unanimous feeling of the House of Commons at the present time. I hope the House will consent to the second reading, and will let the Bill go to the Railway Committee, where it can be properly considered and discussed. If the committee, in their wisdom, see fit to amend it in the interest of the country and of the promoters, they can do so.

Hon. Mr. LOUGHEED—It is entirely improbable that this Bill, at this hour of the night, can receive a second reading and I would suggest that inasmuch as the Banking and Commerce committee are to meet

to-morrow morning, we should proceed to consider the next item, namely the Canada Life Bill, and let this order be postponed.

Hon. Mr. POWER—Parliament will sit until the business is finished.

Hon. Mr. WATSON—For the very same reason I wish to have this Bill passed. We are nearing the end of the session and the chairman of the Railway Committee has intimated that he will call a meeting of that committee to-morrow morning. I hope, therefore, my hon. friend will concur in my suggestion, and pass the second reading of this Bill to-night in order that it may be considered by the committee to-morrow.

Hon. Sir MACKENZIE BOWELL — I should like to call the attention of the leader of the House to the conditions under which the Bill affecting the Grand Trunk Pacific loan was postponed. It was distinctly understood when the order was called that it should stand until the non-contentious Bills and questions were disposed of. It was distinctly understood that any question which would cause discussion should be allowed to stand until that loan Bill was considered. I admit that we overlooked that agreement when we discussed the classification of the Senate officials, but there is no reason why we should transgress the agreement further. No matter what view we may take of the Grand Trunk Pacific Loan Bill, it is a measure which should be dealt with promptly. If any faith is to be kept in the Senate, we should proceed with the non-contentious items and then take up the Grand Trunk Pacific Loan Bill.

Hon. Mr. LOUGHEED—I understood from the hon. member from Wolseley (Hon. Mr. Perley) that he did not want to speak to-night on the Grand Trunk Pacific Loan Bill.

Hon. Sir MACKENZIE BOWELL—That may be so, but there are others who may desire to discuss the measure. It is a question whether an understanding arrived at should be adhered to.

Hon. Mr. LOUGHEED.

Hon. Mr. DANDURAND—I understood the hon. gentleman who was to speak on the Grand Trunk Pacific Loan Bill to ask that the Order Paper be cleared before resuming the discussion upon the measure. We are at a late period of the session, and there are some Bills which should be advanced a stage and sent to the committee. There is this Canada Life Bill which should go to the Banking and Commerce Committee. I have not given very much attention to the Bill now before the House, and which was discussed elsewhere at considerable length. I have an absolutely open mind as to the merits of the Bill itself. I hold in my hand a telegram from the Attorney General of Quebec drawing my attention to a clause in the Bill which he regards as an encroachment upon the rights of the provinces. I am under the impression that the Bill comes under the purview of our parliament to some extent, but to what extent I do not know. I do not intend to discuss the Bill now, as it can be considered carefully in committee, and when we have the report of the committee before us, it can be thoroughly considered.

Hon. Mr. CLORAN—What is the clause of the Bill to which the Attorney General of Quebec takes exception?

Hon. Mr. DANDURAND—The clause concerning the expropriation of property.

Hon. Sir MACKENZIE BOWELL—I understand there is a clause which gives power to expropriate provincial property.

Hon. Mr. DANDURAND—All that can be considered in committee.

Hon. Sir MACKENZIE BOWELL—But if we know there is such a clause, we would affirm the principle by consenting to the second reading now.

Hon. Mr. LOUGHEED—I object to this Bill on what seems to be the fundamental feature of the measure, namely, the right to expropriate certain provincial property for the purpose of exploiting the undertaking which the promotors have in view. I hold in my hand a telegram which I have received from the Premier of Ontario, in which he expresses a very strong protest against the passage of this Bill, on the

ground that it proposes to expropriate provincial property. Opposition coming from that particular source should receive some attention from this House. I observe my hon. friend from Toronto opposite me, the president of the Toronto 'Globe,' and I propose also to read an editorial from that paper in which my hon. friend from Toronto will have the greatest possible confidence. I refer to the 'Globe' of the 10th May. Hon. gentlemen will observe that this Bill was passed in the House of Commons on the 8th May. This is an editorial of the 10th instant in the 'Globe' upon this particular measure.

Hon. Mr. WATSON—You should not take any stock in that.

Hon. Mr. LOUGHEED—Well, there are times when the Toronto 'Globe'——

Hon. Sir RICHARD CARTWRIGHT—Gives evidence of sanity.

Hon. Mr. LOUGHEED—It is perfectly lucid and sound in the faith on this question. The editorial reads:

The Ownership of Water-powers.

The Conmee Bill for the exploitation of the water-powers on the Pigeon and Nipigon rivers has in its progress through the Private Bills Committee of the House of Commons been shorn of several objectionable features, but it does not at all follow that it ought to become law. There is left a good deal of uncertainty about the whole matter, including the jurisdiction of the Dominion parliament in the premises, so that the balance of convenience and safety seems to favour leaving the whole question over for more careful consideration and more thorough discussion. The Premier, in the course of the latest debate, expressed the opinion that the matter of jurisdiction will probably have to be settled eventually by the courts. Let that be done before there is any more legislation.

There is a special reason why haste should be made slowly in granting to private parties control of water-powers within measurable distance of Thunder bay. Three great railway systems now have terminal facilities at that point, and it is only a question of a comparatively short time when the towns of Fort William and Port Arthur will together form one of the most important industrial communities in Canada. Power is sure to be needed for all sorts of purposes, and for these it ought to be reserved. The Ontario government made a serious blunder in allowing the Kaministiquia water-power to pass into private hands, and this blunder should not be repeated by the Dominion parliament. There is no chance now to plead ignorance of the importance of water-powers in connection with the production of electric energy, and nothing is more certain than that the premature alienation of water-powers will be a subject for unavailing regret before many years pass.

With those views I entirely concur. This policy has been practically followed by the Dominion government within the present session. I think it was no later than yesterday that there was presented a Bill—and it is before us for consideration at the present time— for the conservation of the natural resources of our Dominion. If we are to adopt a sane and intelligent policy for the conservation of those resources, it surely is not for this Chamber or for the parliament of Canada to place machinery in the hands of private parties by which they can secure those same resources which are looked to for the purpose of supplying electrical power for the future, and which, according to the best governmental policy of to-day, both federal and provincial, are to be controlled by the respective governments of this Dominion. I do not take the position, as my hon. friend from Montreal has just pointed out, that it is a question whether this parliament has jurisdiction or not. Surely we have not arrived at the stage when there is an overlapping jurisdiction between the federal and provincial authorities, that we must assert that jurisdiction under all conditions and circumstances. It is a question which parliament must satisfy itself upon, that there are grounds for the proper exercise of that discretion vested in us as to the exercise of the rights which we possess. If it becomes apparent that the provinces desire that the federal parliament should not exercise the jurisdiction which is common to both sources, surely parliament will not make such an invasion or encroachments upon the rights of the provinces as will prevent them from making the best possible use of the natural resources within their boundaries.

This Chamber, even more than the other Chamber of parliament, should certainly be consistent with reference to this Bill. My recollection is, that we rejected this measure on two previous occasions, and from a close perusal of the Bill I cannot observe any great departure from the powers contained in the Bill of previous sessions. I find under clause 7 that the company ask for the right to ac-

quire such lands, easements, privileges, water and water rights as are necessary for the purpose of its undertaking upon the Pigeon river and upon the Nipigon river in the District of Thunder Bay, and I find by clause 17 of the Bill that it proposes to apply the expropriation machinery of the Railway Act to the expropriation of land for the purpose of carrying out the undertaking which it has in view. That undertaking undoubtedly comes directly in conflict with the policy of the Ontario government respecting the development of electrical energy in that province. We know that Ontario has adopted a comprehensive policy with reference to the development of its hydro-electric power resources, and that that policy embraces the control, so far as the province can possibly do it, of the water-powers within the boundaries of the province and the development of those powers for the purpose of transmitting electrical energy to the various points throughout that province where such may be desired. If this parliament, in the face of the insistent protests which have been made by the province of Ontario, and Quebec I might also say, because that province has been equally assertive in protesting against the exercise of these powers by the federal government—denies the demands which have been made from time to time by the two great provinces of Canada, and will insist upon granting to private parties powers by which they can encroach upon the well defined policy of those governments as to the development of their natural resources, there must of necessity be a conflict at an early day, which may prove of a serious nature, between the provinces and the Dominion. This Senate is particularly charged with considering the views which the provinces may entertain, especially upon a question of this nature. It it not a question of the moment, as to whether we have the jurisdiction, but whether we shall exercise the jurisdiction with which we are vested, and this peculiarly in the face of the protest which has come from both sides of politics in the province of Ontario. I submit that this Bill should not be entertained by this House. I am opposed not only to many provisions in the Bill, but to the general principle which, as I have said before, is the fundamental feature of this legislation, and I shall, therefore, vote against the second reading.

Hon. Sir MACKENZIE BOWELL—I have the same objections to make to this Bill as my hon. friend who has just spoken. No matter what may be said by those who are opposed to it, so long as the majority of the House is influenced rather by party feeling than by the principles involved in the Bill, of course they will vote all opposition to it down. It was exclusively a party vote that carried the Bill in the lower House. We are under the impression that we are here to act under the constitution that established this branch of the legislature, for the purpose of doing that which the Toronto 'Globe' has of late years so strongly advocated, that is to maintain the rights of the different provinces. If we are to permit private individuals to become incorporated for the purpose of attacking, and to a certain extent destroying, the policy of one of the largest provinces in the federation, I must come to the conclusion, and so will the thinking people of Canada that the Senate is not carrying out the principles upon which it was founded. Both Ontario and Quebec protested against this kind of legislation. They were also joined by the province of British Columbia and by Manitoba during the last session of parliament, when this question was under consideration. We are now in the face of the policy adopted by the provinces, and in defiance of the rights of those provinces, taking from them that which the constitution gives them. Why? Because private parties were connected with a certain party, and that party having a majority in parliament are able to set at defiance the minority and the wishes and policy of the different provinces. That is the position we feel ourselves in to-day.

My hon. friend read the editorial opinion expressed by the organ of the great Liberal party in this country on the 1st of May on this question, but he could have gone a little further back and read editorials equally as strong, defending the position taken upon this question by the Premier of Ontario. No one will assert and no one will come to the conclusion that the Toronto 'Globe' was favourable to the general policy of the Ontario government, but

upon this great constitutional question there is no diverse issue between the Conservative press of the province of Ontario and the Liberal press. It is removed entirely from the political issues, so far as these leading journals representing the different parties in this province are concerned. If hon. gentlemen who look upon a question so serious as this, affecting the administration of the affairs of the country, can sit and laugh at it, I will not be surprised at any policy they may adopt. If they have paid the slightest attention to the policy of our neighbours across the line, and have read the utterances of ex-President Roosevelt upon this very great question, in which he pointed out the difficulty that would arise in the future in case private individuals and capitalists are permitted to exploit all the electric power in the United States, that when the coal supply should become exhausted in that country the public would be at the mercy of men who would extort from them exhorbitant rates. President Taft is following on the same lines as Mr. Roosevelt. I have extracts before me in which he announces his policy, and I have extracts from the utterances of the ex-President upon this question but I do not propose to take up the time of the House by reading them. I merely desire before the second reading is carried—because I fancy it will be carried, and carried by a party vote, I do not hesitate to say.

Hon. Mr. DANDURAND—The hon. gentleman has no right to say that this Bill will be carried in the Senate by a party vote.

Hon. Sir MACKENZIE BOWELL—I withdraw the expression if it is offensive.

Hon. Mr. DANDURAND—Because the hon. gentleman knows this Bill went to committee last year and was rejected by the committee. I do not think the Senate deserves such strictures.

Hon. Sir MACKENZIE BOWELL—I will withdraw that, and will say that the Bill will be carried—I am under that impression.

Hon. Mr. DANDURAND—But it may not be carried in committee.

Hon. Sir MACKENZIE BOWELL—And my reason for saying so is that the course that was pursued in another branch, and the lobbying that was going on upon this question in the last day or two——

Hon. Mr. LANDRY—The vote may be all right.

Hon. Sir, MACKENZIE BOWELL—The vote may justify what I say, but I hope not. I am not going to pursue that question further than to point out that the policy of the province of Ontario, and the policy of the province of Quebec and the policy of all the provinces where there are extensive water-powers, is opposed at the present day to placing them in the hands of private individuals who can control hydro-electric power in the future to the detriment of the whole country. That is the position they have taken. I repeat again that the United States has taken equally strong grounds upon that question, from the President down. They look forward to the time when a great injury will be done to that nation by placing in the hands of capitalists and those who at the present moment are grasping for control, all the water-powers in that country. We all know that there is perhaps no country in the world that possesses greater wealth in its water-powers than does Canada; therefore the greater the necessity that exists for legislatures to protect the electric power which shall be developed in the interests not only of the present but of the coming generations. We know very well that the time is not far distant when the railways shall, in all probability, be propelled by electric power. The rapidity with which the science of electricity is being developed is marvelous. Every day points to the necessity of absolute control of that great public utility in the interests of the future as well as of the present generation. I am quite satisfied that if this Bill is passed, giving the company power to expropriate government property, that there is no safety in the future for private individuals or for the provinces. That is the position in which we are about placing ourselves when we give power to a company to take possession of the whole water-power, at one point on the Nipigon river.

Hon. Mr. WATSON—No, this Bill specifies at only one point on the Nipigon river.

Hon. Mr. SCOTT—And there is no power of expropriation. The power of expropriation has been cut out of the Bill.

Hon. Mr. LOUGHEED—No.

Hon. Mr. SCOTT—So far as the Nipigon is concerned.

Hon. Mr. LOUGHEED—No, simply the water-powers upon the Nipigon, but they can expropriate other property on the Nipigon river.

Hon. Mr. WATSON—Only for the transmission line.

Hon. Sir MACKENZIE BOWELL—Those who have any acquaintance with the Nipigon river know that it has very great water-power, and no one can tell at the present moment what its real value is; but the marvelous thing connected with this Bill is that the powers under it commence at the Nipigon river and extend to Isle Royale, some 40 or 50 miles south of Port Arthur, and still further southwestward until it takes in the Pigeon river. I am not prepared to say what the distance is between the Nipigon and Pigeon river, but my impression is that it is 100 or 150 miles, perhaps more. In giving those distances I speak subject to correction. We know that the Nipigon river is exclusively the property of Ontario, and we know also that the Pigeon river is on the international boundary between Canada and the United States. We know also that Ontario controls the lands and river bed to the middle of the river. We know that the riparian owners have rights to the centre of the river if it is navigable, and in the construction of a bridge or any other work which would interfere with the navigation of that river, the province would direct what should be done under the sanction of the Lieutenant Governor in Council. The Secretary of State says that the expropriation clause of the Bill was expunged. It is very strange that the authorites in the province of Ontario should telegraph my hon. friend, objecting to the Bill because powers of expropriation are contained in the measure, and it is strange that the telegram which I hold in my hand, signed by the Premier of Ontario to-day calls attention to the fact that the Bill should be opposed on the ground that it gives the company power to expropriate provincial property. The telegram reads:

The Conmee Bill provides for the expropriation of provincial property.

That telegram is of the same character as the one my hon. friend read from the government of Quebec. I have no desire, although I have a number of extracts from different authorities to sustain the position which I have taken, to detain the House at any length. I do not think, if it comes to a vote, we can reject the Bill, although it ought to be rejected. I expressed a hope that if this Bill is placed upon the statute-book, that the provinces will unite and carry the question to the Supreme Court to decide how far their privileges have been invaded. The fact is, we are every day enacting measures which are direct infringements of the rights of the provinces, if they ever had any. A small Bill passed the other House, which I suppose will come to us, for the construction of eight or ten miles of a road. It was declared to be a work for the general advantage of the Dominion, and was therefore passed by the Commons, instead of by the provincial legislature. True it connects with Dominion railways. No matter what railway it is, it connects with some other railway or navigable water, and if the principle of incorporating all railway companies by Act of parliament is adopted, the sooner we ask the imperial government to change the Confederation Act and place all railways under the control of one parliament—and I should like to see that—the better it would be for the country, the better for the provinces. We could then act under the constitution instead of infringing it every session and almost every month during the session. I am very much under the same impression as other hon. gentlemen who have taken very strong grounds upon this question. One gentleman said: 'What is the use of fighting it. All we can do is to say that we are opposed to it.' When the measures come up, the influences exerted are sure to carry them through, no matter how far they may infringe private or provincial rights. If that Bill goes through a stage to-night and is sent to committee we can

discuss it clause by clause more fully there than it would be advisable to do at this hour, because as one member of the Senate I would object strongly to keeping the hon. gentleman from Portage la Prairie up so late.

Hon. Mr. WATSON—I will stay with you.

Hon. Sir MACKENZIE BOWELL—He desires more rest than he is getting, although younger men like myself, the ex-Secretary of State, and a few others do not mind it at all. Out of consideration for the hon. gentleman and those who are supporting him, I propose to suspend my objections for the present; but at this stage of the Bill I desire to be on record as being strongly opposed to infringements of the rights of the province, which we are constantly doing and which will lead ultimately to trouble, turmoil, annoyance and great difficulty.

Hon. Mr. DANDURAND—I fully agree with the leader of the opposition in what he says, that although we may have concurrent jurisdiction it may not always be wise for the federal power to exercise it. If there is concurrent jurisdiction in this matter, we can well afford to hear both sides in committee and with a free mind to do justice to all the parties interested, feeling that we are doing our duty without dividing on party lines.

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

CANADA LIFE ASSURANCE COMPANY'S BILL.

SECOND READING.

Hon. Mr. YOUNG moved the second reading of Bill (No. 56) An Act respecting the Canada Life Assurance Company.

Hon. Mr. LANDRY—We want an explanation of this Bill.

Hon. Mr. YOUNG—In 1879 an Act was passed amending the charter of the Canada Life Assurance Company and changing the relations between the policy-holders and the shareholders. The division of the profits had been in the ratio of 75 per cent to the policy-holders and 25 per cent to the shareholders. By the amending Act that was changed to 90 per cent payable to the policy-holders and 10 per cent to the shareholders, and I understand that the shareholders have not up to now received more than 10 per cent. A doubt has arisen as to the meaning of the legislation of 1879 as to whether it included interest on the shareholders' money and on the capital stock of the company, and it is to remove these doubts that this Bill is before the House. The Bill will be referred to the Banking and Commerce Committee, where ample explanation will be given. Every opportunity will be given both sides to be heard in the matter.

Hon. Mr. BOLDUC—It is not very often that a private Bill is discussed at its second reading, but the Bill now before us involves a principle which, to my mind, is so very serious that I cannot let it pass without offering a few remarks. The mover of the Bill has stated that the sole purpose of the measure was to explain a doubt.

Hon. Mr. YOUNG—I did not say the sole purpose; I said the contentious clause was.

Hon. Mr. BOLDUC—The highest authorities say there is no ambiguity in the section of the Act; that it is as clear as water and does not need explanation. By the Bill passed in 1879, the company changed its mode of dividing profits. Prior to that time the shareholders received 25 per cent and the policy-holders 75 per cent. The Act was preceded by a petition, which was prepared by the ablest lawyers the company could employ, and it set out as follows:

To the Honourable the House of Commons, of the Dominion of Canada, in Parliament Assembled :

The Petition of the Canada Life Assurance Company humbly sheweth,

That your petitioners were by an Act of the parliament of the late province of Canada passed on the twenty-fifth day of April, A.D. 1849 duly incorporated for the purpose of prosecuting the business of life assurance in its various branches and have carried on such business to a large and constantly increasing extent ;

That the directors have heretofore allotted and divided among the assurers upon the participation scale seventy-five per cent of all the profits realized from the entire business of the company and in view of the increasing business of the company it is deemed desirable that they should be empowered to increase the proportion of such profits which may be allotted to such assurers;

That your petitioners are desirous of making it clear that the directors may fix their time of holding the annual general meeting and of removing the restriction as to the number of votes which any one shareholder may cast and of varying the provisions of their Act of incorporation as to the execution of policies, contracts and other instruments;

That your petitioners desire to be empowered to invest in securities issued in Great Britain or any foreign state or country so far as may be necessary for the purpose of carrying on the business of the company therein;

That with the view of saving assurers the expense of the appointment of personal representatives within the province of Ontario to receive moneys payable under their policies of insurance your petitioners ask that payments made to personal representatives appointed in any of the provinces of the Dominion of Canada and to executors whenever appointed may be declared to be valid discharges to the company;

The number of directors required by the Act of incorporation being twenty your petitioners believe such number may with advantage to the company be reduced to twelve and would ask that the directors may be enabled to make such reduction.

Your petitioners therefore pray: That your Honourable House will be pleased to pass an Act to amend the Act incorporating the Canada Life Assurance Company in the foregoing respects;

And your petitioners as in duty bound will ever pray, &c.

(Sgd.) A. G. RAMSAY, *President.*
R. HILL, *Secretary.*

(Seal.)

The preamble of the Bill is as follows:

Whereas the Canada Life Assurance Company by their petition represented that in carrying on their business heretofore the directors have allotted and divided among the persons assured upon the participation scale seventy-five per cent of all the profits realized from the entire business of the company, and that in view of the increasing business of the company it is or may be desirable to vary the relative proportion in which such profits should be allotted and divided as between the shareholders and such persons assured, and have prayed for an amendment to the Act of incorporation as to the mode of allotment and division of profits and for other purposes.

Then follows the first section to which is attached the following proviso:

Provided always that the proportion of such profits alloted to such assured shall not be less than 90 per cent thereof, and the proportion to the shareholders shall not exceed 10 per cent thereof.

To my mind that is perfectly clear. It does not need any other Act to explain it. It is plain to any legal gentleman, and even to any layman, who understands the English language. The opinion of Sir Robert D. Finlay, one of the highest authorities in England, has been obtained as to the meaning of that clause, and he has given the opinion that it is not open to two interpretations; that it has but one meaning, which is that the policy-holders were entitled to at least 90 per cent of all the profits realized on all the business of the company, and the shareholders to not more than 10 per cent. Then we have the opinion of the Minister of Justice, who says:

Upon that subject I have formed an opinion some months ago when the question was raised before the Department of Justice upon the reference to that department by the superintendent of insurance, and the opinion which I then expressed and which for my part I still entertain as a matter of law is, that under the wording of the Act of 1879, and giving to the language there used the strict legal interpretation, the company or the shareholders of the company cannot deduct from the general earnings of the company a percentage by way of interest upon the amount of their capital stock before calculating 90 per cent of the profits for distribution among the policy-holders.

After giving the opinions of these two eminent authorities there cannot remain a doubt as to the interpretation of the Act passed in 1879, and there is no necessity for a Bill to remove doubts as to its meaning. If there was the slightest doubt in the minds of legal gentlemen as to the meaning of the clause, I would admit that an Interpretation Act might be necessary; but when there is no difference of opinion, it is a very serious matter for this parliament to pass a Bill stating that all the parties who have made contracts with the Canada Life Assurance Company during the last 30 years have been deceived by a law passed by this same parliament. It is a serious matter that this parliament should decide to take away the civil rights of the policy-holders in this company.

Hon. Mr. BEIQUE.—The Bill covers something else. That may be a reason to urge when the Bill is in committee.

Hon. Mr. BOLDUC—But I cannot accept the principle of the Bill while it contains that clause.

Hon. Mr. BEIQUE—The second reading of the Bill will not be considered an acceptance of the principle against which the hon. gentleman is speaking.

Hon. Mr. BOLDUC—There are in my district many policy-holders in the Canada Life, and I feel it my duty to them to state my views on the subject at the second reading of the Bill. I had hoped that the mover of the Bill would give us a little more information, and furnish evidence that there was any necessity for it. I should like him to point out what harm has been done to the shareholders on account of the Act passed in 1879. In order to understand the question, it is well to go back a few years and ascertain how the company stood at its inception, and what capital was invested in the business. The company was organized by a deed of settlement on the first of January, 1848, the capital invested being $4,000. It was stated in the organization that the capital should be £50,000, Canadian currency, or $200,000. In 1849 a charter was obtained from the old province of Canada, under which the company had a right to increase its capital to $1,000,000. By adding the dividends and interest to the amount of $4,000, in 1856, the amount to the credit of the shareholders was something like $28,000. Another amount of $24,780 had been paid in money, and between 1857 and 1865 the stockholders had paid in a total of $63,573.50, and added to the capital by dividends out of the profits $61,426.50. But while the shareholders were adding every year tremendous amounts to their capital, they never forgot to vote themselves small amounts as interest, for pocket money I suppose, and every year outside of the amounts voted to increase the capital, the amount voted as interest to the shareholders was on the whole of the capital, including the amount paid in hard cash and the additions to capital from interests and dividends. The amount paid outside of these numerous sums increased from seven to eleven per cent. I have here some figures which indicate the different amounts collected by the company. I have mentioned the amount of dividends added to capital up to 1865, and besides that the shareholders were receiving interest in amounts varying from five to eleven and one-half per cent. Between 1866 and 1870, the dividends were 5 per cent on the capital of $125,000 with an extra of $6 per share. In 1870 it was 8 per cent with a bonus of $70 per share, from 1876 to 1879 a dividend of 15 per cent with a bonus of $17.00 per share. From 1886 to 1889 it was 20 per cent with a bonus of $25 per share. They were increasing their profits. In 1890 it was 20 per cent with a bonus of $25 per share.

Hon. Mr. GIBSON—From what is the hon. gentleman reading?

Hon. Mr. BOLDUC—I am reading from the report of the Royal Commission on Insurance. In all an amount of $62,500 was paid in 1895. As you may have remarked, the amount invested by those who organized the company in 1847 has been a gold mine for them. Instead of investing large amounts of money, they have received in dividends and interest five or six times the amount they invested besides high salaries paid to all the officials. The company was very prosperous, and had plenty of money, but the stockholders, finding that it was a very profitable investment, added $875,000 to the capital. When the Act was passed in 1879, increasing the profits to the policy-holders, many were induced to insure in the company. The reports of the Superintendent of Insurance show that as soon as the Act was circulated by the company's agents through the country, there was a large increase in the applications for policies. I know myself that the agent of the company in the county of Beauce, a notary, in canvassing people for insurance told them that the company was the most generous in the whole of Canada, as they were paying 90 per cent of profits to the policy-holder, the shareholders retaining only 10 per cent—that the policy-holders were getting at least 90 per cent of the entire business of the company. I am satisfied from what I heard and saw myself that if the Act of 1879 had not been passed, the company would never have been as prosperous as it has been. There is only one company in Canada doing a larger business than the Canada Life, and the Canada Life is far ahead of all the others. I admit that the company has at its head a gentlemen of large experience and great ability, and he has succeeded in placing the company on a sound footing. I must also add that the company has been very generous to the gentleman who is now administer-

ing its affairs. He has a salary of about $20,000 and one of his sons has a salary of a similar amount.

Hon. Mr. COX—My salary is $15,000 and my son's $10,000. You are only doubling the figures.

Hon. Mr. BOLDUC—Has the hon. gentle man ever received $20,000?

Hon. Mr. COX—I have.

Hon. Mr. BOLDUC—Did the hon. gentleman's son ever receive more than $10,000?

Hon. Mr. COX—Yes, and his salary has been reduced.

Hon. Mr. BOLDUC—That is what I heard, because when the hon. gentleman was heard before the Insurance Commission his salary was then $20,000.

Hon. Mr. GIBSON—The hon. gentleman should not make statements which are not warranted by the facts. These alterations in the president's salary and the manager's salary were made by the board.

Hon. Mr. BOLDUC—I am asking for information from the president of the company who is in a better position to furnish it than any one else.

Hon. Mr. GIBSON—I am happy to say that I can corroborate every word the president has said, and that the remarks with regard to the salaries in the statement made to the Royal Commission had nothing to do with it at all.

Hon. Mr. BOLDUC—I have no feeling against any member of the company.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. BOLDUC—I am glad the hon. gentleman agrees with me. It is not often we vote together, and I appreciate very much his approbation. I may say that the figures that I shall give to this House have been obtained from the Department of Insurance as late as yesterday. Some figures have been obtained from the report of the Royal Commission on Insurance, and some have been obtained from the report of the Superintendent of Insurance of 1907. From the information that I obtained from the Department of Insurance yesterday, in the presence of my hon. friend the senator from Stadacona, I see that on the 31st December the policies in force in Canada were 41,755, for an amount of $85,456,926. Outside of Canada, 15,182 policies for an amount of $33,562,784, or a capital in all of $119,019,709; that the reserve at the end of the year was $33,585,476. Profits of last year were $1,143,181. Expenses of last year $866,600, out of which $20,756 has been paid for expenses on investments, because I had been told that the investments of the company have been made by the officers of the company. I was informed at the same time, by other parties, that the Canada Life Company was hindered by numerous little companies belonging to the hon. president which were gravitating round the Canada Life.

Hon. Mr. GIBSON—I would like to interrupt the hon. gentleman to say that the Canada Life has no subsidiary company directly or indirectly. It is a company that solely and wholly does its own business with the Canada Life, irrespective of any other company within the Dominion of Canada.

Hon. Mr. BOLDUC—We shall discuss that later on.

Hon. Mr. GIBSON—The hon. gentleman is surely bound to accept my statement; I make it on my own responsibility in this House.

Hon. Mr. BOLDUC—I have some figures of the Royal Insurance Commission.

Hon. Mr. GIBSON—I have nothing to do with the Royal Commission. I am simply detailing the facts as I know them to be, as a policy-holder and director, that the Canada Life has no subsidiary company in Canada, United States, Great Britain, or any other country. That it is simply an insurance company, without any affiliation whatever with any other company in the world.

Hon. Mr. BOLDUC—You do not employ any other company to invest the funds of your company?

Hon. Mr. GIBSON—No, we invest our own money in our own way, irrespective of any other company in the world.

Hon. Mr. BOLDUC—It was not my intention to read the report of the Royal Commission on Insurance, but I see in this report that investments were also made by the Canada Life Insurance Company in the bonds of the Dominion Rolling Stock Company, the Cape Breton Rolling Stock Company, subsidiary companies of the Dominion Coal Company, of $275,000 each. An investment was also made in the bonds of the Dominion Iron and Steel Company to the extent of $100,000. Here is a long list of investments in companies which are completely controlled by the hon. president of the company (Hon. Mr. Cox).

Hon. Mr. COX—That is untruthfully stated.

Hon. Mr. BOLDUC—The conclusion by the Royal Insurance Commissioners is as follows:

> These transactions indicate to your commissioners that the funds of the company were employed with the utmost freedom in transactions with institutions in which Mr. Cox was largly interested. In many of these transactions the conflict of Mr. Cox's interest with his duty is so apparent that the care of the insurance funds could not always have been the sole consideration.

I do not say that myself. I take that from the report of the Royal Commission, which was instituted by the present government and which went carefully into the administration of the affairs of the Canada Life Insurance Company.

Hon. Mr. GIBSON—I would like to point out to my hon. friend, that every year, when the Canada Life reaches the end of its fiscal year, according to law, every dollar of investment is published to the world and sent to the Department of Insurance, and I might go further and say that while I have the greatest respect for the president of the Canada Life, he has no more voice on that board than any other gentleman connected with it, and if one member of the board takes exception to any recommendation in regard to an investment of any kind, no matter where it comes from, that investment cannot go through.

Hon. Mr. LANDRY—Order, order.

Hon. Mr. GIBSON—We have invested in every part of the world, according to law, under the direction of the Department of Insurance.

Hon. Mr. LANDRY—The hon. gentleman has no right to speak now.

Hon. Mr. GIBSON—Nor has the hon. gentleman from Stadacona.

Hon. Mr. BOLDUC—The list I have in my hand was taken from the report of the Royal Commission on Insurance, and I saw myself, from the evidence given by Hon. Mr. Cox before the Royal Commission, that the report of the Royal Commission is correct, and the honourable president of the Canada Life Insurance Company admitted before the commission that he had the controlling interest—that he was really the whole master of the following companies: Imperial Life Insurance Company, National Trust Company, Central Canada Loan and Savings Company, Dominion Insurance Company, Provident Investment Company, Toronto Loan and Savings Company, and of course president of the Canada Life Insurance Company.

Hon. Mr. DANDURAND—Is this matter germane to the Bill which is before us?

Hon. Mr. BOLDUC—I am just establishing that the officers of the company have been well treated; that they have treated themselves in a first rate way; that they have never lost any money, and I want to establish the fact that they are not justified in depriving these policy-holders of the rights that they have at the present moment. That is my contention, and in order to do that I have to establish that the stockholders have always received very high amounts both as salaries, dividends and profits as interest. I stated a little while ago that the company had added $875,000 to the capital of the company when there was not the slightest necessity to do so. What would be the standing of the company to-day if they had left the capital account at the amount of $125,000, as it was, when I have established that this amount paid by the stockholders was not out of their moneys; that they have received already in dividends and interest three or four times the amount invested. Supposing for a moment it was perfectly understood that there is no ambiguity in the application of the law of 1879, and that instead of increasing the capital the company would be exactly in the position that

they were in 1879, when the directors understood their business and the capital would always be $125,000. What were the operations last year? The figures I obtained from the Department of Insurance. The interest on the capital invested was $1,536,146; profits, $1,143,187; making a total sum of $2,679,327 of profits earned during the operations of last year, and interest from the amounts invested. Supposing the law was followed as it was passed in 1879, what would be the position of the stockholders at the present time? They have a right to 10 per cent on the amount of all profits and the policy-holders who are insured—when I say the policy-holders, I mean those on the participating plan—are insured for the amount of $100,000,000, so that the stockholders have a right, on the profits realized last year, to an amount of $270,000 odd at 10 per cent, and if the company had remained with their capital at the sum of $125,000—it was amply sufficient to administer the affairs of the company—what amount would that give them as interest? Ten per cent to stockholders on $125,000 would give them $2,640,202. The interest would be 211.21 per cent. Can we not admit that the directors who, in 1879, applied to parliament to obtain the Act which was passed anew understood the question and knew that it was a gold mine they had in their hands, and that they have been trying to increase the powers of the company and push them along as fast as possible?

Hon. Mr. DANDURAND—How much would they have got at 25 per cent profit which they were entitled to before 1879?

Hon. Mr. BOLDUC—Much less.

Hon. Mr. DANDURAND—They were getting 25 per cent.

Hon. Mr. BOLDUC—Even on the capital of $1,000,000 it is still giving them 31 per cent on the whole million dollars, the proportion of the net profits realized during last year. If I am not right I am willing to be corrected.

Hon. Mr. GIBSON—I should like my hon. friend to explain how he arrives at the 31 per cent.

Hon. Mr. BOLDUC.

Hon. Mr. DANDURAND—Under what form would they receive that 31 per cent outside of the official dividend?

Hon. Mr. BOLDUC—On their proportion of all the profits.

Hon. Mr. DANDURAND—Do you mean the quinquennial 10 per cent.

Hon. Mr. BOLDUC—After they have paid the bonus.

Hon. Mr. DANDURAND—Well they divided the profits.

Hon. Mr. BOLDUC—I hear they are dividing those profits every five years, and the amounts are bearing interest so that they have nothing at all to lose; but I say that if the profits were divided each year, that this state of things would happen, and, as I said, I obtained the figures from the Department of Insurance.

Hon. Mr. GIBSON—I would like the hon. gentleman to explain.

Hon. Mr. BOLDUC—The hon. gentleman has denied the statement that they are receiving $80,000 outside of that.

Hon. Mr. GIBSON—I am sure my hon. friend does not want to mislead the House.

Hon. Mr. BOLDUC—No.

Hon. Mr. GIBSON—Because the whole division of profits every year of eight per cent instead of ten, on the million dollars would be $80,000 every year.

Hon. Mr. BOLDUC—Every year?

Hon. Mr. GIBSON—And no division takes place whatever.

Hon. Mr. BOLDUC—I do not deny that you take only $80,000 every year, but I say that at the end of five years you will take back all the amounts which have been earned. You will take your share of the ten per cent and you will receive ten per cent.

Hon. Mr. GIBSON—Not one dollar; whatever profits there are after paying the eight per cent dividend is divided amongst the

policy-holders, and the shareholders do not earn one dollar over and above the eight per cent.

Hon. Mr. BOLDUC—How do you explain that having a right to about $260,000 you take only $80,000?

Hon. Mr. GIBSON—For the reason that the company have never exacted the amount. The law allows them to take ten per cent, and they have been satisfied with eight per cent. The hon. gentleman is speaking of the shareholders of 1847. There is not one of them living to-day and whatever benefits may have accrued to the company at that time have all disappeared with the present shareholders.

Hon. Mr. BOLDUC—Is that $125,000 still in the hands of the company?

Hon. Mr. GIBSON—Yes, and $875,000 was added in money, and I will give the reason why that $875,000 was added.

Hon. Mr. BOLDUC—The hon. gentleman has denied that he was taking $80,000 every year?

Hon. Mr. GIBSON—Somebody has been stuffing the hon. gentleman.

Hon. Mr. BEIQUE—The hon. gentleman could continue his remarks at another stage more conveniently.

Hon. Mr. BOLDUC—I desire to prove that what I have stated is correct, and if the hon. gentleman admits they are receiving $80,000 every year—eight per cent on a million dollars is $80,000 every year, divided among the shareholders.

Hon. Mr. LANDRY—As interest.

Hon. Mr. GIBSON—Or dividends.

Hon. Mr. BOLDUC—It makes no difference.

Hon. Mr. GIBSON—It is the same thing. There is no interest and dividend added together. The dividend covers everything, and the whole profits of the company are set apart and divided amongst the policy-holders and instead of taking the $100,000 out of the company, the shareholders are taking $80,000.

Hon. Mr. BOLDUC—I know there was a division some five years ago, and I received about one-third of one per cent a year, and if all the amounts were put together I am sure I would have had 2 per cent. The point is that if this law is passed as proposed, the result will be that an amount of $47,000 will be added to the stockholders, and when I say the stockholders, I believe the president of the company owns about three-fourths of the whole of the stock himself, and at the same time I admit that the honourable president, though having administered the affairs of the company well, that while he was receiving a high salary, he formed another company to compete with the Canada Life, for the sole purpose of placing one of his sons at the head of that company. I say that when the president of the company was highly paid by the company to administer the affairs of the company it was not in the interest of the stockholders to organize another company to compete against the affairs of the Canada Life Assurance Company and take over one part of all the insurance which should have been taken by the Canada Life and send it to the Imperial Company. I admit that for the honourable president of the company it made no difference, because he was paid by the Canada Life Company, and was paid at the same time a very fair salary by the Imperial Life Company; but my contention is that when he was paid a respectable salary by the Canada Life, to my mind it would have been his duty, instead of organizing other companies to compete with the Canada Life Company, he should have tried to improve the affairs of the Canada Life and make more profits for the policy-holders. If the Bill is passed, you will have to deduct from the revenues of the company going to these policy-holders a sum of $47,000 which otherwise fairly and honestly belongs to the policy-holders.

Hon. Mr. DANDURAND—Has that sum not been paid in the same way since 1897?

Hon. Mr. BOLDUC—I am told they did it, without any authority, and now that it is known perfectly well, I suppose they will not take any more. I have established that outside of that amount of interest they

are trying to squeeze out of the policy-holders, though the different agents who have been making the applications announce that the Canada Life Insurance Company is the only company in Canada reaping so many advantages, and even without that amount the affairs of the company are prosperous, and they are making money; and I believe that when the stockholders invested their money between 1879 and 1903 with their eyes wide open, knowing that the law of 1879 existed, the company have no right to come now and say that these gentlemen are receiving high dividends and profits; that still they will take away from the orphans and the widows $47,000 every year out of their rights to give it to the shareholders of the present company. I know that the hon. president of the company is very anxious to have the Bill passed, because, as I said a little while ago, he owns very nearly three-fourths of the shares of the company, and I have been assured that he was so anxious to see the Bill passed that he delayed a very joyous trip to a land where honey is flowing almost without interruption to see that the Bill got through. I hope that, although delayed, he will enjoy on his trip the pleasures he expected to enjoy. I may add that if the Bill is passed, there is not a private contract that cannot be broken by this government, whether it be with a corporation or a private individual. You may have a contract made for a civil right; a company or a party of men, or one single man, undertakes to give you so much for a certain consideration. If, after several years, the parliament of Canada can step in and say: 'You have contracted in virtue of such a law, but now we decide that you have no right to what has been promised to you,' and that, thereafter, the other party can refuse to give you what you had a right to, and decide by law that they are right, the policy-holders will be justified to petition His Excellency the Governor General to withhold his assent to the Bill, and in case of the Bill being assented to by the Governor General, I believe that the policy-holders will have a right to address a large petition to England and ask for a disallowance of this Bill. For these considerations, I move that the Bill be not now read a second time, but that it be read a second time this day six months.

Hon. Mr. BOLDUC.

The amendment was lost on a division.

The Bill was then read a second time.

SECOND READING.

Bill (No. 104) An Act respecting the Thessalon Northern Railway Company.(Hon. Mr. McMullen).

BILL INTRODUCED.

Bill (No. 106) An Act to amend the Railway Act.—(Hon. Mr. Dandurand).

The Senate adjourned till three o'clock to-day.

THE SENATE.

OTTAWA, Friday May 14, 1909.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (No. 91) An Act to incorporate the Prudential Trust Company.—(Hon. Mr. Young).

Bill (No. 63) An Act to incorporate the Royal Accident Insurance Company.—(Hon. Mr. Casgrain).

BILL WITHDRAWN.

Bill (E) An Act to incorporate the Dominion Burglary and Plate Glass Insurance Company.—(Hon. Mr. Ross, Middlesex).

CANADA LIFE ASSURANCE COMPANY BILL.

THIRD READING.

Hon. Mr. GIBSON from the Committee on Banking and Commerce, reported Bill (No. 56) An Act respecting the Canada Life Insurance Company.

Hon. Mr. YOUNG moved that the Bill be read a third time.

Hon. Mr. LANDRY—I desire to raise a point of order. I raised a point of order in the Committee on Banking and Commerce, but the point I desire to mention now is slightly different. Our rule says that when a petition is presented for a Bill asking for the incorporation of a company, notice must be given in the Canada 'Gazette,' and if the Bill is for the incorporation of a railway, in some local paper. I refer hon. gentlemen to clause 107, which reads:

When an application is for An Act to incorporate a banking company an insurance company, a trust company, a loan company, or an industrial company without any exclusive powers, in the Canada 'Gazette' only.

That is for the incorporation, but when an application is made to amend any Act incorporating a banking or insurance company under subsection (e) of that clause—

For the extension of the powers of a company, when not involving the granting of any exclusive rights or for the increase or reduction of the capital stock of any company, or for increasing or altering bonding or other borrowing powers, or for any amendment which would in any way affect the rights or interests of the shareholders or bondholders of the company, then the notice besides being printed in the 'Canada Gazette' should also appear in a principal newspaper in the place where the head office of the company is situated.

I raised that point and the committee decided I was not in order, that it was not the place to raise such a point of order at that time. It was proved in the committee, and it can be proved here, that the Canada Life, on the 4th January of this year, published a notice in the 'Canada Gazette' Toronto 'World,' and in the 'News,' asking for amendments. They complied with the law. In the House of Commons they decided that the notice was not sufficient, and that corporation was obliged to publish a new notice which was published in the 'Canada Gazette' on the 27th of March. In the committee, when I raised my point of order, it was argued that the Standing Orders Committee of this House having reported on the petition, and having reported the petition in order according to notice, that settled the whole question. That might be for the petition, because the Committee on Standing Orders just compare the petition with the notice, that is previous to the Bill, and if the committee declare that the notice and the petition are in accord, then the Bill is created. It is the report of the committee which allows the Bill to come in. But the Bill may differ—it may have some additional clause put in, and may not be in accord with the notice or the petition. I claim that the Bill now before the House is not in accord with the first petition presented here, and declared correct according to the notice, because new clauses have been inserted in the Bill and those new clauses may not be covered by the notice and the petition. My point is that the Bill as it stands, though the petition and the notice had been found correct by the Standing Orders Committee, is no longer correct, because the Bill based on that report differs from the notice.

The SPEAKER—What does the petition ask for?

Hon. Mr. LANDRY—Among other things, it declares that certain doubts exist which it is desired to set at rest. What we are asked by the Bill is not to create a different mode of payments, but to declare what was the intention of the law in 1879, thirty years ago. This was never brought to the cognizance of the policy-holders. The Bill does more than appears in the notice, something altogether different from the notice, and for that reason I ask the Speaker to declare that the Bill is not in order.

Hon. Mr. BEIQUE—It seems to me that the point is not well taken, because the petition covers the material part of the Bill. The clause in the Bill does not read as I expected it would read. When I had occasion to see the Bill to-day, I noticed that the clause does not say that such and such an interpretation shall be given the wording of the Act passed in 1879, but it substitutes a clause dealing with how the profits in the past and in the future shall be divided, and it seems to me the petition covers that ground. It is true that in the House of Commons the committee considered that the notice was not sufficient, and they ordered new notices to be given. On referring to the 'Votes and Proceedings' of the House of Commons, I find that the committee reported that notices were published in the 'Canada Gazette'

in January and February, and in the Toronto 'News, and in the 'Monetary Times.' Therefore we have it here that the notices to which the hon. gentleman refers, have actually been published in local papers in Toronto. Now it will be for this House to deal with the matter and decide whether the notice, under the circumstances, was not sufficient as covering the matter mentioned in the petition and in the Bill. All that could be required would be to send the Bill back to the Standing Orders Committee for the purpose of reporting exactly the facts, as was done in the House of Commons. It would be hardly practicable, and it seems to me that notices were sufficient to meet the requirements of the rules.

Hon. Mr. LANDRY—The Bill before us declares that the division had always in the past been made in such and such proportions. That is giving an interpretation to the law of 1879—explaining the meaning of the law of 1879, and the notice does not cover that ground at all.

Hon. Mr. YOUNG—The question for us to decide is have the public had sufficient notice of this Bill? It does strike me that while we were content with the first notice here so far as the Standing Orders Committee and the House afterwards were concerned, the other House exacted a great deal more—not only more extended notice through the same channels as in the first place, but also notice to the policy-holders themselves. I understand some thirty-five or forty thousand notices were sent out in addition to the newspaper notices.

Hon. Mr. LANDRY—As a policy-holder I never received a notice.

Hon. Mr. YOUNG—To send it back to the Standing Orders Committee would be, in effect, to kill the Bill. This House is competent to deal with it.

Hon. Mr. LANDRY—It is admitted that the second notice is correct. The first notice on which the Standing Orders Committee passed it, was not correct. What I contend is that the Bill as it appears before us is not in accordance with the notice submitted to us.

Hon. Mr. BEIQUE.

The SPEAKER—This is a Bill originating in the House of Commons. For all that appears, the Bill, as introduced in the House of Commons, may have been in strict accord with the petition. All we have here before us is a Bill which originated in the House of Commons, and which, after passing through that House, has been sent to us by message in this form. It is, in fact, a Bill which was reported upon by our Standing Orders Committee, and the petition for which, at all events, was reported upon as sufficient. There is nothing here indicating to me anything different from the notice, and it appears to me, therefore, that no case has been made for objection so far as it is before the House now. In support of that position, it will be manifest that a Bill might be introduced in strict accordance with the notice, and the House of Commons might have amended it. That Bill would come from the House of Commons on the petition which had been presented to both Houses. An amendment might be made there of a material part of it, which would not interfere with our entertaining the Bill on the original petition. The original petition here was presented to the Standing Orders Committee and was passed there, and this House adopted that report. It is on the strength of that we received this Bill and gave it the second reading. No objection having been taken up to this point, it seems to me that at this stage the objection cannot prevail.

Hon. Mr. LANDRY—I do not want to question the decision of the Chair, but I want to point out that the objection I took was not that the petition and notice were not correct. The petition and notice may be correct and let it be understood they are correct; nevertheless a Bill might come up which would not be in accord at all with the petition.

Hon. Mr. YOUNG moved the third reading of the Bill.

Hon. Mr. LANDRY—I move in amendment that this Bill be not now read the third time, but that it be read the third time this day six months, for this reason: This Bill is introduced here to explain the Act passed in 1897. Under that law

contracts were made with different parties every year. Actually I think there are about 40,000 policy-holders in this country, perhaps more. Every year since 1879 a new set of people became policy-holders in the company; they made contracts with the company; every one of them was told that he would share in the entire profits of the company. The Bill amends the Act so as to be understood in all countries that the policy-holders do not share in the entire profits of the company, but that a certain amount is set aside for the shareholders themselves, not to be divided as the law of 1879 declared. If there is a doubt in the law, why not allow the tribunals of the country to settle it? There are actions pending, claims against the company. Parties want to go to court to settle the meaning of the law. They will be prevented by this legislation, which is retroactive. It does away with the vested rights of all the parties who consented to take policies in that company on the promise that they would share in the entire profits of the earnings of the company. For that reason I cannot accept the Bill, and make this motion.

The yeas and nays being called for.

The SPEAKER—Call in the members.

Hon. Mr. DANDURAND—I suppose the shareholders of the company can vote.

Hon. Mr. CHOQUETTE—I was just going to ask that question. Have we the right to vote, Mr. Speaker?

Some hon. MEMBERS—Order, order.

The House divided on the amendment, which was lost on the following division:

Contents:

Honourable Messieurs

Boucherville, de,

Non-Contents:

Honourable Messieurs

Béique,	McHugh,
Bowell	McLaren,
(Sir Mackenzie),	McMullen,
Campbell,	McMillan,
Cartwright	Miller,
(Sir Richard),	Perley,
Casgrain,	Power,
Chevrier,	Riley,
Coffey,	Robertson,
Derbyshire,	Ross (Moosejaw),
DeVeber,	Ross (Halifax),
Douglas,	Ross (Middlesex),
Ferguson,	Roy,
Fiset,	Thompson,
Frost,	Watson,
Godbout,	Wood,
Lougheed,	Yeo,
McGregor,	Young.—34.

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Hon. Mr. BAIRD—I was paired with Senator King on this question.

Hon. Mr. DANDURAND—I understand that the Hon. Senator Bolduc voted, although he is a policy-holder.

Hon. Mr. BOLDUC—I have no objection to having my name withdrawn.

Hon. Mr. POIRIER—Before the vote is called, I would request the privilege of stating that I abstained from voting because I was a policy-holder.

Hon. Mr. DANDURAND—I make the same declaration. If I had voted I would have voted against the amendment.

Hon. Mr. BELCOURT—I am a policy-holder, and for the same reason did not vote.

Hon. Mr. LOUGHEED—I am a policy-holder, and claim to have the right to vote, and my hon. friend, by making that statement, impliedly puts other policy-holders in a very compromising position. I think the position is not tenable.

Hon. Mr. DANDURAND—My impression is that the true situation is that no policy-holder being interested can vote against the Bill, but he can vote for it.

Some hon. MEMBERS—No, no.

Hon. Mr. FERGUSON—That was my view, and that was why I offered my vote.

The SPEAKER—I declare the amendment lost.

Hon. Mr. YOUNG moved that the Bill be read the third time.

Hon. Mr. LANDRY—The hon. gentlemen who have just been giving their reasons for not voting, were not in order in stating why they did not vote. Hon. members should not rise until the result is known and somebody objects and asks why so and so did

not vote; but as they have all given their reasons I should be permitted to give mine: I did not vote, because I am a policy-holder. I refer to clause 53 of our rules, which says:

No senator is entitled to vote upon any question in which he has any pecuniary interest whatsoever, negative or positive, not held in common with the rest of the Canadian subjects of the Crown.

Hon. Mr. CHOQUETTE—For the very same reason given in that rule, I did not vote. That is a matter for each one to decide for himself. I did not vote because I thought that, under the rule, I could not vote.

Hon. Mr. POIRIER—Another point occurs to me; if the hon. gentleman cannot vote, has he the privilege of moving the six months' hoist?

Hon. Mr. LANDRY—Certainly, the rule says he cannot vote; but it does not say he is tied up altogether.

Hon. Mr. LOUGHEED—May I be permitted to say to hon. gentlemen, that in my judgment rule 53 does not preclude senators from voting on a question respecting a domestic matter in which they alone are interested. The public is not interested, so far as this legislation is concerned. It is private legislation as between all parties concerned in the Canada Life, and, in my judgment, rule 53 would not apply.

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

WORK AT THE WHARF OF ST. JEAN DESCHAILLONS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. How much a day has the government paid for each workman who worked on the hill which leads to the wharf at St. Jean Deschaillons?
2. How much for each horse and vehicle with their drivers?
3. How long a time did this work last?
4. What were the wages a day of Dr. M. A. Chandonnet, who managed these works?
5. How much has he received under this head?
6. Are the works in question finished?
7. If not, what is the approximate amount that their completion will require?

Hon. Mr. LANDRY.

Hon. Sir RICHARD CARTWRIGHT—The answers to the hon. gentleman's questions are as follows:

1 and 2. Chief carpenter, $2 per day; carpenters, $1.50 to $1.75 per day; labourers, $1.50 per day; one double team with one man $4 per day; carters, $2 to $2.25 per day; boatman $2.50 per day.

3. From 1st June to 30th November, 1907; from 1st June to 30th November, 1908.

4. $3 per day.

5. $930 for both seasons.

6. No.

7. $2,000.

MORNING SITTINGS.

MOTION.

Hon. Sir RICHARD CARTWRIGHT—I think I will relieve hon. members from the necessity of attending to-morrow, and will amend the motion of which I have given notice to read as follows:

That when the Senate adjourns to-day, it do stand adjourned until Monday, at eleven o'clock in the morning, and that on and after Monday next, there be three distinct sittings each day, to wit: from eleven to one o'clock, and from three o'clock to six o'clock, and the third sitting commencing at eight o'clock in the evening, and that each sitting shall constitute a sitting day under the rules of the Senate; and further, that from now on to the end of the session the standing committees of the Senate be authorized to sit during the sitting of the Senate.

The motion as amended, was agreed to.

Hon. Mr. LANDRY—Has the hon. gentleman any objection to making it 12 o'clock on Monday?

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend wishes it, as he has been so very good this session, I must comply with his request.

Hon. Mr. LANDRY—I do not want to get it on false pretenses. By this motion we are asked to do three three things, to come here on Monday morning, to have three sittings on the same day and to permit the committees to sit while the House is sitting. I object to the last part, and I hope my right hon. friend will not insist upon it. I do not want to raise another point of order, but I want the House to agree that the committees shall not sit simultaneously with the House.

Hon. Mr. DANDURAND—Unless it becomes absolutely necessary.

Hon. Mr. LANDRY—If it becomes absolutely necessary, notice can be given to-day.

Hon. Mr. DANDURAND—The hon. gentleman knows it is not done simply for the pleasure of having two sittings at the one time.

Hon. Sir RICHARD CARTWRIGHT—For the convenience of the House, I think we had better leave it as it is.

Hon. Mr. DANDURAND—The hon. gentleman should trust that this privilege will not be abused. It will only be exercised when absolutely necessary.

Hon. Mr. LANDRY—Clause 86 of the rules says that no committee shall sit while the House is sitting.

Hon. Mr. DANDURAND—Necessity should supersede any by-law. It is done in the House of Commons during the last two weeks of the session.

Hon. Mr. LANDRY—I will let it pass if the hon. gentleman will concede one thing, that it shall not be done on Monday.

Hon. Mr. DANDURAND—There will be no sitting Monday morning.

Hon. Mr. WATSON—The object of passing this motion is to facilitate the passage of the legislation which is now before parliament. The Railway Committee is to meet to-night. The chairman may call a meeting to to-morrow or Monday morning, and the object is to give the committee the privilege of saying when they shall meet again. At present, without suspending the rule, we can only sit with the permission of the House.

Hon. Mr. LANDRY—I know you have no right to do it.

Hon. Mr. WATSON—Then the hon. gentleman can divide the House.

Hon. Mr. LANDRY—I will not divide the House. Since the hon. gentleman chooses to take that stand, I shall raise the point of order, but I do not care to do so if the committees are not to sit on Monday during the sitting of the House.

Hon. Sir MACKENZIE BOWELL—It is a well understood principle of parliamentary practice that committees should not sit during the sitting of the House, for the simple reason that a member may be deeply interested in a question coming before the Senate and equally interested in a measure to be considered by the committee. Therefore, there is a positive rule preventing what is contemplated by the resolution that has been read. I am quite sure that the hon. member from Stadacona will not raise the point of order to which he has referred unless he is obliged to do so by the tacit threat thrown out by hon. gentlemen who do not share his view. If appealed to for a decision I am sure the Speaker would have to decide the point of order well taken. Hon. gentlemen who are desirous of having the committee and the House sitting simultaneously, must recognize the difficulty that presents itself. We had better accept the suggestion made by the leader of the House, and let it be distinctly understood that if there are measures in which members of the House are deeply interested, they shall not be considered in the House while the committee is sitting.

Hon. Mr. SCOTT—Surely my hon. friend will not contend that the motion cannot be moved if notice of it has been given?

Hon. Sir MACKENZIE BOWELL—The rules provide how you shall change the standing orders of this House, and if it is desired to make that change, notice must be given to every senator a certain number of days in advance.

Hon. Mr. DANDURAND—I have consulted the hon. gentleman. The request made is that the committees should not sit simultaneously with the Senate next Monday forenoon. That is agreed to on this side of the House.

Hon. Mr. LANDRY—After twelve o'clock you may sit when you like.

Hon. Mr. WATSON—Do I understand that if the Railway Committee choose to sit to-morrow morning they cannot do so?

Hon. Mr. YOUNG—The hon. gentleman from Montreal gave us to understand that he had come to an agreement with the hon. gentleman from Stadacona that ex-

cept during the sitting of Monday forenoon he has no objection to the committee sitting any other time—that is that if the House is sitting to-night the committee could sit at the same time.

Hon. Mr. LANDRY—Oh, no.

Hon. Mr. YOUNG—If the House is not sitting to-morrow, and it is convenient for some of the committees to hold a meeting they could sit, but during Monday morning no sitting of committees should take place. Now we find that the understanding that the other side have is this, that up to Monday afternoon this motion of the leader of the government here shall not apply. Therefore there will be no sitting to-morrow or Monday forenoon.

Hon. Mr. DANDURAND—The understanding is simply for Monday morning.

Hon. Mr. LANDRY—I did not say a word about to-day, because I never thought for a moment that we would sit simultaneously to-day.

Hon. Mr. YOUNG—For to-night.

Hon. Mr. LANDRY—You want to begin only on Monday morning. The motion was asking permission to sit simultaneously with the Senate, beginning Monday morning. I objected to that, and we came to a compromise, and said we will begin on Monday at noon.

Hon. Mr. GIBSON—Surely my hon. friend could not object to the committee sitting from 10 to 12 on Monday? In the afternoon, as I understand it, the committee may sit right along simultaneously with the House without any objection being taken. Why should the hon. gentleman object to our sitting to-night or to-morrow in committee?

Hon. Mr. LANDRY—Because you have no right. We are asking to give the committees the right to sit while the House is sitting.

Hon. Mr. BEIQUE—We must not be taken by surprise; there should be a clear understanding. It may be necessary to have the Railway Committee meet to-morrow, which could not be done under section 85, because no notice has been given, and it is too late to give notice now. The only remedy will be to change the motion and adjourn the House until to-morrow.

Hon. Mr. LANDRY—The hon. gentleman cannot take that way because rule 14 says: 'When the Senate adjourns on Friday, unless otherwise ordered, it stands adjourned until the Monday following.

Hon. Mr. BEIQUE—Notice was given two days ago that when the House adjourns to-day it shall stand adjourned until to-morrow.

Hon. Mr. LANDRY—The notice was given yesterday and withdrawn. It was not put and has not been ordered by this House, and if I wanted to object we would not have a right to come here Monday morning, because our standing rule is that the House shall meet at three o'clock. Provided the simultaneous sittings commence only on Monday at noon I cannot object.

Hon. Mr. WATSON—We will sit to-morrow.

Hon. Mr. LANDRY—If you have the power to do it.

Hon. Mr. BEIQUE—We have no power to do it.

Hon. Mr. GIBSON—A few years ago we were in a similar dilemma through not taking precaution. The result of it was that prorogation was delayed a day or two. We should not fall into that mistake again. I appeal to both sides of the House, is it not better that the government should regulate these things than the hon. member from Stadacona? He raises a good many objections, but the business of the country is far more important than his convenience.

Hon. Mr. LANDRY—Do I understand that the motion shall read that simultaneous sittings will be permitted from Monday at noon?

Hon. Mr. BEIQUE—What is the objection to the motion as printed?

Hon. Mr. LANDRY—Because it does not ask to suspend the rules. That is something which we cannot ignore. Rule 30

provides that you cannot suspend the rules without giving one day's notice, but I will waive all those objections.

Hon. Mr. POWER—I direct attention to rule 24, which says:

> One day's notice must be given of any of the following motions.
> 1. For an adjournment of the Senate other than the ordinary daily adjournments.

I think the notice that the hon. gentleman has given is covered by that.

Hon. Mr. LANDRY—I call attention to rule 30, which states:

> No motion to suspend any rule or standing order, or any part of a rule or order may be made except on one day's notice specifying the rules.

Hon. Mr. POWER—The day's notice has been given.

Hon. Mr. LANDRY—It does not ask to suspend the standing order.

The SPEAKER—I do not know whether the hon. minister wishes to withdraw the motion he put in my hands and substitute another or not.

Hon. Mr. YOUNG—If the hon. gentleman objects to the amended motion, the Speaker will have to submit the original motion.

Hon. Mr. LANDRY—I do not object, but as we came to an understanding, I want it put in the motion.

The SPEAKER—The motion is for adjournment until Monday. Leave was given to amend the motion. That is the only motion before the House.

Hon. Mr. POWER—I understand the hon. gentleman has objected to that motion.

Hon. Mr. LANDRY—No, not until Monday.

Hon. Mr. POWER—And then that question of order being raised by the hon. gentleman from Stadacona, the hon. gentleman has a right not to proceed with it.

Hon. Mr. LANDRY—If he does not proceed with it, there is no motion.

Hon. Sir RICHARD CARTWRIGHT—I will proceed with one or the other. For the convenience of the House, I propose to dispense with the sitting to-morrow; but if objections are taken I must fall back on the original motion requiring us to meet to-morrow, and it is for my hon. friends to say. My wish was simply to consult their convenience. It does not incommode me to meet to-morrow; it may incommode some of my hon. friends.

Hon. Mr. LANDRY—I consider it is not a fair way to put the question.

Hon. Sir RICHARD CARTWRIGHT—I shall move the original motion if the amended motion is objected to.

Hon. Mr. LANDRY—I raise a point of order before this motion is put. I object to the motion on two grounds. The motion that has been made as the first motion did not contain the last paragraph—it was added yesterday after the first motion had been withdrawn by the right hon. member. He added that to his motion, and he corrected his motion so that the motion——

Hon. Mr. GIBSON—It stands for to-day.

Hon. Mr. LANDRY—When my right hon. friend withdrew his notice of motion yesterday, it did not contain the part regarding the simultaneous sitting of committees of the House.

The SPEAKER—He did not move the motion yesterday.

Hon. Mr. LANDRY—If the Speaker desires to discuss the question let him please leave the Chair. He is going to decide the point of order and he is arguing against me. Is that fair? As a question of fact, the first motion of my right hon. friend, given as a notice of motion on Wednesday evening, did not contain the part with regard to the simultaneous sitting of the committees and of this House. That was added yesterday; a part of a new motion, and when the hon. gentleman says: 'If you do not accept the new motion I will fall back on the old motion,' I do not see that the Speaker, when that is threatened, has a right to take the old motion, and to couple to it the last part of the new. He must take the first motion as it was, and as it was it did not contain the part with regard to the

simultaneous sittings of the committees and of this House. If the hon. gentleman wants to make his first motion, let him make it as he first drew it, and then we will discuss it. If he puts it on the second motion, let him put it in the form of which he gave notice yesterday. Does the hon. minister take the first motion to sit on Saturday without reference to the committees, or does he take his second motion? Will the hon. gentleman be kind enough to tell me, as a question of fairness ?

The SPEAKER—Let me state the circumstances in putting the point of order. The right hon. gentleman gave a notice of motion for Thursday, gave it on the 12th, and it stood over until yesterday, the 13th, as follows:

That when the Senate adjourns to-morrow it do stand adjourned until Monday next at 11 o'clock in the morning, and that on and after Monday, there be three distinct sittings each day, to wit: from 11 o'clock to one o'clock, and from three o'clock to six o'clock, and the third sitting commencing at eight o'clock in the evening, and that each sitting shall constitute a sitting day under the rules of the Senate.

Yesterday, instead of putting that motion, the right hon. gentleman said that he would not proceed with it, and would give a new notice.

Hon. Mr. DANDURAND—That he would amend his notice.

The SPEAKER—That he would give an amended notice, which he did, and that amended notice is the one in the terms of which he is now making a motion.

Hon. Mr. LANDRY—The amended motion does not ask for Saturday.

Hon. Mr. WATSON—Yes, it does.

The SPEAKER—That when the House adjourns to-day it stands adjourned until to-morrow at eleven o'clock.

Hon. Mr. YOUNG—And it matters not what was written on the paper on Wednesday or Thursday; it is what notice was given. The question is, was this notice given yesterday? The notice that was given yesterday was a notice of motion which the hon. leader of the government proposed to make. One day's notice is all that is required.

Hon. Mr. LANDRY—I do not contest that.

Hon. Mr. YOUNG—There is no point of order, surely.

Hon. Mr. LANDRY—That is conceded. Where we differ is this: My hon. friend says: 'If you make any objection to my second motion—that is the amended motion——

Hon. Mr. POWER—That is for Monday.

The SPEAKER—Yes.

Hon. Mr. POWER—With the consent of the House he is going to move to adjourn until Monday instead of to-morrow. The hon. gentleman objected and he stands by the original motion.

Hon. Mr. LANDRY—Is the hon. gentleman speaking for himself or for my right hon. friend? I am asking the explanation from my right hon. friend and I shall take his word.

The SPEAKER—I have no doubt whatever about it, and I have ruled on it. The question is on the motion of the right hon. leader, which I have read, that when the Senate adjourns to-day it stands adjourned until to-morrow, &c.

Hon. Mr. LANDRY—I desire to raise a point of order. I call attention to rule 86, which says:

No select committee may sit during a sitting of the Senate.

That is one rule. Then I refer to rule 14, which says:

When the Senate adjourns on Friday, unless otherwise ordered—

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. LANDRY—It is not ordered yet.

Hon. Mr. WATSON—We are going to order it.

Hon. Mr. LANDRY—The rule continues:

—it stands adjourned until the following Monday.

So that we have two standing rules which state that when the House adjourns on Friday it stands adjourned until Monday at three o'clock. The other rule says that no select committee may sit during a sitting of this House. These two rules cannot be suspended in that way.

Hon. Mr. SCOTT—By an order of the House.

Hon. Mr. LANDRY—Clause 30 says:

No motion to suspend any rule or standding order or any part of a rule or order may be made except on one day's notice specifying the rule or order or part thereof proposed to be suspended and the purpose of such suspension.

Where in the motion before us is there a compliance with that rule?

Hon. Mr. DANDURAND—It is there all right.

Hon. Mr. LANDRY—Where is the motion to suspend these rules? The rules say that it must be specified. Is it specified? There is no allusion at all to these two rules. You cannot, as a matter of right, suspend those two rules if their suspension is not asked for, without giving a day's notice. So I claim that a committee cannot sit while the Chamber is in session, unless a proper notice for the suspension of the rule has been given, and we cannot sit on Monday or Saturday until a proper motion has been made asking to suspend rule 14.

Hon. Mr. BEIQUE—It seems to me that it is easy to answer the main part of the hon. gentleman's contention. As far as the other part is concerned, he may be correct. As to the motion which seeks to adjourn the House until to-morrow, is the hon. gentleman contending that the motion is out of order?

Hon. Mr. LANDRY—Certainly.

Hon. Mr. BEIQUE—If the hon. gentleman refers to rule 14, the paragraph to which the hon. gentleman from Halifax calls attention, paragraph I of 24 settles that point, because it says:

One day's notice must be given of any of the following motions.
(i) For an adjournment of the Senate other than the ordinary daily adjournment of that honourable House under rule 14, 25 or 44.

Hon. Mr. LANDRY—Certainly it means that when you adjourn every day you do not require to give a day's notice, and when you adjourn from Friday until Monday you do not require a day's notice. Rule 30 remains.

Hon. Mr. DANDURAND—There are two ways of framing the notice. It is either by asking the suspension of rule 23 (b) or asking authority to do a certain thing. We have proceeded by asking that the Senate be authorized to sit on Saturday. That implies the suspension of the rule which prevents us from doing so, and I think it is sufficiently comprehensive to be within the spirit and letter of the law.

Hon. Mr. POWER—During the thirty odd years I have been in the House I have never known at the close of the session any other method of procedure adopted than that which has been adopted by the right hon. leader of the House now. He gives notice just as stated here. The object of the rule is to prevent the House from being taken by surprise, and when a notice like this is put on the paper, the House is informed in the most satisfactory way of what is proposed to be done. It is a perfectly frivolous objection.

Hon. Mr. LANDRY—The rules are the protection of the minority. The majority may prevail against any right, of course.

Hon. Mr. POWER—There is a rule which prevents anybody from speaking more than once.

Hon. Mr. CHOQUETTE—I think, strictly speaking, the objection is well taken. I am not absolutely sure, but it seems to me on a small matter like this, with the consent of the House, notice might be dispensed with and we ought to agree. The hon. gentleman was asking that we should not sit Monday forenoon. Why not grant that? He did not speak of to-morrow at all. I think if we should agree not to sit Monday forenoon it would settle the matter, and we would not waste so much time.

Hon. Mr. ROSS (Halifax)—I think we have been spending too much time hair splitting. Common sense, with the consent of the House, should govern in matters of this kind. We are talking too much nonsense and spending time very foolishly.

The SPEAKER—I have to rule that the practice since I have been here has been uniformly in accordance with what we are

adopting now, and, under the circumstances, I think the rules must be interpreted in that way, and I rule that the notice of motion given yesterday for to-day, and moved to-day, is in order, and the question is now on that motion.

The motion was agreed to.

Hon. Sir MACKENZIE BOWELL—Might I ask that the ruling be placed upon record in order that we may know in the future that precedents and practice of the Senate are to supersede any fixed rule of the Senate?

THIRD READING.

Bill (No. 104) An Act respecting the Thessalon and Northern Railway Company. (Hon. Mr. McMullen).

SUBMARINE COMPANY PATENT BILL.

THIRD READING.

Hon. Mr. WATSON moved the third reading of Bill (No. 77) An Act respecting the patent of the Submarine Company.

Hon. Mr. LOUGHEED—Before this Bill was referred to the committee, I pointed out to my hon. friend in charge of it what I considered to be an objectionable clause, by which licensees or others who had engaged in the manufacture of this particular article after the expiration of the patent, would be precluded from continuing the manufacture, notwithstanding the very great lapse of time which had occurred between the expiration of the patent and the making of the application for this renewal. Now, this is an extraordinary case. There was an interval of almost three years during which the public had a right to enter upon the manufacture of this article on account of the expiration of the patent. I pointed out when this matter was before the House at the second reading, that the same right should be accorded to licensees as to those who had anterior to the expiration of the patent entered upon its manufacture. The only parties likely to enter upon the manufacture of this particular article would be those who had been engaged in it either as licensees or as manufacturers under the patent. The committee, in this report, has excluded the very parties most likely to have engaged in the manufacture after the expiration of the patent. I pointed out the strange inconsistency which has marked from time to time the action of this committee in restricting rights of this nature, while in other Bills enlarging them in the most comprehensive manner. I need not go back further than last session to furnish illustrations of this. Taking up the statutes of 1908, I find that four Patent Bills were passed in that session in which there has been a substantial deviation from the particular clause to which I have alluded. Take, for instance, chapter 3 of the statutes of 1908, on page 140, and you will find there the language of this particular clause. Then turn to the next Patent Act, chapter 113 of the statutes of 1908, and you find the right to manufacture given in its widest sense to all parties who had in the interval entered into the manufacture of the patented article. This clause, I consider, the public is entitled to, and certainly should have been in all these Patent Bills. Why should the public be restricted, or why should licensees or those who enter upon the manufacture before the expiry of the term be prevented from manufacturing the article? I hesitate very greatly to throw any impediment in the way of the Bill at this late hour of the session, yet I had taken the precaution before the Bill went to the committee to point out to the gentleman in charge of it, and to the House, the objectionable character of this clause. It has not been amended, and I therefore move that this Bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. McHUGH—The deputy head of the department sent a letter to the committee stating that the Bill was perfectly satisfactory to the department in its present form. I did not know that this matter was coming up, and I cannot lay my hand on other Bills containing a clause like this, but I am satisfied that such Bills have passed the House. I do not know why the hon. member should take such an extreme course in this instance, but it seems to me the Bill could be amended.

Hon. Mr. LOUGHEED—If my hon. friend will have a clause inserted in this Bill for

the protection of the public, as in other similar Bills, I shall be satisfied.

Hon. Mr. McHUGH—I did not have charge of the Bill, but I was in the committee when it was considered, and I do not know that it differs in any degree from other Bills of this nature that have gone through. There may have been some Bills in which the clauses were differently worded, but it would be too bad to throw out the Bill at this stage, and I would prefer to see it amended.

Hon. Mr. BEIQUE—This Bill was carefully dealt with by the committee, and its consideration was postponed to a future sitting, because the committee desired to have further information. That information was, first as to whether the patentee or parties interested in the patent had been notified by the department of the lapsing of the patent. That information was obtained in a negative way—that is, they were not made aware except sometime before the application was made.

Hon. Mr. LOUGHEED—Why should the patentees be informed?

Hon. Mr. BEIQUE—There have been three assignments of the patent. For my part, as a member of the committee, I wanted to ascertain at what dates these assignments had been lodged with the department, and whether on any of those occasions the parties interested had not been notified of the lapse of the patent. That was with the intention of refusing the Bill if I should not obtain that information. I was, however, satisfied on that point. Then the other point on which the committee demanded information, was as to whether the patent was still in force in the United States. For my part I objected to the renewing of the patent here if it had lapsed in the United States. The committee was furnished with an affidavit to the effect that the patent was still in force there. Then as regards this last clause of the Bill which the hon. gentleman has taken objection to, I did call the attention of the committee to the clause, but the committee passed it because they were given satisfactory assurance that there never was any license issued to manufacture under the patent, and the clause was, under these circumstances, satisfactory.

Hon. Mr. LOUGHEED—There is another clause there as to those who commence to manufacture before the expiry of the patent.

Hon. Mr. BEIQUE—We were told that the patented article has not been put on the market yet; it has been held in abeyance until the patent is confirmed. The members of the committee feel, as the hon. gentleman does, that these demands come to us too freely, and some expression of opinion should be given by this honourable House so that the public will understand in future that such applications will not be as readily received in the future as they have been in the past, and if some of the members of this House were to move in that direction, for my part I would support them, and be very glad to do so; because I feel, as the hon. gentleman from Belleville does, that it is becoming an abuse. We have a number of Bills of this kind every session, and they are dealt with too liberally.

Hon. Mr. BOSTOCK—As a member of the committee I would like to say a few words in connection with this matter, because I feel very strongly that some kind of notice should be given to the public that we are not going to continue the course we have pursued for several years past. I feel very strongly myself about this Bill, and would like to have seen it thrown out, because this patent lapsed in 1906, and for three years it has not existed, as the persons to whom the assignment was made could have found out, and I think they did find out when they took the patent over, that they were really buying practically a right that was worthless unless they could get parliament to reinstate it. Personally, I feel that this thing has been going on too long, and we should place the matter fairly before the public, that in the future they must not expect us to do this kind of work for them.

Hon. Sir MACKENZIE BOWELL—I am somewhat at a loss to know how the public is to ascertain what has taken place in the committee in the direction indicated by the two hon. gentlemen who have just spoken. The best way to inform the public as to what our future action is to be would be to reject this Bill, and then the public would ascertain that there was a determination on the part of the committee of the Sen-

ate not to deal lightly with these questions in the future. Notwithstanding the explanation made by the chairman of the committee, I have not heard any reasons given why this speculative patent, for such I take it to be from the remark made by the chairman of the committee, is to be renewed. If I understood him correctly, he informed the House that this is the third assignment of this patent. If it is the third assignment, it proves beyond a peradventure that it is a speculative patent, and it has become apparent that it is useful and can be made profitable by entering into the manufacture of the article. I take it for granted that it would not be applied for and placed in the market in the manner it has been unless the parties who are purchasing it have come to the conclusion that there is money to be made out of it, and in order to protect this third assignee of the patent they put in a clause protecting certain parties who may have commenced the manufacture for such periods, also a proviso by which they prevent the continuance of the manufacture of the article, or the erection of a building in which it is to be manufactured by those who commenced the erection of the building during the holding of the patent by the person who first purchased it. There has been no reason given at all by the chairman, or by the gentleman who introduced this measure, why the manufacture of the article was delayed until the present period. There have been occasions in which, from circumstances over which the patentee has no control, he has been unable to proceed with the manufacture of the article. The chairman of the committee now gives us to understand that he has ascertained certain facts. How that information has been obtained we do not know. It may be information that has satisfied the chairman, and also the members of the committee, but is it possible that they have ascertained that no one has entered into the manufacture of this article, and if so, that they will be injured by the renewal of the patent throughout the whole Dominion. We are simply accepting a declaration of the speculators who have purchased this patent that they have bought it in the first place; that there is money to be made out of the manufacture at the present moment; that it has lapsed for a number of years, and we very quietly acquiesce in their representations and renew the patent. I may add that on this question of renewing patents hon. members of the Senate know very well that I have taken strong objections unless there are very potent reasons why they should be renewed, and I am glad to learn that the chairman and the members of the committee have taken a position as to what they shall do in future. We have been constantly enacting laws and doing things that ought not to be done, simply because they have been done before. That is the excuse that has been offered so often, that it has become almost standard, and that is the excuse we have to-day, without any reason being given by the chairman of the committee or the members of the committee or the gentleman who introduced the Bill, as to why the manufacture of this article was not proceeded with from the time the patent was obtained until the present time. We are legislating as blindly as we possibly can, and I venture to predict that if we are here next session we shall hear the same excuse again given for the purpose of renewing patents which are speculative. I repeat what I said when I discussed this question before, that in 19 cases out of 20—I might say 99 out of 100—it is not the genius that invented the article, it is the speculator who has obtained the rights from the patentee who asks for these renewals, for his own advantage, and rather to the disadvantage of the patentee who had the genius to invent the article. For that reason I have been strongly opposed to the renewal of these patents, in the interests of the public. Another thing I suggest to my hon. friend: The hon. senator from Calgary who has moved the three months' hoist has indicated that if a certain clause protecting the people of Canada were added to the Bill he had no objection to let it pass. My hon. friend can easily delay the third reading until Monday, and notice can be given of a clause that would protect the interests of the people of Canada and have that added to the Bill at the third reading.

Hon. Mr. CAMPBELL—This is one of those Bills that have been coming before parliament for a good many years. I do

not agree with the observations made by the hon. member from Hastings. I do not believe that anybody would suffer if we pass this Bill, or that anybody has suffered by the legislation that we have been passing for the last thirty years. Our patent laws are very liberal. A man gets a patent, and he is entitled to that patent for 18 years. He pays his fees, and has the right to use that patent for six years; then he can renew it by paying a further fee, and he has the right for six more years, and so on for the full term of 18 years. It often happens, and it is impossible to avoid it, that men, for some reason or other, neglect or refuse to pay the fees, or in some way or other the fees are not paid, and the patent is void. They come before parliament and make out a case, and we do not extend their previous rights at all, simply restore the same rights that they had in the beginning; and we have gone farther than that in this Bill; we have in this second clause protected the rights of everybody except the licensee. It may be that a patent is issued and a license is granted to John Brown to manufacture that article; he is a licensee; he is manufacturing the article, and if, through any cause or neglect on the part of somebody, the patent expires temporarily, it is not just that parliament should restore that right in order that John Brown should be at liberty then to manufacture, because he was a licensee in the start. But everyone else, the innocent man, the man who did not know the patent was in force and started manufacturing, everyone else in Canada is fully protected by clause (2). It is the clause that has been invariably inserted in all these Bills for a good many years.

Hon. Mr. LOUGHEED—Might I point out to my hon. friend the Bills passed last session—I have mentioned two already, and I undertake to say that I could find more than two in the statutes of 1908 in which the exemption applies to all.

Hon. Mr. CAMPBELL—Well, there may be exceptions; I was not aware that there were.

Hon. Mr. LOUGHEED—The practice of the committee has been to put the clause in one Bill and omit it in another and so on—no regularity about it.

Hon. Mr. CAMPBELL—There is no harm in this clause, because my hon. friend will admit that if, when the patent was in existence, I took out a license and had the right to manufacture and sell this particular article; and the patentee, through some cause or other, temporarily voids his patent, and then parliament overlooks that and restores his right, it would not be just that I who had been a licensee, should be at perfect liberty to go and manufacture it on my own account. The object of the clause is to protect the man who did not know this patent was in existence and who had started manufacturing. Under this clause he has a perfect right to continue, and to this clause there should be no objection. I do not know that anybody is going to suffer by reviving this patent; and if these people like to come here and pay $400 for this legislation, as Parliament has granted it before, I think they should grant it this time. I shall support the Bill.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says that no one will suffer by this. Why then is the proviso added to section 2? Some person, I fancy, must have commenced the construction of works for the manufacturing of the article.

Hon. Mr. CAMPBELL—If anybody had started than this man who took out the license from the patentee, he has a perfect right to go and manufacture and sell.

Hon. Sir MACKENZIE BOWELL—Oh no.

Hon. Mr. CAMPBELL—Oh yes.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman read that proviso?

Hon. Mr. CAMPBELL—It is as follows:

Provided that the exemption shall not extend to any person who has commenced the construction or manufacture of the said invention before the expiry of the patent, without the consent of the holder of the said patent.

Certainly if he commenced to manufacture this fraudulently before the patent had expired, he cannot now continue.

Hon. Mr. DANDURAND—And take advantage of his fraud.

Hon. Mr. CAMPBELL—We would then give him the opportunity to go on and take advantage of his fraud.

Hon. Mr. LOUGHEED—May I put this case to my hon. friend? Three years have elapsed and that manufacturer who started before the expiry of the patent to manufacture the article in question may have considered that the patentee was not going to apply for a renewal, and he goes to a very large expense and builds a plant for the manufacture of this particular article on account of its not being covered by a patent, because for three years it was not covered by a patent; then are you going to destroy the capital which that man may have invested in the manufacturing of that article?

Hon. Mr. DANDURAND—He is entitled to no sympathy.

Hon. Mr. CAMPBELL—If he commenced during those three years after this patent was voided, he has a perfect right to go on now.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. CAMPBELL—If I understand the English language at all—

Hon. Sir MACKENZIE BOWELL—That proviso is to prevent him from going on.

Hon. Mr. CAMPBELL—Oh no.

Hon. Mr. CLORAN—The proviso seems to be contradictory of the previous statement.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. CAMPBELL—The proviso is simply this, that if John Smith commenced to manufacture this article before the patent expired, without getting a license from the patentee to do so, he cannot go on now and sell it; but if he did not commence until after the patent had expired, then he has a perfect right to continue to manufacture it now as though it had never been patented.

Hon. Sir MACKENZIE BOWELL—I think that is quite clear. The proviso is not inconsistent with the clause. The clause gives the right to any person who commenced the manufacture of the article after the expiry of the license to continue manufacturing. There is no doubt about that, but there is a proviso declaring that any person who commenced the erection of a building for the purpose of manufacturing this article, though it may not be finished, though he may not have had any intention of going on to manufacture the article until after the expiration of the license, is prevented manufacturing even though he may have invested thousands of dollars in the erection of buildings for the purpose. How my hon. friend can twist the meaning of the English language to any other construction of it I should like to know.

Hon. Mr. CAMPBELL—I understand my hon. friend to mean this, that if John Smith thinks a certain patent will expire, he will not renew his license, but he may expend money in preparations to use a patent in anticipation of its expiring.

Hon. Sir MACKENZIE BOWELL—That is his risk.

Hon. Mr. CAMPBELL—He had no right to expect he could use the patent. If he had waited until the patent expired and then gone to work, he could go on under this law. If he attempted to commit a fraud and get an advantage to which he is not entitled, I do not think the laws of this country should protect him.

Hon. Mr. McHUGH—The commissioner of patents explained to the committee that there had been three assignments of the patent, and that there was not a very long period of time between any of them. The fee for six years had been paid, and the solicitor of the company called at the office in reference to these assignments shortly prior to the 1st of December last. When he undertook to pay the fee, he found that he had to come to parliament and get the patent revived. I do not see that the Bill differs from a great many Bills that we have passed of late. However, I have no objection to this Bill being made to cor-

respond exactly with the Bills which the hon. member from Calgary found among those passed last session. At the same time, I am satisfied that other Bills have been passed this session on the same lines as this one.

Hon. Mr. WATSON—With the explanation the House has received from the chairman and other members of the committee, no person can be injured by the passing of this measure. When the Bill was introduced, I explained that the patented article was a machine which cost $100,000 to construct. It is not manufactured in Canada, and there is no danger of anyone suffering by this legislation. I know that the committee carefully considered the Bill, because they asked for adjournments to give it that careful consideration, feeling that injury might be done to some manufacturer. With the explanations which have been given, I trust that the leader of the opposition may withdraw his amendment.

Hon. Mr. LOUGHEED—With an understanding that next session we will adopt a uniform clause and make this exemption general. I intend to point out next session and strongly urge on the committee that there should be uniformity in those Bills, and that the exemption should be the same in all cases. I withdraw the amendment.

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

GRAND TRUNK PACIFIC RAILWAY LOAN BILL.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading (Bill 128) An Act to authorize a loan to the Grand Trunk Pacific Railway Company.—(Rt. Hon. Sir Richard Cartwright.)

Hon. Sir RICHARD CARTWRIGHT—Mr. Perley has informed me that he does not intend to speak on this Bill. I therefore move the second reading.

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

THE SENATE DEBATES.

The order of the day being called:

Consideration of the second report of the standing committee on debates and reporting of the Senate.

Hon. Mr. POWER moved that the order of the day be discharged and placed on the orders for Monday next.

Hon. Mr. BEIQUE—There is no necessity for that

Hon. Mr. POWER—The chairman of the Debates Committee is absent and will not be here until Monday.

Hon. Mr. BEIQUE—The hon. gentleman told me yesterday before leaving that he would be here on Monday, but that we might freely deal with the matter in his absence. I told him that I would prefer he should be present, and that we would wait until Monday; but if we desire to come to any decision on this matter, I am afraid postponing it until Monday may make it too late, so that it might be better to deal with the matter to-day.

Hon. Mr. POWER—Inasmuch as there was a difference in the committee——

Hon. Mr. BEIQUE—No, I think the committee was unanimous.

Hon. Mr. POWER—I accept the hon. gentleman's statement that that was his impression.

Hon. Mr. BEIQUE—It was more than that.

Hon. Mr. POWER—Will the hon. gentleman allow me to state what I propose to state? I understood from the chairman that he was not in harmony with the views expressed in the report, and in view of the circumstances, inasmuch as this report is inconsistent with the previous report which the chairman brought in, and as the chairman will be here on Monday, I think it is more desirable in every way that it should stand until Monday. I move that the order of the day be discharged and that it be placed on the orders of the day for Monday.

Hon. Mr. ROSS (Middlesex)— It will be unfortunate if it is delayed until Monday. I am under the impression that the hon. gentleman from Halifax is mistaken as to the attitude of the chairman. He quite concurred in the report. I was present all the time. It seemed to be the unanimous opinion of the committee that the report presented to the House would be the opinion of the committee, and if any action is to be taken this session to put our reporting staff on a better basis, it should go through to-day and give the committee a chance to meet again and bring it into operation next session. It will be unfortunate if we begin next session not upon any regular basis.

Hon. Mr. POWER—This is a very slim House in which to discuss a question of this kind, and I do not see why there should be any objection to allowing it to stand over; and with regard to the hon. member from Middlesex, it was at his suggestion that the previous report was referred back to the committee. He was anxious to have another meeting because he had not been present when the report was prepared, and I think we should not now wish to go on with the discussion in the absence of the chairman.

Hon. Mr. BEIQUE—The statement made by the hon. gentleman from Halifax is a great surprise to me, but, under the circumstances, I prefer that the matter be deferred until Monday so that we may see whether he was surprised or not.

The order of the day was postponed until Monday.

GOVERNMENT HARBOURS AND PIERS ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 89) An Act to amend the Government Harbours and Piers Act. He said: The object of this measure is to enable the government to lease some of the numerous wharves of which they have latterly got possession. I think it will be in the public interest, judging from past experience, that they should be allowed to lease these, not so much for the purpose of obtaining revenue, as they will get very little I fear, but rather for the purpose of having some parties to take charge of them and prevent them from becoming dilapidated as they very often do at the present time for lack of a little supervision. Probably my hon. friend will have no objection to allow me to take the second reading now, and if further discussion is desirable it can be had in committee.

Hon. Mr. LOUGHEED—I have no objection, but I should like to ask my hon. friend to furnish us with some information, if possible, as to the amount of money the government has expended upon those various undertakings, particularly in the maritime provinces, where the action of the government has been of a very generous character.

Hon. Sir RICHARD CARTWRIGHT—I shall be happy to give my hon. friend as much information as I possibly can before Monday, but it is a large order.

Hon. Mr. LOUGHEED—I quite appreciate that. That is the reason I put the question. Perhaps he could approximate it.

Hon. Sir RICHARD CARTWRIGHT—I should say several million at least.

Hon. Mr. LOUGHEED—If this is a continuation of the policy that has been pursued in the past—that is the handing over of those wharves and piers to undesirable parties—it is something that will be worth our considering. In this connection, I would like to ask my hon. friend if the government has any particular policy in view with reference to the leasing of any of those particular wharves or piers, to any certain individual, or is it simply a general authority?

Hon. Sir RICHARD CARTWRIGHT—They ask simply for general authority to make the best bargain they can, with a view to obtaining some little revenue from them and for the preservation more particularly of those works. Owing to the enormous number that they have got, which might perhaps be advantageously diminished, it is impossible for the government, without maintaining expensive officers at a great number of ports, to keep a supervision over them. I think they will be

able to save a great deal of money by having some parties who are interested in seeing that the wharves are kept in proper order, and one of the main objects in the leases is to endeavour to secure that. How far they will be able to do it remains to be seen.

Hon. Mr. LOUGHEED—Is it proposed to turn those wharves and piers over to a company that contemplates handling the whole of them?

Hon. Sir RICHARD CARTWRIGHT—Not a single company.

Hon. Mr. LOUGHEED—May I ask my right hon. friend if the government is satisfied up to the present with stopping any further expenditure in this particular line?

Hon. Sir RICHARD CARTWRIGHT—The government sees the extreme desirability of stopping, as far as possible, the enormous demands that are made upon the public purse for wharves, harbours and piers in every direction. The government are becoming alive to the matter, and for very good reason.

Hon. Mr. LOUGHEED—The whole of the coast of the maritime provinces must be covered pretty well with these structures.

Hon. Sir RICHARD CARTWRIGHT—I think there are some places not yet provided with them, but I should not like to state how many.

Hon. Mr. LOUGHEED—I was unaware of that, because recently the government has been building wharves and piers on dry land and I thought possible the coast line had been pretty well occupied.

Hon. Sir RICHARD CARTWRIGHT—It might prove more economical to fence in the whole coast line in many of these counties, but that would be a question for consideration. However, my hon. friend will agree that this is a move in the right direction, and is likely to save the public purse indirectly if not directly.

Hon. Sir MACKENZIE BOWELL—Will the expense necessary to keep those wharves in repair after they have been leased to the parties, fall upon the country, or will there be a condition in the lease compelling the lessee to pay the expense of repairs?

Hon. Sir RICHARD CARTWRIGHT—That would depend on the surrounding conditions. It is intended as far as possible to have the lessee keep them in good order; even if we do not receive much rent from them, he will be bound to do it; of course the terms must vary in accordance with the conditions and also in consequence of the exposure. There are some of those places where, owing to the extent to which they are exposed in the winter, gales and other things, it would hardly be possible to bind the lessee to make the repairs under all conditions. We could only do it so far as regards what might be called ordinary wear and tear. You could not ask a man to lease a wharf in some of those places, where it might be torn up by the tempest from the very foundations, but you can ask him to keep it in decent repair.

Hon. Mr. ROSS (Halifax)—I happen to know something about the building of wharves, and the amount that would be collected would be only a trifle in comparison with the amount required to keep them in repair in stormy places where they are exposed to drift ice and heavy gales. I know of two wharves in the county I used to represent, that had repairs to the extent of $2,000 in one case, and $1,000 in another, last year. While I am not going to object to the measure in any form, I hope that the hon. leader of the government will not be carried away with the delusion that the amount that will be collected will be sufficient to keep those wharves in repair.

Hon. Sir RICHARD CARTWRIGHT—I can assure the hon. gentleman that I am not carried away with any such delusion; very much the reverse, but I am in hopes that the supervision that I think could be exercised over them if there were any party in charge and where there was a reasonable interest in keeping them in order, will save many thousand dollars to the government.

Hon. Sir MACKENZIE BOWELL—I do not hesitate to say that the suggestion

that has been made in this clause is a good one if it is properly carried out; but that it can be abused there is no question of doubt. If honestly carried out, it is inaugurating a system that will be a benefit to the country.

Hon. Sir RICHARD CARTWRIGHT—I may say in all seriousness to my hon. friend, that the government are aware there is very considerable risk to the public exchequer of unfair expenditure in these matters, and they honestly desire—I think I can say that I am aware of that—to check it as far as possible, and this is one of the means that they can adopt that will have some effect in that direction.

Hon. Sir MACKENZIE BOWELL—You will have some trouble to accomplish it.

Hon. Sir RICHARD CARTWRIGHT—I am aware of that. When once money is spent in any locality in any part of this extended Dominion from the Atlantic to the Pacific, my private opinion has been confirmed by 45 years of experience, that a running sore is created which is never fully healed up.

Hon. Mr. FERGUSON—There will be no change in the Act with regard to the dues. The tolls and the dues to be collected from the public on these wharves will remain as they are?

Hon. Sir RICHARD CARTWRIGHT—Yes, that is the intention of the department.

Hon. Mr. FERGUSON—I may say that we had for a small province, a good deal of experience wth this question of wharves and piers in Prince Edward Island when I was in the government, and we took this mode of dealing with them, and where we could get a tender from some responsible party who would put up security that he could carry it out properly, we found it was better than trusting to a return from some person appointed as a government official, and we really got a good deal more than by appointing somebody who would make a return. It was sometimes impossible to obtain returns from these people, but when we got a reputable person to put in a tender and make a contract at a fixed price, we got it.

Hon. Sir MACKENZIE BOWELL.

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

SECOND READING.

Bill (152) An Act to amend the Navigable Waters Protection Act.—Hon. Sir Richard Cartwright.

ROYAL GUARDIANS BILL—AMENDMENTS CONCURRED IN.

Hon. Mr. GIBSON moved concurrence in the amendments made by the Standing Committee on Banking and Commerce to Bill (95) 'An Act to incorporate the Royal Guardians.'

Hon. Mr. LOUGHEED—What does my hon. friend think of the attitude of the government, that the royal assent would not be given to this Bill?

Hon. Mr. GIBSON—I am only making the motion on behalf of the committee, and I leave the hon. member from De Lanaudière to answer the question raised, because he is in charge of the Bill.

Hon. Mr. CASGRAIN—Regarding this Bill, the Royal Guardians, it is a very serious matter for this company to ask it now to change its name. It has some 3,000 policies throughout Canada—that is throughout Quebec, Nova Scotia and New Brunswick. It has also done all its advertising under the present name, having obtained that title from the province of Quebec. All its stationery is printed with the words 'Royal Guardians' and all the insignia of the order and its seal, and so on, appear with that title, and I am authorized by the promoters of this Bill to state in this House that if they were to lose their name, they would prefer to withdraw the Bill. Therefore, entreat the government not to deal with this Bill differently from the treatment accorded to the other Bill regarding the Royal Victoria Insurance Company of Canada, which I think was passed this session.

Hon. Mr. McSWEENEY—How long has the company been doing business. Two or three years?

Hon. Mr. CASGRAIN—They have been doing business for a long time under this name.

Hon. Mr. SCOTT—Oh, oh, oh.

Hon. Mr. LOUGHEED—It is only two months since they got their name by order in council.

Hon. Mr. CASGRAIN—They have been doing business for a very long time. They have now three thousand policies out under that name, and a great quantity of paper and literature, and all their advertisements, without speaking of the insignia of the order, and the expenses for advertising and propaganda. Since the month of December, they have had all those things, and they obtained their name from the Province of Quebec. They go on to recite that the solicitor general of the Quebec Government belonged to the association, the member for Hochelaga, the member for Quebec Centre, the member for Richelieu and many other well-known gentlemen. They claim that the organization is doing a lot of good in a benevolent way, and should the Government insist upon changing the name, they would have no option but to withdraw the Bill.

Hon. Mr. SCOTT—I think my hon. friend has rather overstated the case. That was the general impression given to the committee in the first instance; but on very sharp examination, as to the origin of the society and the time it acquired its title, we gleaned this fact, that it has been in operation for many years under the name of the Grand Lodge of the Ancient Order of United Workmen, and was allied with a United States Order. All their paper and policies were under that name. It is only a few months ago that they applied to the Quebec government—not to the legislature but to the government, and, inadvertently, without attention being called to it, the name of Royal Guardians was obtained. That is the fact. I had some difficulty getting at the date, but it was found that it was only in October last that the right to use this name was given. The ground I took was entirely in the interest of the Association. It is very unfair for Parliament to place His Excellency in the embarrassing position of having to refuse to sanction a Bill or to violate the instructions which he has received. It is not fair or just.

Hon. Mr. POWER—Up to the present session, Parliament has been very generous in granting charters to societies with this word 'Royal' in the title. It is only fair that we should ask the hon. gentleman from Ottawa, when did this dispatch come which forbids the use of the word 'Royal' in the title of a company?

Hon. Mr. SCOTT—As Secretary of State, it came to my notice repeatedly, and parties applied to me for the use of the name. In some cases I had a communication sent to His Excellency to ascertain if the Crown was willing; but unless in the case of the formation of a scientific society, the invariable answer was that they refused. I have a letter here from Downing Street dated the 9th of December 1899 on the subject.

Hon. Mr. CASGRAIN—That is ten years ago.

Hon. Mr. SCOTT—It has been repeated over and over again.

Hon. Mr. BEIQUE—Did the hon. gentleman, when he was Secretary of State, advise the Lieutenant Governor of that? The province acted in good faith, and they should have been notified. They allowed the corporation to be formed under this name, and now it is a vested right.

Hon. Sir RICHARD CARTWRIGHT—I understand that the various local governments were apprised, but I am not prepared to say exactly when, and whether it occurred prior to the formation of this society or not.

Hon. Mr. DANDURAND—The difficulty is, that the horse has been out of the stable now for years and years. Montreal is painted all over with the word 'imperial' for all kinds of powders and crackers, and all our laundries are either imperial or royal. In London, of course, we see so and so is purveyor to His Royal Highness; but in this democratic country that is about the only smattering we have of royal prerogative and it is distributed all over. We know the weakness of our United States brethren for those expressions, and they come here with the name. Royal Arcanum is an American institution. They can come

in and get a license in any province. I do not think the imperial authorities know the extent to which these titles have been cheapened.

Hon. Mr. BELCOURT—This association is incorporated under an Act of the province of Quebec. That is, the Crown has already granted this name to those people in the province of Quebec. Now, is the parliament of this Dominion going to take that grant away? This is a Crown grant. This name is given to the society and used by it under a Crown grant. Are we here sitting as a Dominion parliament going to undo what the Crown in the province of Quebec has already done?

Hon. Mr. CLORAN—The same company can go to any province and get a license to run under the same name. They have a right to use the name 'Royal Guardians' in Quebec, and I do not see why we should deprive them of a vested right.

Hon. Mr. SCOTT—It cannot be called a vested right. They got it only a few months ago.

Hon. Mr. CLORAN—If they had it one hour, it is as good as if they had it ten years. When did this instruction come from the Colonial Secretary?

Hon. Mr. SCOTT—In 1899.

Hon. Mr. CLORAN—I understood that formal instructions were received recently. When was the last instruction from the British government that the word 'Royal' should not be used?

Hon. Mr. SCOTT—There have been repeated despatches.

Hon. Mr. CLORAN—Has one been received recently?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—I understood the other day the leader of the government to say that the government would not permit the royal assent to be given to the Bill.

Hon. Sir RICHARD CARTWRIGHT—The government have no power in that matter. This is one case in which His Excellency might act on instructions from England.

Hon. Mr. LOUGHEED—I understood my hon. friend to say that the government would advise His Excellency to refuse his sanction to this Bill.

Hon. Sir RICHARD CARTWRIGHT—I do not think the government would advise His Excellency in that particular case.

Hon. Mr. LOUGHEED—If that is the declaration of the government, that they would pursue that course, it would be futile to proceed further with the Bill. Personally I was opposed to the adoption of the name in the committee, but inasmuch as the committee adopted the report as we have it before us, I shall abide by the finding of the committee. At the same time, if His Excellency will not give the royal assent to the Bill, there is no use in going further with it.

Hon. Mr. GIBSON—An amendment was made by the committee, to the effect that the Royal Guardians Benevolent Association could be the title. The Bill passed through the House of Commons and no objection was taken to it there.

Hon. Mr. SCOTT—Attention was not called to it.

Hon. Mr. GIBSON—In the case of the Royal Victoria Insurance Company, we got over the difficulty by adding the words 'of Canada' in the title. In this case we have added the words 'Benevolent Association' to the title, without infringing on the rights given it by the province of Quebec. We should not take from the company that which it has obtained. My own impression is that the view of the ex-Secretary of State is perfectly right with regard to any new legislation, and the committee agree that no new Bills should receive the sanction of the committee if the word 'Royal' were used in the title. But this is the first time I have heard of any objection being taken to the use of the word. This name having been given by the province of Quebec, and having been passed by the House of Commons, our committee thought it incumbent upon them to let the Bill pass with the amendment which I have mentioned to the title. The association wish to extend their business all over the Dominion.

Hon. Sir MACKENZIE BOWELL—If the theory expressed by the hon. gentleman who has just spoken is to be admitted, there is no necessity for this House, and we had better adopt the suggestion of those who advocate having but one House of Parliament. We constantly hear, when there is any desire to get a Bill through the House, the remark 'Oh, it passed the Commons after due consideration.' These Bills are sent here for revision, and it is no valid argument to tell us when we find objectionable clauses in the Bill that because it was adopted by the Commons we should pass it. We are constantly amending the Bills that come from the Commons, and I would suggest to those who use that expression to abandon it, because inferentially it means that there is no necessity for this House. The hon. member from Ottawa (Hon. Mr. Belcourt) argues that because the Quebec legislature gave this association the right to use the word 'Royal,' we should not interfere with it; but they come here for additional powers and concessions.

Hon. Mr. BELCOURT—This is not one of them.

Hon. Sir MACKENZIE BOWELL—They come here for a Dominion charter. They avail themselves of Dominion legislation to acquire privileges to conduct a business that has been in the past confined to the province of Quebec. They come here and ask us to extend those privileges to the whole Dominion, and they ask for certain powers and privileges beyond those they have enjoyed in the province of Quebec. Surely, under the circumstances, we have a right to say that while we have no objection to giving them power to extend their business, we decline to confirm the name of the company simply because it was obtained two or three months ago from the Quebec authorities. We do not propose to interfere with their use of the name 'Royal' in the province of Quebec; but when they ask to have it extended to the Dominion, we surely have a right to say: 'We decline to grant your request, and you must not adopt a name which is opposed to the policy of the government.' A friend behind me intimated that this was the first occasion.

Hon. Mr. CLORAN—In six years.

Hon. Sir MACKENZIE BOWELL—If my hon. friend had been on the Committee on Banking and Commerce, in which we deal with insurance Bills and corporations of this kind, he would know there has not been a session in the last six or seven years in which objection has not been taken to the titles under which companies desire to be incorporated. If this Bill is passed with the change recommended in the report it will have to go back to the Commons.

Hon. Mr. CASGRAIN—The Commons will have to concur in it.

Hon. Sir MACKENZIE BOWELL—In view of the declaration of the government, and what we know is the policy of parliament, at least so far as this House is concerned, the easiest way to get over the difficulty without losing the Bill is to change the name of the company. I might remind my hon. friend behind me (Hon. Mr. Cloran) that it is only this morning we eliminated from a Bill which we were asked to report to the House, the word 'Royal.'

Hon. Mr. CLORAN—A new Bill.

Hon. Sir MACKENZIE BOWELL—That does not make any difference. So far as the Dominion legislation is concerned, this Bill is as new as the other. Unless the promoter of the Bill desires to run the risk of losing it, he had better consent to changing the title.

Hon. Mr. CASGRAIN—We would rather lose the Bill than the name.

The motion was agreed to.

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE.

OTTAWA, Saturday, May 15, 1909.

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

Prayers and routine proceedings.

ONTARIO MICHIGAN POWER COMPANY BILL.

THIRD READING.

Hon. Mr. WATSON, from the Committee on Railways, Telegraphs and Harbours, re-

ported Bill (34) 'An Act to incorporate the Ontario and Michigan Power Company,' and moved the third reading of the Bill.

Hon. Mr. LOUGHEED—I object to the suspension of the rule.

Hon. Mr. WATSON—The rule has been suspended.

Hon. Mr. LOUGHEED—This is a Bill the object of which is the acquiring of lands, easements, privileges, water and water rights on the Nipigon and Pigeon rivers in the District of Thunder Bay. It is particularly an expropriation Bill. It is something novel in that regard. It is based upon parliament exercising what one might regard as the extraordinary powers vested in it of primarily granting to private parties the power of expropriating private and public property. We have the principle of expropriation embodied in the Railway Act, and I invite the attention of hon. gentlemen to the principle which I desire to dwell upon for a moment—that the power of parliament is only exercised on the general principle of granting powers of expropriation when peculiarly accessory to and incident to the carrying out of the undertaking that the promoters of the Bill may have in view. This is the fundamental principle of expropriation.

When that power is invoked by parliament, it is always done simply as an incident to the central idea of the scheme which may be embodied in the Bill under consideration. But here is a Bill the fundamental feature of which is that of expropriating private and public rights, and the other provisions of the Bill are simply incident to that central idea of expropriation; or, in other words, this is a Bill asking parliament to empower a company to practically confiscate valuable property and at the same time give them the other incidental powers of a corporate body for the purpose of carrying into effect the extraordinary feature and principle of what practically approaches public confiscation.

Hon. Mr. ROSS (Middlesex)—Where does the hon. gentleman find that power in the Bill?

Hon. Mr. LOUGHEED—I refer to clause 17.

Hon. Mr. WATSON.

Hon. Sir RICHARD CARTWRIGHT—I would suggest to my hon. friend that confiscation is taking property without compensation. I do not think that is proposed to be done by this Bill.

Hon. Mr. CAMPBELL—If they take property, they have to pay well for it.

Hon. Mr. LOUGHEED—Confiscation is a general term. It is not a term which means that no compensation shall be made; but is rather associated with the idea of the exercise of the sovereign power of taking a right which cannot satisfactorily be secured by private negotiation. In this Bill we have embodied all the terms of the Railway Act. If the hon. gentleman will look at clause 17 he will find that all the machinery and provisions of the Railway Act have been applied, so far as expropriating land is concerned.

Hon. Mr. ROSS (Middlesex)—Read subsection 4 and see the limitation:

Wherever in the Railway Act the word 'land' occurs it shall include any privilege or easement required by the company for constructing or operating the works authorized by this Act, under, over or along any land, without the necessity of acquiring a title in fee simple.

Hon. Mr. LOUGHEED—Will my hon. friend from Middlesex be good enough to look at clause 5, in which it will be found that the powers of expropriation may be exercised as to water-powers on the Pigeon river, and under sub-clause (d) of clause 7 it will be found that the object of the company is to:

(d) Acquire such lands, easements, privileges, water and water rights as are necessary for the purposes of its undertaking: Provided that under this section, the company may acquire or develop water-powers on the following rivers only, namely the Pigeon river in the province of Ontario and state of Minnesota, and the Nipigon river, in the district of Thunder Bay, in the province of Ontario, and at one place only on each of the said rivers.

Hon. Mr. ROSS (Middlesex)—Only one place for the purposes of the company.

Hon. Mr. LOUGHEED—No, this is a company possessing powers of expropriation upon the Pigeon river and the Nipigon river, and with the right of expropriating water-powers upon the Pigeon river, and the anxiety of the government that

these powers should not be exercised to an extraordinary degree is made manifest in subsection 6 of clause 17:

> The said expropriation powers shall not be exercised as to any dams or storage now existing, or any dams or other works for storage (or any storage) hereafter created, with which such dams or works for storage might interfere.

That is to say, we are to presuppose from the reading of that section that there are now certain works on these rivers in the shape of dams and storage which are not to be interfered with by those parties in exercising the extraordinary powers given them. It seems to me the main objection to this Bill lies in this fact; there has been a protest made against the granting of this legislation. The Prime Minister of the province of Ontario has protested in the strongest possible language against this legislation being granted. As I pointed out the other day, Ontario has a well defined policy with respect to the development of its water-powers, and that government has undertaken to carry that policy out to the manifest advantage of the people of the province. As to the desirability of the policy being carried out in its integrity, I would direct hon. gentlemen to the speech of the Prime Minister of the Dominion, made on this Bill while it was under discussion in the House of Commons last week. On column 6122 of 'Hansard' will be found these remarks made by Sir Wilfrid Laurier:

> I stated a few days ago that, so far as I was concerned, I thought we should remember that the government of Ontario has inaugurated a policy which seems to be acceptable to the people of that province, that they would reserve their water-powers to be disposed of in a certain way. I stated to my hon. friend that we could not, consistently with what we owe to ourselves and to the feeling of the province of Ontario, interfere with that policy and that if by taking Crown land we were interfering with that policy we should not do so. I maintain the same position, I say to my hon .friend that we should not attempt to take Crown lands. That is the view entertained by the Minister of Railways (Mr. Graham) also. The Bill does not contemplate and the minister said he was not in favour of any power being given under this Bill to expropriate the public land of the province of Ontario. So far so good. That is to say the province of Ontario will be at liberty to carry out its policy and nothing that we do here, should be any obstacle to the carrying out of that policy.

Notwithstanding this language uttered by the Prime Minister during the consideration of the Bill in the House of Commons, he apparently voted for it, incorporating into it the power to expropriate the public lands of the province of Ontario, a power which he unequivocally condemned. I have before me a telegram sent by the Prime Minister of Ontario, saying:

> Please attend Senate committee to-morrow and oppose Conmee Bill, which provides for the expropriation of provincial property.

We now have before us on our table a Bill sent down by this government with reference to the conservation of our natural resources, a result of the North American Conservation Conference, which sat in Washington a few months ago and attending which were three representatives of Canada, the Hon. Messrs. Fisher and Sifton and Mr. Beland. I find, according to the report made by that commission, and apparently accepted by the Dominion of Canada, the following language:

> We regard the monopoly of waters, and especially the monopoly of water-power, as peculiarly threatening. No rights to the use of water-powers in streams should hereafter be granted in perpetuity. Each grant should be conditioned upon prompt development, continued beneficial use, and the payment of proper compensation to the public for the rights enjoyed; and should be for a definite period only. Such period should be no longer than is required for reasonable safety of investment. The public authority should retain the right to readjust at stated periods the compensation to the public and to regulate the rates charged, to the end that undue profit or extortion may be prevented.

In the face of this recognition of the principle that the water-powers of this Dominion should be conserved, and in face of the general policy of the Ontario government, a policy most comprehensive in its nature, as to the development of the water-powers of that province, we have this government a party to giving a private corporation the right to enter upon the public domain of Ontario and to expropriate that domain as well as to expropriate the property of private parties in the Thunder Bay district. For what purpose is this done? For the purpose of breaking down, if possible, the general policy which has been entered upon by the Ontario government and embarrassing that government and province in every conceivable way.

For the two previous sessions, the Senate expressed its disapprobation of this Bill, or a similar Bill, promoted by the same parties.

The first Bill proposed that the applicants should be entitled to enter upon the public streams of this Dominion and expropriate practically all the water-powers between Lake Superior and the Rocky mountains, and there were gentlemen who were prepared to give this company that extraordinary power. Hon. gentlemen will remember that that Bill was discussed in the Railway Committee and met with considerable support, but the better intelligence of this House revolted against investing a company like the one proposed with the extraordinary powers which they were then asking, and the Bill was defeated. The Bill came back another session with reduced powers, and we emphasized the principle which we had before recognized and refused to pass it. Now, apparently, parliament considers that this company is entitled, on account of the alleged modesty of its request, to at least one water-power upon the Pigeon river and the pole rights along the Nipigon river. Can any hon. gentleman defend the principle by which a group of promoters, not owning any interest whatever upon those rivers, so far as the evidence appears, can come to parliament and obtain the right to expropriate water-powers in the Thunder Bay district, water-powers which manifestly are of very great value, in defiance of the protest entered by the province of Ontario and the province of Quebec, the two great provinces of this Dominion, and in defiance of public interest. And all this is approved by this parliament, notwithstanding the general policy of the government of Ontario, notwithstanding its two and a half million people with all the machinery of government, and with an executive protesting against the granting of those rights.

Hon. Mr. POWER—Will the hon. gentleman pardon me; he speaks very strongly of the popular sentiment. It is somewhat remarkable that the hon. gentleman who promotes this Bill, and who promoted the previous Bills has been elected by the people of the very district where this monopoly is to operate.

Hon. Mr. LOUGHEED—I would commend to my hon. friend the perusal of the evidence which was taken before the election courts of that district, and he will probably appreciate how that gentleman came to be elected. That is neither here nor there, though.

Hon. Mr. POWER—It is. The hon. gentleman talks about the public sentiment, and I think it is right there.

Hon. Mr. LOUGHEED—If puerile considerations of that kind will influence my hon. friend from Halifax with reference to setting at defiance the protest of the Ontario government, and also popular opinion in the province of Ontario, then I say he is recreant to his duty in this Senate. I was about to say to hon. gentlemen that no more extraordinary powers could be given to a company of promoters than are embodied in this Bill. Public opinion in the olden days revolted against the letters of marque which were issued by the different governments of Europe permitting——

Hon. Mr. POWER. Privateers.

Hon. Mr. LOUGHEED—Yes, I was going to use even a stronger term—permitting privateers to go upon the high seas with the imprimatur of the government upon letters of marque to seize the merchant shipping of the enemy

Hon. Mr. POIRIER—Filibustering.

Hon. Mr. LOUGHEED—In fact the policy of filibustering at that time was recognized by the different states of Europe and seems lately to have been imported into Canada.. Can the hon. gentleman point out to me any distinction between this Bill and the letters of marque which were issued in former days by the states of Europe, permitting privateering? The province of Ontario is protesting against parliament granting such rights as are asked by these promoters. Yet, in defiance of the public sentiment and of the written protests lodged with this government by the province of Ontario, we are to issue this legislation as letters of marque permitting these promoters to go into the province of Ontario and to seize the private and public rights of that province. I say it is revolting to common sense and revolting to one's sense of justice. If there has been one principle which has been maintained in all its integrity in the British Dominions from

almost time immemorial, it is the protection to which private rights are entitled. Until recently men believed that if they owned a property they were entitled to hold it and to make what disposition of it they chose. Until recently provincial governments believed that if they owned certain rights in the public domain, they had a right to promulgate a policy as to the development of those natural resources and rights, and to have them maintained in all their integrity. But friends of this government, apparently with impunity, think they have the right to come to parliament and to enlist the service of the machinery of the federal government in giving them extraordinary powers of privateering over the public domain. Against this principle, hon. gentlemen, I protest, and I move that this Bill be not now read a third time, but that it be amended by striking out section 17 of the Bill. Will hon. gentlemen pardon me if I make another remark? A letter has been written by the Department of Justice, and I omitted to point it out, taking objection to subsection 6 of section 17, in which it states:

6. The said expropriation powers shall not be exercised as to any dams or storage now existing, or any dams or other works for storage (or any storage) thereafter created, with which such dams or works for storage might interfere.

That appears to be unintelligible. The Minister of Justice wrote a letter to the representatives of certain lumber companies operating upon Pigeon river.

Hon. Mr. WATSON—One lumber company.

Hon. Mr. LOUGHEED—Well, one lumber company. It was read before the committee last night, in which it was stated that the promoter of the Bill, Mr. Conmee, had agreed to an amendment of this section to make it intelligible. The motion was moved in committee last night, but was not carried. For the purpose of properly amending that subsection (6), which must, in my judgment, lead to litigation, I therefore, instead of moving to strike out section (17) would move that the Bill be not now read a third time but that it be amended by striking out the last ten words of subsection (6) of section (17).

Hon. Mr. POWER—I rise to a question of order. One of the rules of our House provides that no amendment can be moved to the third reading of a private Bill, unless notice has been given. The hon. gentleman can move the six month's hoist but he cannot move to amend a clause in the Bill without notice.

Hon. Sir MACKENZIE BOWELL—I was under the impression that the rules affecting this Bill had all been suspended.

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—I may be in error, but my impression was that the motion of the hon. gentleman from Killarney was to suspend all rules affecting the passage of this and another Bill.

Hon. Mr. YOUNG—I did not make the motion with regard to this Bill; it was my hon. friend from Portage la Prairie.

Hon. Sir MACKENZIE BOWELL—Well, it does not affect the fact.

Hon. Mr. WATSON—The rules that were asked to be suspended were specified in the motion. I did not move to suspend any rule which would prevent an amendment being made on the third reading.

Hon. Sir MACKENZIE BOWELL—Then I stand corrected. I certainly was under the impression that all rules affecting the passage of this Bill had been suspended.

Hon. Mr. LOUGHEED—If my hon. friend's contention is right, that this cannot be done I can do this: Rule (130) has not been suspended; it reads as follows:

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.

That has not been suspended, and, consequently, I have the right to give that notice, and I accordingly give notice now.

Hon. Mr. POWER—The hon. gentleman should have given it before.

Hon. Mr. LOUGHEED—I could not give it before the third reading was called.

Hon. Mr. POIRIER—With the permission of the House, I move the rule 130 be suspended as were the other rules.

The SPEAKER—The hon. gentleman will observe that there is a motion before the House, and exception is taken to that, as to whether it is in order or not. You cannot take up another subject at the same time.

Hon. Mr. POIRIER—If the hon. gentleman withdraws his motion I will be in order to move the further suspension of all rules concerning this Bill.

Hon. Mr. POWER—The House will not be green enough to accept that.

Hon. Mr. YOUNG—There is a point of order raised, inasmuch as rule 130 was not suspended in regard to this Bill, that the hon. leader of the opposition, to be in order, should have given notice yesterday, which he had a perfect right to do, that he intended moving a certain amendment to the Bill.

Hon. Mr. LOUGHEED—I could not till the report was brought in.

The SPEAKER—The motion before the House is for the third reading of the Bill. An amendment has been moved to that. Exception is taken to that motion that the amendment cannot be entertained because notice has not been given.

Hon. Mr. LOUGHEED—You must not overlook the fact that the report has just been brought in, and has been laid on the table; consequently the one day's notice could not be given.

Hon. Sir MACKENZIE BOWELL—The leader of the opposition could not possibly know in what shape the Bill would be reported from the committee. The Bill has been returned to the House, still containing the objectionable clause. The mover of the amendment could not by any possibility have known whether it would be necessary to move an amendment at the third reading until he heard that report. That is the point which should be considered by the Speaker in giving his decision. If notice of the third reading had been given yesterday, and the mover of the present resolution had failed to give notice of his amendment, the Speaker would have had no option but to decide that it was out of order. I am not so sure whether the real technical construction of the rule might not be enforced, but, as a matter of justice to those who oppose a certain clause in the Bill, they should be allowed to put the amendment on record.

Hon. Mr. POIRIER—I submit that this is one of the cases where a principle carries with it all its accessories. By the rules of the House, when the Bill comes from a committee it cannot be submitted for its third reading unless a clear day intervenes between the reporting of the Bill and the third reading. That rule has been suspended, and the suspension of the rule carries with it the suspension of the accessory rule.

Hon. Mr. POWER—I withdraw the question of order.

The SPEAKER—I understand there is no question of order before the Chair; anything said on that line is now withdrawn.

Hon. Sir MACKENZIE BOWELL—I frankly admit that I have no expectation that the amendment will be carried. Nevertheless, feeling strongly as I do on this question I shall occupy the time of the Senate for a litle while in order that I may place my views on record. To some extent those views are in accord with those of the mover of the resolution. My hon. friend has dealt pretty fully with the question of the policy of the province of Ontario. There are gentlemen who have opinions, I have no doubt quite as honest as my own, but their policy is not in accord with the general interest of either the province or of the Dominion. From that policy I must beg leave to differ. It is well known that the powers sought by this Bill are of such a character as to interfere with the rights of the province. We all remember that when this question was before the Senate a year ago, the position that was taken by the province of Ontario which was then in session. The premier moved a somewhat strong resolution upon the question of provincial rights; and the principle involved in that resolution was accepted by every member of the legislature of the province of Ontario. I have under my hand the resolution moved by the Hon.

Mr. McKay, then the leader of the opposition in the Ontario House, who concurred so far as the principle was involved, in the resolution moved by Premier Whitney, and I shall take the liberty of reading the amendment which was moved by Mr. McKay. So strong was the feeling throughout the province against the interference in the manner proposed, with the rights of the province that both parties united in a general condemnation of the action which was being taken by the federal parliament, and Mr. McKay, supported by every member of the legislature, moved an amendment to the resolution condemning the action taken by the Dominion Parliament. The statement he made was reported as follows:

Mr. McKay foresaw difficulties in the way of the Act. If municipalities had acquired vested rights under the agreements referred to, the Bill would wipe them out. The House would not be legislating, but confiscating, and thus going beyond their powers. It was giving a dangerous power to the lieutenant governor.

I may as well admit that the Bill before the House is not as objectionable as was the Bill to which the local legislature of Ontario was referring at the time. So strong has the feeling grown since, that we find the leading journals in Ontario, on both sides of politics, united in the condemnation of what is being done at the present moment by parliament. It may be considered strange that one occupying the position that I do and the party to which I belong should be quoting from the leading Liberal paper in opposition to this measure. I frankly admit that there are some lucid moments in the mind of the editor even of the Toronto 'Globe.' and upon this occasion I am quite in accord with the sentiments which he uttered. On the 1st of April, 1908, referring to the action of the Ontario government, a leading editorial will be found, part of which reads as follows:

The Premier's resolution condemned this encroachment in the strongest terms, and cited other federal encroachments on provincial jurisdiction, but was overruled by extravagant partisan reflection.

Then he goes on to refer to the action of the leader of the opposition in the Ontario legislature and says:

The Hon. A. G. McKay's amendment was equally emphatic on disputed points as to jurisdiction.

That question, I believe, is still under the consideration not only of the province of Ontario, but also of the sister province of Quebec, which every member of the committee knows has taken an equally strong ground and has entered an equally strong protest against the action of the federal government in granting the powers asked for in the legislation now before the House, and as has been suggested, while the government of Ontario is at the present moment controlled by the Conservative party, and the province of Quebec is controlled and governed by the Liberal party, showing the unanimity there is in all parties in the different provinces from the Pacific to the Atlantic in protesting against the interference with what is legitimately, and they believe constitutionally provincial rights. Speaking then on the duty of the Liberal party and their history, the 'Globe' goes on to say:

The Liberals have a generation of fighting to their credit in opposing federal encroachment on provincial authority. And when they fought for territory and rights against the party of centralization they met not only the enemy at Ottawa, but opponents in the province, who put party above all considerations of public advantage. Both Hon. A. G. MacKay and Hon. Richard Harcourt pointed out that the Bill was promoted by a private member of the Senate, was in no sense a government measure, and was opposed by prominent Liberal senators. The situation at Ottawa and the solid opposition of both parties in Ontario should insure the safety of the province against the threatened aggression.

We find also as late as the 1st April, the organ of the Liberal party in this province published a leading editorial which is so pertinent to the question at issue that I shall take the liberty of reading the most of it. The 'Globe' says:

Although the legislature divided on Premier Whitney's resolution and Hon. A. G. MacKay's amendment condemning the proposed encroachment on provincial rights, it was not through any weakening on the principle or the special issue, but because each was eager to lead in taking the strongest possible attitude. The Conservatives in the legislature have a bad reputation to live down, and consequently the Premier was unusually sensitive as to criticism. He was eager to show that he had moved in opposing the objectionable Bill when its introduction in the Dominion Senate was announced and before the general condemnation by the Liberal press. The measure proposes to enfran-

chise a company to expropriate land and water-powers in the Thunder bay district, and is clearly an encroachment on the rights of the province. It also gives authority for the carrying on of various local industries and enterprises naturally under provincial jurisdiction. A small part of the enterprise enfranchised by the Bill is on the Pigeon river, the international boundary, and that seems to be the excuse for an attempted encroachment on provincial rights.

The premier's resolution condemned this encroachment in the strongest terms, and cited other federal encroachments on provincial jurisdiction, but was overloaded with extravagant partisan reflections. Hon. A. G. MacKay's amendment was equally emphatic, but cited the struggle of previous Ontario governments against similar aggression. The amendment also contained a valuable suggestion for a conference between the Dominion and the provinces with a view to settling disputed points as to jurisdiction.

Therefore the policy of the government in connection with this question was concurred in by all parties in the legislature, I may be told that this occurred when another Bill was under consideration, and that the present Bill does not contain the same objectionable clauses. I have already admitted that fact, but this Bill does contain clauses which give the power of expropriation over lands of the government as well as of private lands. If the principle of expropriation be right, why is the company excluded from the power of expropriation on the Nipigon river? The Nipigon is over 150 miles from the Pigeon river, and is an exclusively provincial stream. The company is given no power of expropriation on that river, but is given the right to expropriate on the Pigeon river which is on the international boundary. I see no reason why this distinction should be made. The property on the north side of the Pigeon river is in the province of Ontario and just as completely under the control of the provincial authorities as the property along the Nipigon river. We all know that the constitution gives to each province the property on the banks of rivers, and to the centre of the river, all the varied rights pertaining thereto. Let us compare the policy of the neighbouring country with that of our own; we find that they are identical. I read last night an extract from a deliverance made by the late president of the United States. I pointed out that the policy laid down by Mr. Roosevelt in reference to the granting of powers to private parties to control the resources of the United States in streams and water-powers was that no company or individual should be permitted to hold in perpetuity or for any length of time the water-powers of the republic. Those who know anything of Mr. Roosevelt's character know that he never minces matters when he has any public expression to make. He said, speaking of the application of these water-powers to the generating of electricity:

> The people are threatened by a monopoly far more powerful, because in far closer touch with their domestic and industrial life, than anything known to our experience. A single generation will see the exhaustion of our natural resources of oil and gas, and such a rise in the price of coal as will make the prices of electrically-transmitted water-power a controlling factor in transportation, in manufacturing and in household lighting and heating.

He looked forward to the time when the coal and oil resources of the republic would be exhausted, and the people would have to rely upon electricity for light, heat and power. Hence he pointed out to his fellow citizens the necessity of the country keeping possession and control of the water-powers. If that is the case in the United States, which has not half the water-power that this country possesses, how much more important is it that we should reserve our right in and control of our great water-powers in the interest of future generations? Mr. Roosevelt warns his fellow-countrymen that:

> A powerful trust planned to control the water-power of the country. A group of capitalists foresaw that as the coal areas became exhausted these liquid sources of motive energy would have enormous value. They, therefore, began the work of organizing to secure control. President Taft has now taken up the question. The geological survey has been instructed to ascertain the extent of the national heritage in water-powers. If the administration finds that it lacks full control of the situation, it will ask congress for the necessary additional authority.

That is the policy of our neighbours. What are we doing? There may be no powerful combination in this country to get possession of our water-powers, but when you look at this Bill and at the names of the incorporators, you find among them some of the wealthiest citizens of the United States acting in conjunction with those in Canada for the purpose of getting control not only of international streams,

but of powers on rivers, like the Nipigon, which are wholly within the Dominion. The Nipigon is a considerable river which flows from Lake Nipigon into Lake Superior. Its tributaries rise at the height of land north of Lake Nipigon, in the country through which the National Transcontinental Railway is to run. So that the object is that this is the initiatory step to get control of all the powers for the purpose of enriching this combination at the expense of the country. If the policy of the United States and of Canada be of a like character, it should be for the sole purpose of preserving the wealth of the country for the benefit of the people. Even if we had the power—and I presume we have just now—to enact certain portions of this Bill, is it a policy that the Dominion should adopt and that the people of the Dominion should support? It is not a policy that is approved by either party in the province from which I come. It is our bounden duty to preserve the wealth of this country for the people as a whole, and not hand it over to private corporations, by which in the future, perhaps not at the present moment, it may be controlled to such an extent as to affect materially the interest of the country financially, politically and nationally. These are the views I hold upon this question and the reasons why I propose to vote for this motion for the purpose of putting myself upon record.

There is another point against this Bill which, when this amendment is defeated, we will present. I do not know that I need read the letter from the Minister of Justice upon that question until it comes before parliament. However, in order to avoid wearying the House with any further remarks upon this subject I will complete what I have to say now. The question was asked what the meaning of certain words in the Bill was. The chairman, whom we all know is somewhat of an astute and critical lawyer, the hon. gentleman from De Salaberry, asked the gentleman who was supporting this Bill, and who was trying to convince the committee of its constitutionality so far as the Dominion is concerned, what was the meaning of subsection 6 of clause 17, which is as follows:

6. The said expropriation powers shall not be exercised as to any dams or storage now existing, or any dams or other works for storage (or any storage) hereafter created, with which such dams or works for storage might interfere.

The chairman very pertinently asked the question 'What does that mean?' Mr. Carvell, who was supporting this Bill and assisting in its explanation, frankly said 'I do not know,' and the general impression was 'nor does anybody else.' Upon this point the Minister of Justice wrote to Mr. Harold Fisher who represented one of the lumber companies affected by this Bill, as follows:

The Pigeon River Lumber Company mills at Port Arthur, Ont.

Grand Rapids, Wis., March 27, 1909.

Mr. Harold Fisher,
Ottawa, Ont.

Dear Sir,—We have your favour of the 24th inst., relative to Mr. Conmee's Bill and in case the Bill is likely to pass and if the clause proposed is inserted as mentioned in your letter, it will be satisfactory to us.

With regard to improvements we have on the Pigeon river, the Arrow river and Tributaries Slide and Boom Company have expended $45,350.18 in improvements and the Pigeon River Improvement Slide and Boom Company have invested $40,198.62 as per statement of October 31, 1908, sent from our Port Arthur office.

One of the dams was damaged by fire last fall and this is now being rebuilt and the fall and this is now being rebuilt and the expense will be several thousand dollars. We dition to other improvements, cleaning streams, wing dams, &c., blasting out rocks from the rapids. The total expenses of improving the Pigeon river and Arrow river, if figured up this spring, would be about $100,000.

Yours truly,

(Signed)
THE PIGEON RIVER LUMBER CO.
D. J. ARPIN.

COPY.

Ottawa, May 11, 1908.

Dear Sir,—I have your letter of the 10th inst. with regard to the clause in which you are interested in the Ontario and Michigan Power Company's Bill.

I agree that this clause as adopted seems unintelligible. I have to-day pointed this out to Mr. Conmee telling him that there ought to be no objection to it being worded as to carry out the intention and he is willing to have the last line struck out altogether, and by the words following:—

'By any person or company on the Pigeon river.'

So that it will read:

'The said expropriation powers shall not be exercised as to any dams(or) for storage now existing, or any dams or other work

for storage (or any storage) hereafter created by any person or company on the Pigeon river.'

The powers conferred by the Bill on the Ontario and Michigan Company do not extend, as I understand it, to any tributaries of the Pigeon, so that the clause as above worded would seem to protect from expropriation any storage works of your company now existing or which may hereafter be built.

Mr. Conmee called attention to the fact that the word 'or,' in the second line of the clause, where it first occurs in the clause, ought to be 'for.'

I remain, yours faithfully,

(Sgd.) A. B. AYLESWORTH.

Harold Fisher, Esq.,
Central Chambers, Ottawa.

Note.—This is not correct and I so advised the minister. The Bill is right in this respect. The word should be 'or' not 'for.'

H. F.

Notwithstanding the declaration of the Minister of Justice that Mr. Conmee, who was promoting this Bill, and I presume must have an interest in it, was willing to have these objectionable words struck out, meaning as they did something which neither the Minister of Justice, the chairman of the committee, nor the gentleman who were supporting the measure could understand, what possible objection can there be to striking out the clause? The objection urged was 'Oh, if you amend the Bill it will be defeated, because we will not have time to send it back to the Commons for approval and ratification.' If that is to be the principle that is to guide the legislation of the Senate, the sooner the Senate is abolished the better, because here we have at this late hour of the session probably some of the most important measures that have been presented to parliament for years past, and a large number of other Bills of not so great importance, presented to-day. We get over a difficulty with Bills that are not very contentious by suspending all the rules for the time being, and if we are to lay down the principle that an important Bill affecting important interests in the country is not to be dealt with, although it contains ridiculous provisions which are not understood, and that no one is capable of explaining, the sooner the Senate ceases to legislate upon questions the better, or we had better adopt a new policy and when we come to the close of the session suspend all the rules that guide the deliberations of the Senate, and pass all the Bills without the slightest consideration. There is no use of our wasting time in discussing measures and pointing out absurdities which these Bills contain, or pointing out the injuries which may arise to the community by their passage without amendment, if the Senate is to be muzzled by a policy of that kind. I say it respectfully, that it is not creditable to the Senate. I hope I am not touching anybody's peculiar sensibilities when I say so. I find that men who have been in this Senate 20 or 30 years, experienced men, when they want to get in objectionable clauses in a Bill, are ready to call out, 'Oh you will kill the Bill if you amend it.'

Hon. Mr. POWER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—What surprised me more—I should not say that, because it would be not truthful, as far as my opinion is concerned, if I were to say that I was surprised at the 'hear, hear' and approval of what I said by the hon. gentleman who has just expressed himself, because if there is any senator in this House—and to his credit I say it—who is more particular in pointing out the little inequalities or peculiarities, or any grammatical blunder, it is the hon. gentleman who called out 'hear, hear.' It is one of his characteristics; it is a quality that very few of us possess, and not only here but in other places, in discussing the merits and demerits of different members of this House, I have always pointed to that hon. gentleman as an exemplary member of the Senate in this particular. Some will say that he is pernickety; in some cases it may be so, but it is a safeguard for our legislation on all measures brought before us, and I must express some little surprise that he should take a different position on the question now before the House. I apologize for having occupied the time of the House, but my excuse is, as I indicated when I rose to my feet, that I desire to put my views fully upon record in order that hereafter if the question comes up when I get a little older, some twenty or thirty years hence, that I can point to the position I am now taking. I have no doubt that I shall continue, as I

am somewhat conservative in my opinions, to hold the same opinion as long as I am in political life.

Hon. Mr. ROSS (Middlesex)—I shall not trouble the House at any great length; still some observations have been made by the leader of the opposition and by the hon. member from Hastings should not pass unchallenged. When this Bill was submitted to the House last year, it was submitted in such form that did not meet with my approval, and when it was rejected by the Committee on Railways, Canals and Harbours last year, I thought the committee had acted within its right. The Bill as submitted this year, however, has been shorn, to my mind, of all its objectionable features; in fact, upon every score to which objection could be taken last year, I think the House may rest content—I at all events have assured myself by very careful study and examination of the Bill that I can support it as it is now presented. I rid my conscience of all violation of provincial rights, and of the other principles which the hon. senator from Hastings said were so dear to the Liberal party, in supporting this Bill. Perhaps it would be better at this stage to confine ourselves to the exact terms of the amendment of the hon. leader of the opposition. The senator from Hastings has gone over the Bill in its various phases, but perhaps it will serve our purpose better at this stage to confine ourselves to the amendment. The main objection taken by the leader of the opposition and by the senator from Hastings is, as regards the expropriation clause; first, general expropriation and perhaps, secondly, expropriation of Crown lands. This House passed a Bill in 1903, I think, giving an electrical company power to expropriate upon the Welland river, and to generate electricity and to dispose of the electricity by sale to the United States; and it was then held, and the courts have since held, as I may show later on if I would not weary the House, that the powers given by the parliament of Canada for the incorporation of the electrical company, established on the Welland river, were powers perfectly within the competence of parliament. There was no objection as to expropriation raised then, nor was there any objection taken to the jurisdiction of parliament to pass the Bill, although the situation of the property was entirely within the province of Ontario. In this case, the property is partly within the province of Ontario and partly on the boundary; and in the other case the Welland river is entirely a river within the province of Ontario, and parliament then saw fit to do what it did, to pass the Bill with powers somewhat similar to those contained in this Bill, although not so comprehensive, and the courts, as I have said, on an appeal to the Privy Council, maintained that that Bill was within the competence of parliament. So that the right as to expropration of lands, and as to the right of parliament to incorporate a company with these powers, has already been settled in the highest court of the land. It may be possible that the provincial government has concurrent jursidiction; it may be possible within certain limitations that a Bill like this could pass the legislature of the province of Ontario. I have no doubt with regard to the Nipigon river it could very properly; but as to the other powers, that is the power to expropriate or to develop hydro-electric power on an international river, and to sell that power or to export it, is entirely within the jurisdiction of this House. The Minister of Justice, speaking in another place on that point, said:

> I think it goes without saying that no provincial legislature would have power to incorporate a company, with a right to do the business defined in this Bill.

Everybody must admit that the opinion of the Minister of Justice should carry weight.

> I do not think any one would contend that a provincial legislature had that power. If any one does so contend, I can only say that it is entirely contrary to my opinion of what the British North America Act, in plain words, states. I think that, under the British North America Act, no provincial legislature has the power to incorporate a company whose works and undertakings are intended to extend beyond the limits of the province.

That is his opinion. His opinion is sustained by the judgment of the Judicial Committee of the Privy Council in the case of the electrical company to which I have referred that established a plant on the Welland river. The opinion of the Min-

ister of Justice, sustained by the opinion of the Privy Council, ought to be conclusive as to the jurisdiction of this House. I would be as careful, as I think any hon. member of this House would be, to see that provincial rights were not encroached upon.

I agree with the hon. gentleman from Hastings who, perhaps late in the day, has found that the Liberal party was the party that defended provincial rights. May I be permitted to say that at one time he was not so strong an advocate of provincial rights as he is at the present time. There was a time when we were on opposite sides, when the Liberal party were battling for the rights of Ontario, and for the boundaries of Ontario. He held then that we were wrong, but he now admits that we were right. He has shifted his ground; he is where he ought to have been thirty years ago. It has taken him all that time to reach his present exalted position with regard to provincial rights. The Premier of Ontario is the leader in that province of the same party, and the leopard has not changed his spots in that respect, only as a matter of public convenience. He has been forced into this position by the public opinion of Ontario. The premier of Ontario comes out now as a full-fledged advocate of provincial rights. We are glad that he has reached that conviction—glad in the interests of the province of Ontario, irrespective of all political feeling, that the premier of the province of Ontario stands to-day where the Liberal party did in 1882, 1883, 1884 and 1885, when we were battling for provincial rights and placed them in such a position that they shall not be encroached upon. But it does not rest with the premier of Ontario, to advise, instruct or direct the Liberal party in Canada as to what their duty is on the subject of provincial rights. We know it well, and hope to be found faithful to it now, even as we were in the early days of our history. There is a great ado made about the expropriation clause which this Bill is said to contain. There was no objection raised to the expropriation of electric power on the Welland river some years ago. This Bill does not contain any larger power; but the expropriation rights are incident to certain organizations. You cannot build a railway without conferring upon the company expropriation rights. You cannot incorporate a telephone or telegraph company without granting such power. Whatever power is incident to the execution of a certain work, expropriation is a power that naturally ought to be conferred upon the company undertaking the work. If this company could not fulfill its functions without the right of expropriation, then it is the duty of parliament to give it every power which is incident to that duty. That is a law as old as the reign of Queen Elizabeth. It is part of the common law of England, of the United States, and of every country governed by a constitutional government. Now, the right of expropriation, against which the premier of the province of Ontario contends, is a right which the government of that province has exercised over and over again. We gave to a company that wanted to develop a water-power on the Kaministiquia river fifteen or twenty years ago precisely the rights of expropriation which this company seeks. There was no objection to it on the part of the Ontario government on that occasion; nor was any objection taken by the parliament of Canada to the right of expropriation given some eight or nine years ago to the electrical company on the Welland river. But if the province of Ontario has such objection to this House granting rights of expropriation, is it not a remarkable thing that in 1906 a Bill went through the legislature of Ontario giving to the Hydro-Electric Commission this extraordinary power:

> The commission shall have power to acquire by purchase, lease or otherwise, or without the consent of the owners thereof or persons interested therein to enter upon, take and use the lands, work, plant and property of any company or person owning, using and developing or operating lands, water, water privileges, or works, plant and machinery for the development of any water privilege or water-power for the purpose of generating electrical power or energy or for the transmission thereof in the province of Ontario, and to develop and supply electrical power or energy.

And in section 12 we find the following:

> Whenever the Lieutenant Governor in Council shall authorize the commission to enter into, take, use and expropriate the lands, works, plant, machinery, poles, wires, and other property and appliances of any such

company or person, or to take or expropriate the product of the works of any such company or person as aforesaid, or any portion thereof, the commission shall have the powers and shall proceed in the like manner as is provided in the case of the Minister of Public Works taking lands or property for the public uses of the province of Ontario, and the provisions of the Public Works Act shall, mutatis mutandis, apply to the commission acting under the authority of the Lieutenant Governor in Council in such behalf.

There you have expropriation powers given to a commission to take every water-power in the province of Ontario under its control, as a public utility I admit. It could take possession of the water-powers at the city of Ottawa, take possession of the lands and every particle of property that the companies here possess without saying 'by your leave.'

Hon. Mr. POIRIER—But those lands belong to the province of Ontario, and Ontario is free to do as she pleases with her own property.

Hon. Mr. ROSS (Middlesex)—I am speaking now of extending it to the property of private individuals.

Hon. Mr. POIRIER—Even then, the owner of the land may give it away or misapply it. There is a difference between our giving away the lands of Ontario, which belong to the province, and Ontario giving them away.

Hon. Mr. ROSS (Middlesex)—The hon. gentleman is mistaken even there. They were given power to take possession without the consent of the individual, of everything they wanted for the purpose of developing electrical energy. That is a swing of the pendulum far beyond anything contained in this Bill. It is hardly in the province of those who are opposed to expropriation to quote the action of the premier of Ontario as an illustration of what is fair and just to the owners of private property or to the owners of water privileges. Following the thought suggested by my hon. friend, it may be said that this is to be done as a public utility or in the public interest. Here is a point which hon. gentlemen do not appear to notice: This is not an enterprise for the exclusive benefit of private individuals. This is a public utility, let that be perfectly clear—it is property which is to be taken and exploited, up to a certain extent, no doubt, for the benefit of the owners thereof, but notice the following provision:

12. In case of any dispute or difference as to the price to be charged for power or electrical or other energy, for any of the purposes in this Act mentioned, in use or to be provided for use upon the Canadian side of the international boundary, or as to the methods of distribution thereof, or as to the time within which or as to the quantity to be furnished, or the conditions upon which it shall be furnished for use, such dispute or difference shall be settled by the Board of Railway Commissioners for Canada on the application of any user of or applicant for power, electrical or other energy produced by the company, or upon the application of the company.

That is to say, they cannot charge monopoly prices. Their rates are to be subject to the Railway Commissioners, who are appointed by the government of Canada for the protection of public rights in connection with railway, express and telegraph charges. They are invested with the power of saying to this company which we are chartering to-day: 'You shall not overcharge or impose upon the people.' It is practically a water-power developed in the public interest; a development of the latent resources of the province of Ontario in the public interest, and by a company that is prepared to invest $5,000,000 in doing it. My hon. friends opposite say that the government of Ontario has a policy in regard to water-power development. I admit they have a policy. We established that policy fifteen or twenty years ago. We said that no water-power should be taken possession of by anybody without paying a rental or royalty to the people of Ontario, and in that way we protected the public interest. The present government have gone a little further, and now the parliament of Canada is authorizing another company to come in and develop still more the latent resources of Ontario, taking up water-powers that to-day are running waste without profit to anybody, putting their own money into the enterprise, submitting themselves to the conditions imposed by the law of this country as to the regulation of rates, and putting themselves in the hands of parliament entirely. Who is to be hurt by that? What are they expropriating for that purpose? On the Nipigon river, nothing. On that river there are 250,000 horse-

power available. There are six points at which electrical energy could be developed. On the Nipigon river they are limited to one power, or about one-sixth of the entire water-power on the river. Therefore there is no monopoly. On the Pigeon river there is 34,000 horse-power. On that river they are limited to one power also, and, therefore, there is no monopoly. If the province of Ontario wished to develop the other five-sixths of the powers on the Nipigon or the Pigeon rivers, the course is open for them. Instead of opposing this Bill, I think the Ontario government would be acting within its duty to see that this company is given every opportunity to go on. We are developing our powers as fast as we can, or taking powers which the previous government developed, and exercising them, and if there are any powers on the French river or Sturgeon river, or any other river you can get money to develop, go on and develop them. It is in the interest of the province of Ontario that you should do so. Suppose the company put $5,000,000 into this enterprise, what have we to show for it? A large investment of capital is an important enterprise, large purchases of supplies of all kinds, the employment of a great number of people in manufacturing paper and pulp and electrical machinery. Is this House going to say to this company with its $5,000,000: 'You cannot place your plant on the Nipigon river; you cannot buy out any owner of property; you cannot invest in the province of Ontario; you must go to the city of Toronto and accept terms from the provincial government, when you have a perfect right to come to the parliament of Canada for this privilege and the parliament of Canada has been declared to be the authority to give you these rights.' We would be stultifying ourselves if we did that, lacking in our duty to the province of Ontario if we stayed our hands one moment and said to the company: 'You must not put your money into this; you must accept the terms that you can get somewhere else; we cannot prevent it if there is loss of time and the resources of the country remain undeveloped.' Let it be clearly understood we are not granting power to expropriate anything on the Nipigon river. We are paying—speaking for the company with our own money for whatever water-powers or land we may consider necessary for the purpose of carrying out our enterprise. What are we going to do on the Pigeon river? We are not expropriating anything belonging to the province of Ontario. The province does not own a yard of the front of the Pigeon river. It is private property. They can buy it if the owners will sell, or expropriate it if necessary. But if they do expropriate it and establish an electrical industry, are they free to do as they please? No, they are still under the Railway Commission and cannot exact excessive prices. They must accept the terms of the Railway Commission as to the prices they may charge. Now, these are the powers of expropriation. What do they expropriate? The Privy Council has said that a company may expropriate the Crown lands of a province. The contention of the Ontario government, which is endorsed by hon. gentlemen opposite, is that a private company should not be given power by this parliament to expropriate lands if they are vested in the Crown. The Privy Council has said that the parliament of Canada has the right to give powers to expropriate Crown lands, even when those lands are held by the province. But in this instance, we are not giving power to expropriate Crown lands on either the Nipigon or Pigeon rivers, but only lands for the transmission of our wires and the setting up of poles. That is really expropriating post-holes in which to place poles for the transmission of electric energy, and this House is asked in its might and dignity to say to this $5,000,000 company. You cannot expropriate a post-hole.' That is indefensible and unworthy of hon. gentlemen opposite. Those who are interested in the conservation of our resources, in the protection of our forests and the development of our water-powers, and who wish to see this country develop, stand up here and deliberately say, though we have the power to give this company the right to expropriate property for the transmission of electrical energy, they shall not have it, though they might utilize hundreds of thousands of horse-power which to-day lie useless and undeveloped and may remain idle until the crack of doom. The capitalists

behind this enterprise are urgent to come into this country, and are ready to commence operations as soon as this legislation is passed. If there was any violation of provincial rights involved, I would say, hestitate rather than venture upon this project. Inviting though the prospect is, I would say to this company, go to the right court; go to the province of Ontario to get these powers. But when we have the right to give them these powers, and when they are waiting for these powers in order to proceed to business, I think we should not hesitate. There is another provision in this Bill of which notice might be taken. Under the charters given to the electric companies in the province of Ontario, they were allowed the right of exporting one-half of their electrical power to the United States. I do not know that that privilege would be extended to them in the charters we grant now. They were given in the early days, when we were anxious to establish that industry, and we had to accept such terms as we could make; but under this Bill they cannot export one horse-power of electrical energy, except under the Electricity Inspection Act of 1907, and under the Act regarding the expropriation of electricity. That is to say, if they develop 30 or 40 or 50 thousand horse-power, that must be disposed of in Canada and no part of it can be exported to the United States. That is another restriction, making it still more a public utility and making it still more agreeable for us to accept it. Let me read a remark made by the leader of the opposition in the other House on an important point. The objection made here and in the other House to this Bill is, that it is a monopoly. Mr. R. L. Borden said, when the Bill was under consideration:

> If my hon. friend from Thunder Bay and Rainy River can convince me that the Bill is not intended in any way to create a monopoly, then I think his Bill in every respect is absolutely reasonable.

I have shown clearly it is not a monopoly, that there are five other powers on the Nipigon, and five on the Pigeon river. How can there be a monopoly? The prices to be charged are controlled by the Railway Commission. How can there be a monopoly? It is restrained from exportation by the Electricity Act. How can it be a monopoly? There are 200,000 horse-power left on the Nipigon river and 50,000 on the Pigeon river which they are not taking, and how can it be a monopoly? Therefore, on the statement of the leader of the opposition in the other House, this Bill is absolutely satisfactory and should meet with our approval. I am sorry I cannot argue the constitutional phase in the way I intended, I will have to content myself with what I have said.

The House divided on the amendment, which was lost on the following division:

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Hon. Mr. POIRIER—With the permission of the House I beg leave to have my name cancelled, as I was paired with the Hon. Mr. Mitchell, and, not remembering my pair, I unwittingly broke my pledge.

Hon. Sir MACKENZIE BOWELL—I have a short amendment I desire to move, not with any intention of making a speech,

I move the adjournment of the debate to the next sitting of the House.

The motion was agreed to.

The Senate adjourned at one p.m. until three p.m. this afternoon.

SECOND SITTING.

The SPEAKER took the Chair at three o'clock.

Routine proceedings.

ONTARIO AND MICHIGAN POWER COMPANY BILL.

THIRD READING.

The order of the day being called:

Resuming the debate on the motion for the third reading of Bill (No. 34) An Act to incorporate the Ontario and Michigan Power Company, and Hon. Sir Mackenzie Bowell's motion in amendment.

Hon. Sir MACKENZIE BOWELL—My amendment is very simple. In reading the 5th subsection of section 17, we find that it deals exclusively with expropriation The clause reads:

5. The expropriation powers hereby conferred upon the company shall not be exercised by it until the plans mentioned in section 16 of this Act have received the approval therein provided for; and with respect to any land upon the Nipigon river shall not be exercised, except as to such lands as may be required for the purposes of its transmission lines only, and shall not apply to any water-powers upon the Nipigon river.

That is the clause as it stands in the Bill before us. I propose to strike out the word 'river' in the 19th line of this clause and insert 'and Pigeon river' and make it read 'And with respect to any land upon the Nipigon and Pigeon rivers,' &c. This is for the purpose of placing the company in precisely the same position when dealing with provincial or private lands on the Pigeon river, as is provided in reference to the properties of the government or private property on the Nipigon river. I strike out the word 'river' and substitute therefor the word 'rivers' so that it will apply to both.

Hon. Mr. POWER—Before his honour puts the question, I suggest that the hon. gentleman should move for the suspension of the 130th rule.

Hon. Sir MACKENZIE BOWELL—I move the suspension of that rule.

The motion was agreed to.

Hon. Mr. LOUGHEED—In seconding the amendment proposed by my hon. friend from Hastings, I do not propose to occupy the time of the House at any length, except to make a few observations with reference to the impression left upon the House by my hon. friend from Middlesex, in speaking upon the motion this morning. The impression seems to exist in the minds of some hon. gentlemen that there has been an uncompromising opposition to the exercise of any jurisdiction of this parliament with reference to this Bill. It seems to me that the constitutional question is not necessarily involved in the discussion of this matter in the different phases which it may present to one's mind. If this company had made application to parliament for the exercise of the jurisdiction which manifestly belongs to this parliament and had omitted the clause respecting expropriation, there could be no possible objection to the exercise of the powers of the Dominion parliament with reference to the incorporation of this company. But to say that parliament must necessarily exercise its jurisdiction in a question of this kind, to give practically the extraordinary powers which are vested in parliament because of that application, is untenable, and, it seems to me, not in the public interest. My hon. friend from Middlesex laid considerable stress upon the fact that no expropriation powers were asked upon the Nipigon river, and it was pointed out that it was desirable to develop certain water-powers on that river. If this application had been confined to granting powers of expropriation for transmission or pole lines alone, I do not think that parliament would have raised any serious objection to such application. Had the province not protested it, it would have appealed to the minds of many hon. gentlemen that if private individuals owned water-powers upon the Nipigon river, it would not be an extraordinary exercise of the jurisdiction of parliament that they should assist private parties in developing and carrying to a successful conclusion and undertaking of this nature in the absence of protest. But this Bill goes far beyond that. This Bill asks that the company be permitted to expropriate water-powers upon the Pigeon river, and the contention is urged that it became necessary for the company to appeal to this parliament to secure such powers with a view

of carrying out the enterprise which they had in view. I point out the fact, with which every gentleman is familiar, that the one scheme for the development of water-power upon the Pigeon river in no way seems to be germane to the acquiring of water-power by expropriation upon the Nipigon river, and the development of that scheme. As I understand it, the one river is at a distance of some sixty or seventy miles from the other.

Hon. Sir MACKENZIE BOWELL—It is over one hundred miles.

Hon. Mr. LOUGHEED—My hon. friend from Hastings says that it is over one hundred. It cannot be seriously entertained that the undertaking of this company as it was primarily was to develop the interests which the promoters may at the present time have upon the Nipigon river, and I do not think that any hon. gentleman will be seriously affected by the statement made by the promoters that they propose exporting electrical energy from the Pigeon river, and that the Bill, therefore, becomes one peculiarly within the exclusive jurisdiction of the parliament of Canada. Where will these gentlemen export their electrical energy? We cannot for a moment conceive that it is their intention to export it across Lake Superior, or into the wilds of Minnesota. It appeals to my mind that this was simply projected into the Bill for the purpose of establishing some ground to invoke the power of parliament and get more extraordinary rights than they could have obtained from the province. Those gentleman could have got that power from the Ontario government. I would direct the attention of the House to what is apparently a state paper laid upon the table of the House of Commons during the discussion on this Bill, and being a communication from the Attorney General of Ontario to the Minister of Finance. In it he makes the statements:

> Even if we assume for the moment the jurisdiction of the parliament of Canada to incorporate this company we nevertheless contend that it has not an exclusive jurisdiction, and that it is also compentent for the legislature of Ontario to deal with the matter, and that the company being one with local objects, and proposing to deal with matters which affect the property of the provinces of Ontario, the parliament of Canada should stay its hand and leave the matter to be dealt with by the legislature of Ontario, a province that is so materially interested.
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> The Niagara river is both an international and a navigable stream, yet the Canadian Niagara Power Company was incorporated by the legislature of Ontario and derived all its powers from that body. The promoters of that company considered very carefully the question of jurisdiction and came to the conclusion at the time that the power was vested in the province of Ontario to incorporate the company and to invest them with the powers they now exercise.
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> The circumctances that a stream is an international stream, it is submitted, gives the parliament of Canada no jurisdiction over the stream nor does it deprive the province of its jurisdiction; neither the Dominion nor the province has complete jurisdiction for all purposes over such a stream, and that of the Dominion is no greater than that of the province, except, indeed, possibly with reference to it. Although a river may be international it still remains, so far as it is Canadian, a part of the province through which flows, and subject to the jurisdiction of that province.

Hon. Mr. POWER—That company does not propose to dam the river.

Hon. Mr. LOUGHEED—That company has all the powers that this company asked for, and, as I understand, is one of the largest operating companies in exporting power that we have in Canada. I would refer also to the Minnesota Power Company. That company obtained legislation from the province of Ontario—obtained all its powers of expropriation from what is termed an international stream, and under these powers of expropriation carried out its enterprise. It came to this parliament, not to ratify its powers of expropriation or to secure powers such as are incorporated in this Bill, but to secure more favourable financial powers than could be obtained from the legislature of Ontario.

Hon. Mr. BELCOURT—With reference to the two companies mentioned, does my hon. friend know if the works extended across the stream from one side to the other?

Hon. Mr. WATSON—No.

Hon. Mr. LOUGHEED—They transmit the power.

Hon. Mr. WATSON—There is no dam.

Hon. Mr. LOUGHEED—They have as much power as this company is given. This company is not empowered to build

a dam across an international stream. The Dominion parliament could not give any such power. The company must get complementary powers from the United States authorities. However, let us assume for a moment that the constitutional question is as involved as that which has been presented for our consideration. Does it follow that in view of the protest of the province, when that protest comes from the government of the province, that parliament must exercise its jurisdiction to the extreme limit because of an application? Does it follow that parliament should not give proper consideration to the representations made by a province upon so important a question as this, and particularly when that protest is reinforced by a protest from the executive of the province of Quebec? We have been discussing for the last two or three sessions the origin and value of the Senate as a deliberative and legislative body, as a body in which the provinces of Canada may impose the utmost reliance as to the protection of their constitutional rights, and I think every speech of merit that has been made upon this very important question has laid very considerable emphasis on this consideration: That the origin very largely of the Senate lay in the suggestions of the fathers of confederation at the time our constitution was adopted; that it became necessary for the protection of the rights of the provinces as against the natural aggression of the popular body in the Commons that the Senate should be called into existence for the purpose of protecting the rights of the various provinces in the confederation. That is a recognized principle; it is fundamental, and in addition to that it is possessed of a potentiality which has never been denied, which is a necessary part and parcel of our parliamentary system; yet when a large question of this kind is presented for the consideration of the Senate, little or no attention is given to it. No matter how enthusiastic hon. gentlemen may have been to protect the rights of the federal parliament in exercising its jurisdiction in this and kindred questions, yet it cannot be seriously contended that we have given sufficient consideration to the protests raised on an important constitutional right by the two great provinces of Ontario and Quebec. In this class of legislation, therefore, we should pause and not exercise the constitutional strength of which we are possessed, but rather the constitutional discretion which should characterize the deliberations of the Senate and not the exercise of its power and strength. It is not for the strong man to boast of his strength or to exercise his strength on every occasion; it is for him to consider whether he cannot best use it to deal justly with those who are weaker than himself.

Now, my hon. friend from Middlesex, laid no little stress upon the desirability of exploiting—I will put it that way rather than developing—our water-powers, and he pointed out the policy which had been pursued in the past in granting those water-powers to private corporations, and dwelt with considerable eloquence—and it was a pleasure to hear my hon. friend elaborate on the subject—the deep interest which the Liberal party has always taken in the protection of the rights of the minority, and particularly that of the provinces. This is not a question upon which recrimination should be indulged in. It is not desirable to introduce party acrimony into a discussion of this kind. It is not a question of what the Liberal party has done in the past, or what the Conservative party has done, it is a question of deliberation for us, not as a political or party body, but as a patriotic body, as to what is in the best interests of the entire Dominion, for the protection of such rights as these which we are now considering. What was done by either party respecting natural resources of this nature twenty years ago or even ten years ago, is not at all applicable to the situation to-day. The development of water-powers, and their value has become a question entirely modern. Only during the last four or five years has the importance of this subject obtruded itself upon the public mind, and what may have been a good policy ten years ago in regard to such resources as these, would be a very unwise and very defective policy to-day. I fancy there is not an hon. gentleman in this Chamber who is not familiar with at least from half a dozen to a dozen men who have built up within the last four or five years colossal fortunes in acquiring and exploit-

ing water-powers in this Dominion, and I doubt if in any part of Canada there is a larger group of men who have thus profited than is to be found within the city of Ottawa. I could point to men to-day who ten years ago were not worth one dollar, who are millionaires to-day on account of the recognition which has taken place in modern commercial and industrial life within the last few years, of the inestimable value of water-power. My hon. friend from Middlesex boasted of the policy of the Ontario government, ten or fifteen years ago, in giving to the Kaministiquia Company those valuable concessions in the Thunder Bay district, which have been developed and which we will concede have resulted in large organized industries. But speaking of the policy of the Ontario government with reference to this particular company, I read to this House an editorial which appeared in the Toronto 'Globe' of a week ago, I think it was last Monday, in which that influential journal made this statement regarding that same Kaministiquia power. The editorial reads:

> The Ontario government made a serious blunder in allowing the Kaministiquia power to pass into private hands, and this blunder should not be repeated by the Dominion parliament. There is no chance now to plead ignorance of the importance of water-powers in connection with the production of electric energy, and nothing is more certain than that the primary alienation of water-powers will be a subject for unavailing regret before many years have passed.

Notwithstanding that strong statement of the 'Globe' newspaper on this very question, I regret to see that we have my hon. friend from Toronto (Hon. Mr. Jaffray) the president of the 'Globe' newspaper, voting in favour of alienating those very important and natural resources from either the government of Canada or the Ontario government, as the case may be, and placing them in the hands of private parties. I, therefore, submit with all due deference, and particularly to my right hon. friend, that the government of Canada to-day should have a well defined policy with reference to the conservation of our great natural resources, such as are to be found in the water-powers of the various streams of this Dominion. I hesitate to repeat so often what I have said before, but it seems to me to be apropos of this occasion for me to make reference to this Bill for the conservation of our natural resources, which lies upon the table. I cannot fail to say that it is a strange irony that associates the passage of this power Bill with the consideration, probably the very next item on our Order Paper, of the government Bill for the conservation of our natural resources. Surely this is a matter sufficiently large for both parties to stand on a common platform, and to say that, entirely irrespective of parties, entirely irrespective of the party feelings which may be engendered upon questions of this kind, that we are sufficiently patriotic to conserve to this Dominion the great resources which we possess, so that when we develop into the nation which we are bound to become at a very early period, the people of Canada may be possessed of those enormous resources which are destined to make them great and prosperous. Under these considerations we should eliminate all party feeling with reference to this Bill, and while parliament should express a wilingness to give to this company all the machinery and powers which they require for the purpose of carrying out a legitimate enterprise, we should certainly cut from the Bill all those powers which deal with the expropriation of public property and particularly property vested in the Crown as represented by the government of Ontario, a protesting party against the legislation now before us.

Hon. Mr. ROSS (Middlesex)—I shall take the last observation of my hon. friend for the first topic of discussion. He objects to this Bill because, as he alleges, it is opposed to the principle of conservation of our natural resources. May I be allowed to say that I support it for the very reason that it is in a line with the development of our natural resources? What are the facts? On the Pigeon river, a boundary river, and Lake Nipigon, on which there are thirty-five thousand horse-power, and on Nipigon river on which there are two hundred and fifty thousand horse-power that has been lying idle since the dawn of this world's existence—and that is a great many years ago geologists say—it is now proposed to build works at a cost of five million dollars which will develop these natural resources. What does the hon. gentleman mean really when he says

that this Bill is opposed to that policy? Has he anything to substitute for it? The province of Ontario may or may not authorize or incorporate a company to do this very work. There is no such proposition before the government or the legislature of Ontario; therefore they have not to do with it. The proposition is before us here and now, and we are asked to deal with it. If we reject this Bill, then what my hon. friend is so very anxious to see done, namely, the development of our natural resources, or their conservation, to use, perhaps, a better word, will be set aside and there will be no conservation or development. My hon. friend says we are alienating a great natural resource. We are not alienating it at all. My hon. friend has not studied the Bill with his usual care. He is a lawyer of great ability, and usually very fair and accurate in his interpretation of Bills before this House. He forgets to say that while we give power to this corporation to do this work, we control the corporation from start to finish. We control them upon the rates they can charge upon telegraph and telephone lines; we control the rates they can charge upon the water-powers; it is under a Board of Commissioners authorized by the parliament of Canada, and while it is alienated in the sense that the property is transferred from the present owners to the corporation, it is not placed beyond government control any more than the public utilities in the province of Ontario are beyond parliamentary control. It is under a Board of Commissioners, a board of our own constitution, and if we should have confidence in any board at all that justice would be done, we ought to have confidence in that board which is dealing with such vast concerns, and up to this moment has dealt with them so fairly. So the two objections raised, to which I have already referred, are both invalid and inoperative, first, that we are acting in opposition to the development of our natural resources, and, secondly, that we are alienating them. My hon. friend hints, or perhaps does not hint but says, that on the Pigeon river we are expropriating the property of the Crown. The fact is that the Crown has no property on the Pigeon river. As long ago as 1856, and before confederation, the property on the Pigeon river was sold. It is now in private hands. We expropriate there, not the property of the Crown but the property of private owners.

Hon. Sir MACKENZIE BOWELL—The whole length of the river.

Hon. Mr. ROSS (Middlesex)—As far as it is proposed to use any of those water-powers.

Hon. Sir MACKENZIE BOWELL—There is no restriction in this Bill as to the length and the distance.

Hon. Mr. ROSS (Middlesex)—We would not expropriate a part of the river in which there was no water-power. As far as the water-powers go, this expropriation, of course, will be exercised and no further, and the property is in private hands. We are not there expropriating the property of the Crown. Hon. gentlemen have shifted their ground a little since this debate began. In the first place, there was some objection taken to this Bill because it was proposed to transmit power over Crown land; but my hon. friend seems to yield that point now; I am glad he does. We are getting a little nearer to close quarters. But while he has yielded the right of the company to expropriate for the transmission lines over Crown land, he is not willing to expropriate water-powers on Crown lands. But we are not doing that. The Bill does not propose to do that; so that his second objection falls to the ground. Then my hon. friends at one time seemed to have doubts as to whether this parliament has jurisdiction. Now they have come nearer to us again, and admit this parliament has jurisdiction. I go further and say that no other parliament has jurisdiction. The case of the Niagara river is not one in point. The government of Ontario, fifteen or twenty years ago, gave a right to the Niagara Power Company to establish electrical works at Niagara Falls, but they did not, in giving them that right, interfere with any part of the property of the United States. The province of Ontario owns the bed of the Niagara river to the middle of the stream; we own the property along the river from Niagara Falls to Buffalo; the riparian rights on property in the land gives us ownership in the

river to the middle of the stream. We have established those electrical works on our own ground. We did not need to go to the United States for power; the right to transmit that power to the United States is another question.

Hon. Mr. BELCOURT—And did not need to go to the Dominion government.

Hon. Mr. ROSS (Middlesex)—No, there was no need, for it was our own property; we only used our own property. But take the other case, the case of the Canadian Power Company on the Welland river; this company wanted to export its power to the United States; that company came here. The validity of its charter was questioned, and an effort was made in the courts to rescind their charter. The first movement was made in the Court of Appeal in the province of Ontario. The Court of Appeal in the province of Ontario held that the parliament of Canada had jurisdiction, and had the right to give the charter incorporating the Canadian Power Company. There was an appeal taken from the Court of Appeal in the province of Ontario to the Supreme Court. In the Supreme Court Judge Davies said:

> It seems clear to me that the legislatures could not grant a local power to connect its wires with those of a local company in any of the other provinces. If it could, each company would cease to be one of a 'local or private nature' and become interprovincial and general. How then could the legislature grant power to connect the wires of the company it was creating with those of the companies of a foreign country? The local or private company, on such connection taking place, would at once cease to be 'local or private' with the British North America Act and become international.

We hold two things: first that a company incorporated by a province could not export its electricity or connect its wires with a company in another province except by Act of parliament; a fortiori it could not connect its wires with the wires of a company in a foreign country. He goes on further to say that not only has the parliament of Canada the power to give this authority, but that it is the only authority which could give it, so that the Michigan Power Company is here to get what it could not obtain anywhere else, according to the judgment of Judge Davies of the Supreme Court. The company is here applying to the proper source. The hon. gentleman says, why should they not go to the province of Ontario? The Nipigon river has no connection with the Pigeon river. That is true. The company could get a provincial charter to build at the Nipigon river. Then the same company could get a charter from the Dominion parliament to develop power on the Pigeon river, that is the company would have to get charters from two governments. Would it not be absurd for them to do this? Why ask them to go to the two governments when they could get a charter for both rivers from one government? Supposing my hon. friend were the applicant in this case, and that he wished to incorporate a company for the purpose of developing water-power on the Nipigon and Pigeon rivers. He would say to himself, I can form a company with a capital of five million dollars to develop these powers. I can go to the province of Ontario and get a charter for the Nipigon, but not for the Pigeon river. I can go to the Dominion parliament and get a charter for both rivers.' What would he do? He would at once go to the parliament that has power to give the necessary legislation to cover both rivers. We are not encroaching on any privilege of the local legislature. My hon. friends admit that now, except as to the powers of expropriation, and they will admit that before long. It comes down to a matter of policy whether we should grant this charter or not. There is no question of jurisdiction and no question as to the right of expropriation, and there remains but one point which is not conceded, and on that their opinion is unsound; they contend that we cannot grant powers of expropriation in the case of Crown lands as vested in the province. There is no difference between hon. gentlemen opposite and myself except on this one point. The question is, whether it is good policy to give this charter. That is all that remains of this long, persistent argument in another place and here. If the House agree with me, they will say that it is a question of policy which we should adopt, and adopt with the utmost readiness. I would be prepared to grant charters to all capable companies possess-

ing the means and resources to develop the water-powers of this country, so long as the parliament of Canada has control over them. If it were proposed to grant a monopoly beyond the control of this parliament, they would not get it with my consent. I would grant it so long as this parliament retains control and has the right to review their tariff and approve their plans. The hon. gentleman, speaking of the case of the Niagara Power Company, asked why does not this company go to the Ontario legislature as the Niagara Power Company did? There is this difference between the two cases: the Ontario and Michigan Power Company not only seek the right to export power, but also power to construct a dam across the river. The Ontario legislature gave no such power to the Niagara Power Company.

Hon. Sir MACKENZIE BOWELL—There is nothing in this Bill about constructing a dam.

Hon. Mr. ROSS (Middlesex)—In the case of the Niagara Power Company, the Ontario government simply gave them rights on the shore of the Niagara river, and the right to use the water of the river, and the only thing that might interfere with the United States rights was that they might take more than their share of the water. It is proposed to place that under the control of the Waterways Commission. This Bill, so far from interfering with the rights of the United States in the Pigeon river, provides that the Waterways Commission must be consulted to see that no wrong is done. On every side it is fenced, guarded and protected. The neighbouring country is protected in case the company should attempt to take more of the water of Pigeon river than it should. The manufacturing industries are protected, because, under the Electricity Act, they cannot export without the consent of the government. In the matter of charges and tolls, the people are protected because the company is subject in such matter to the Railway Commission. I never knew a Bill which is more hedged and guarded so far as the public interest is concerned, and I fail to see any injustice done to anybody. In the case of the Kaministiqia river, where there is a considerable water-power, the Ontario government many years ago gave the right to a company to develop that power for electrical purposes. I think that is a private right. I do not think the country is guarded in that case, as it is in later charters. That was done a good many years ago when electric power was a new discovery, practically, and it was very difficult to get capital to invest in that industry at all. I do not think any government would make the same sort of a bargain now, but it was the only thing that could be done at that time. I do not agree with the 'Globe' that we committed a blunder; there are many things that we see were blunders in the light of subsequent events, which could not have been so characterized at the time. We had to begin and we began that way. Take the case of the development of electricity at Niagara Falls. In the first charter, we bound ourselves that we would not give a charter to any other company to establish an electric plant at Niagara. That policy was agreed to on both sides, Sir Wm. Meredith, leading the opposition, agreeing with us that we would do well if we got electricity developed, even though we gave a monopoly to secure it. Afterwards, when the company negotiated for other terms, we insisted that the monopoly should be broken. It was broken, and two other companies were formed to develop water-power at the falls, but at the time we made that bargain we did the best we could under all the circumstances. It was the same with the Canadian Pacific Railway. If we were building that railway to-day we would not give the company 25,000,000 of acres—we would not give them an acre of land. We did the best that could be done at the time. In fact, the government was glad to have such a bargain as that made. It was not a blunder under all the circumstances, and I do not know but the results have justified what was considered even then to be an improvident bargain. We may call it a blunder now in the light of subsequent events, but we cannot call it a blunder in the light of results. Then, as to the Minnesota power, we gave that company the right to develop electrical power, but I do not remember that we gave them a right to dam the river. I am not able to speak definitely as to why they came to

this House for legislation. They came to parliament for some purpose or other, and we gave them the right to develop electricity at Fort Frances, and the people there and in the surrounding country were very anxious to get the electrical development on any terms. No complaint has been made since, and there is no remonstrance from Washington as to what we have done. The people in that locality are very well pleased that the company was organized and that it is in operation. I think it is clear, first, that there is no monopoly, for only one-sixth of the power is taken. The question of jurisdiction is practically admitted by the other side, and the right of this parliament to grant powers of expropriation for the construction of the transmission line. There is no expropriation on the Nipigon river, where the lands are private. The Crown is not affected in any way except by the transmission of electricity, and on that point the hon. gentlemen have abandoned their position. There is nothing to do but, by unanimous consent of both sides, to pass the Bill.

Hon. Sir MACKENZIE BOWELL—The whole speech of the hon. gentleman had no reference whatever to the subject befor the House, except during the last two minutes. The only proposition made was to place the power of the company to expropriate property, whether of the Crown or private persons, on the Pigeon river, on the same footing as in the case of the Nipigon river. That is the only question befor the House; but the remarks made by my hon. friend who sits in front of me, gave the hon. gentleman an opportunity of repeating an old speech, and we are always delighted to hear the eloquent manner in which he can deliver himself upon any subject, no matter how far or how much of it may be in contradiction of the principles he advocated some time ago. The hon. gentleman paid us the compliment of saying it was nonsense and not common sense for any one to suggest to place the company in a position by which they would have to apply to the two governments for power to carry on their work. The hon. gentleman knows, or ought to know, that the Minnesota scheme could not be carried out until they obtained the same power and authority from the United States government that they obtained from the Canadian government, and he ought to know also that this company when it commences its operation and attempts to do that to which the Bill does not refer in any way, build a bridge across the Pigeon river, they have no power to go on with their works beyond the centre of the stream which belongs to Canada, and they would have to obtain equal power either from the state legislature or from Washington to enable them to complete their dam across the river and the same reasons would apply to the extension of the wires, which would have to be continuous from one side to the other. In dealing with the international river, hon. gentlemen ought to know that it is neither nonsense nor is it unreasonable to point to the fact that neither government has the power, right, or authority to give permission to construct a dam or anything which connects one side of a navigable stream with the other, belonging to the two nations. We have that in every case. We know what we had to do at the Detriot river. Even the tunnel under the river could not be built until power was obtained from the United States government to enable them to complete the work. We gave the company power to do certain things but it was subject to the action of the United States government. When the hon. gentleman talks about its being nonsense to apply for two charters, one from one government and one from another, or from the two powers in Canada he is using an expression he might just as well not have used. Those who are not taking the position we take to-day may not have all the common sense the hon. gentleman has. I am quite willing to concede that. One thing I do know is that they do not possess the eloquence of the hon. gentleman, but so long as they possess a little common sense of their own, and are able to express it in the ordinary way they are entitled to just as much respect as a gentleman who speaks for half an hour on a subject not relevant to the question before the House. He is too old a parliamentarian, and has been too long in public life to indulge in fancies and fictions of that kind. However unsound the opinions of those who differ from him may be, they

are opinions held just as honestly as those which he holds himself and that being the case they have a perfect right, and it is not only a constitutional right but an individual right, to express those opinions and enforce them as far as they are able to do so upon the minds and understanding of those who are listening to them. I am not going to discuss the question which he raised, because I fully agree in those remarks, that what we may have done 10 or 20 years ago could not and would not with impropriety or in the interests of the country probably, be repeated to-day, and when the hon. gentleman was in the Ontario government, or at any rate a member of the legislature which granted those powers and concessions to the Kaministquia company, they thought they were doing that which was in the interests of the country, simply because the development of electricity as a source of light, heat and power was not understood in those days as it is to-day. My hon. friend said that we desired to take from the company the power of utilizing Crown lands or private lands for the construction of their transmission lines. Now there is nothing of the kind. The hon. leader of the opposition pointed out that that power was not interfered with. The Bill gives them that power. My motion does not interfere with it at all. Neither is there any desire on the part of those who are opposing the proposition that certain powers be given to them to interfere with them or do anything which will interfere with their enterprises. I simply desire to place this company in precisely the same position relative to the Pigeon river as it occupies towards the Nipigon. It is for the House to say whether they will place them in that position or not. We propose to put ourselves upon record upon that question, so as to show to the country when the question is discussed hereafter, that while the country and the legislature make restrictions as to their powers upon a river that is exclusively in Canada, that the same power should be given and no more on a stream which is international in its character.

Hon. Mr. WATSON—It is very refreshing to get one of those usual scolds from our hon. friend who objects to an hon. gentleman saying anything outside of the question; but he proceeds to discuss the whole Bill when lecturing other gentlemen for departing from the particular question which is mentioned in his amendment.

Hon. Sir MACKENZIE BOWELL—I did not discuss the whole Bill, if the hon. gentleman refers to me.

Hon. Mr. WATSON—I will not discuss it any more.

Hon. Sir MACKENZIE BOWELL—Better stick to the facts.

Hon. Mr. WATSON—I will not get any farther from the subject than the hon. gentleman, and I hope I will not be out of order. I trust the House will not see fit to adopt this amendment, because it will effectually kill the Bill. I have an idea that some hon. gentlemen in this Chamber would like to kill this Bill by any process, and this is one of the processes which would most effectually accomplish that object. I rose to call the attention of the hon. leader of the opposition to the report to which he has paid so much attention, that of the North American conservation conference, held some time ago, which was attended by some of the ablest men in Canada, the United States and other countries, for the purpose of suggesting methods by which the natural resources of this continent, in fact of the whole world, might be conserved. He also referred to the fact that we had a Bill before us, probably the next order, for the purpose of appointing a commission to take charge of the matter, or direct the public as to what might be done to better conserve our resources. I think the point raised by the hon. gentleman from Middlesex is well taken when he suggests that we cannot better conserve the natural resources of the country for future generations, than by having the water-powers that are going to waste to-day developed, because by the development of water-powers we are generating a power which would obviate the use of wood and coal that we shall require as fuel for the future. I am sure hon. gentlemen will admit that if water is running over a fall and going to waste, and capital can be induced to convert that

waste into power, and by that means you are going to preserve the deposits of coal for future generations, you are doing a good thing towards conserving natural resources. My hon. friend referred to what these gentlemen recommended, and this applies particularly to the very amendment before the House. The hon. member read a portion of this report of the commission with regard to the monopoly of water, and especially the monopoly of water-power:

No right to water-power of streams shall hereafter be granted in perpetuity.

We have not got that far.

Each grant shall be conditioned upon prompt development.

We have gone that far; they must develop in three years.

Payment and proper compensation to the public for the rights enjoyed.

I maintain that the public are getting compensation for the right to utilize this public utility. They are getting it in the fact that in this very Bill we control the rates and prices this company shall charge for the disposal of that property. This commission recommended that compensation should be paid, and by keeping control of the rates that may be charged for the distribution of this power, we provide for it.

And it shall be for a definite period only.

We do not limit it.

The period shall not be longer than required for reasonable safety of investment.

I think we are doing that. In granting this power in perpetuity, these gentlemen have sufficient difficulty in securing an investment.

To the end that undue profits and extortion may be prevented.

We are complying with that. The particular clause I want to refer to, my hon. friend must have read, and I think it was rather unfair to hon. gentlemen when he called attention to this report not to have read it to this House. What does it say? Dealing with the very question now before us of this amendment:

Where the construction of works to utilize water has been authorized by public authority, and such utilization is necessary for public welfare, provision should be made for the expropriation of any privately owned land and water rights required for such construction.

That is the recommendation of these gentlemen who sat in conference at Washington, and placed this report before the representatives of parliament, on which we are going to base an Act to-day, and that applies exactly to the particular clause that that hon. gentleman wants to amend to-day, where they recommend that authority be given to develop power; that authority we propose giving in this Bill. We are putting all the restrictions these gentlemen suggest could be put on that authority. Then this commission says:

When that authority has been given you shall give that company power to expropriate either water or land for the purpose of proceeding with the undertaking.

It seems to me, with that explanation, if the hon. gentleman has any confidence in these gentlemen who, no doubt, have studied this matter and given it a great deal of thought, he should not second a motion which, if carried, would mean the defeat of the Bill. My hon. friend, in a very sympathetic manner, appealed to us that we should not interfere with the rights of Ontario. I do not think we are interfering with provincial rights. I do not think they have the right to control certain international streams. We should have the right here to give authority to develop water-powers, even on the Nipigon river, because while it is in the province of Ontario it is a navigable stream, and therefore, under the jurisdiction of this parliament. We find that the province of Ontario is not so particular about interfering with the rights of the Dominion. It is admitted that Nipigon lake, which is almost as large as Lake Ontario, is a navigable lake. It is admitted that the federal parliament alone has the right to control navigation in those waters. I hold in my hand a copy of a communication sent by the Minister of Lands and Mines of Ontario to Mr. Flaherty, a gentleman who has a steamboat operating on Lake Nipigon, which reads as follows:

Port Arthur, Ont., October 20, 1908.

Robert Flaherty, C.E.,
Port Arthur.

My dear Mr. Flaherty,—I understand that you have a steamer on Lake Nipigon and have been asked to charter same. You are probably aware that before a steamer can be used on Lake Nipigon, which is in the forest

reserve, that a special license or permit must be obtained from me. Therefore, I request that before same is used my permission must be obtained with reasons for use. Till then, I must notify you that the use of same is improper and forbidden.

Yours truly,
A. J. McCOMBER.

F. Cochrane,
Minister of Lands and Mines.

Surely these gentlemen are not so particular about interfering with the rights of the federal government when they undertake to say that a man owning a steamboat on Lake Nipigon cannot operate it without permission from Mr. Cochrane, the Minister of Mines. I only introduce this incidentally; but it seems to me that gentlemen in the province of Ontario should not receive the consideration suggested by my hon. friend. The Fort Francis water-power has been referred to. Why, it has been said, did not these gentlemen secure a provincial charter to dam the Rainy river at Fort Francis? The legislature had power to grant it, but the company found that the powers they would get from the province were not sufficient to warrant the expense of damming the river, and they had to come to the federal parliament.

Hon. Sir MACKENZIE BOWELL:—The hon. gentleman surely does not say there was any power given to dam the Rainy river at Fort Francis? It is navigable from the Lake of the Woods down to Fort Francis, and then there is a natural fall there. I do not know how far, 30 or 40 or 50 feet. It is where the famous canal was to be dug. They never contemplated building the dam, but asked for power to build a bridge.

Hon. Mr. WATSON—My hon. friend must know that they have done at Fort Francis what they have done on the Ottawa river in the last few years. You may call it a dam or not. They have built a dam and raised the water a sufficient height the same as in the Ottawa river above the Chaudiere falls. At Niagara falls no such thing was done. They did not dam the river. The company built a wing dam on the side to accumulate water for their power, but they came to Ottawa to get authority to do so. My hon. friend knows the explanation we received last night from a very able gentleman with regard to this company. This is an electrical development company. The intention is to generate power on the Nipigon river, and also on the Pigeon river, and transmit that power by wire to consumers, and as it has to be a federal work, they require federal legislation, because the moment you go outside of Ontario either to the United States or any other province, you have to come here for legislation. That has been clearly demonstrated; therefore, in this case we are not interfering with any rights of the province of Ontario. We are not giving a monopoly to this company by giving this charter. I understand that within some 45 miles of Nipigon lake the fall of the river is some 480 feet. None of the powers which will be generated there will have more than 50 feet head. This company are taking only about one-ninth of the power available on the Nipigon, and the same proportion applies on the Pigeon river, I understand. The company cannot extend their line into Fort William or Port Arthur without getting permission by a vote of the people. While the government of Ontario have adopted a hydro-electric power scheme, and have practically said: 'We are going to monopolize the distribution of power in Ontario,' many thinking men in the province believe that the government are making a mistake. I do not live in Ontario, but from what knowledge I have of such undertakings by government, I also believe they are making a mistake. I think it is a mistake to restrict individual enterprise in developing our natural resources. I believe that when you give a franchise, and grant any rights, they should be under control so that the public interest may be protected and guarded, I believe also that the people of Ontario, through the legislature have made a fatal mistake in adopting the electric power policy, because they are actually frightening capital away from the province. No individual will undertake to develop a power if he knows that in a short time the policy of the government may be to take the public moneys and enter into competition against him. It is not fair to capital to discourage investment in such enterprises, but the government should retain a controlling or regulating power. By doing that, I believe

the public will be better served, will get cheaper power because individual enterprises can develop and manage undertakings of that kind much better than a government, and if parliament retains control of the rates I believe the public will get the benefit. I do not wish to take up further time. My name is attached to this Bill, and the hon. gentleman who moved this amendment is satisfied that if it is carried it will effectually kill the Bill.

Hon. Sir MACKENZIE BOWELL—Why would it kill the Bill?

Hon. Mr. WATSON—Because it would not be worth the paper that it is written on to the gentlemen who are asking for the franchise. They are asking this for the purpose of developing power; there is no monopoly; they can only develop one power in the Nipigon river and one in the Pigeon river; there are lots of other powers there, and surely the Ontario government are not afraid that the gentlemen who are associated with this Bill are going to manufacture power and distribute it so cheap that it will put the government-owned power out of business. I don't know why the Ontario government did it, but they chartered companies at Niagara, and I am informed that they contracted with a power company who were to receive their charter at Ottawa. They were not satisfied with the company formed under a charter of their own granting to develop power at Niagara. Whether they wanted to be satisfied they were dealing with a better and stronger company I don't know; but they actually made a contract with a company who had a federal charter for the power they are distributing throughout the province of Ontario. Surely they did not think that the gentlemen who got that charter at Ottawa were infringing on provincial rights. If they did, they should have boycotted the company and said: 'We shall deal with people holding a charter from our own legislature.' I do hope this House will not accept the amendment moved by my hon. friend.

Hon. Mr. BAIRD—This subject has been before parliament a number of times, and as hon. gentlemen are aware, last session we defeated a bill of a somewhat similar character in this House. I take a different view on this subject from most of my colleagues in this Chamber. I believe that all water-powers should belong to the people. I mean by that, the franchises are worth something, and these companies should not be allowed to obtain charters and develop power for nothing. There ought to be a tax put upon them; they are certainly worth money to a company to hold the right to these powers for all time. Take the case of a man who erects a steam mill. He goes to a very large expense. I presume that on those rivers there will be a considerable quantity of lumber manufactured. That being the case, it is necessary that there should be dams erected so as to hold the logs and timber, and in that case the man who builds a steam mill has to go to about the same expense in building a dam as the men who build dams to generate electrical power; and see the advantage the power company has over the man who runs his mill by steam. I claim that there should be a tax levied upon the owners of water-powers; that such privileges should be either sold at public sale, or the government should reserve the right to put a tax upon these powers, to be paid by the parties who acquire them. The powers belong to the public. I have not been able to make a study of this Bill because of the condition of my health, but as I understand it, the land to be expropriated upon the Nipigon river as well as on the Pigeon river belong to private individuals.

Hon. Mr. POWER—On the Pigeon, yes.

Hon. Mr. BAIRD—Is it the province of Ontario that owns the land on the Nipigon river?

Hon. Mr. POWER—On the Nipigon river, yes.

Hon. Mr. WATSON—But the company have no right to expropriate Crown lands on the Nipigon.

Hon. Mr. BAIRD—Why did you give them the right to expropriate private lands?

Hon. Mr. POWER—On the Pigeon river.

Hon. Mr. BAIRD—It seems to me to be inconsistent. I do not see why, for the purpose of this Bill the company should not be allowed to expropriate the lands of the Crown as well as those of private individuals. I believe all these properties should be required to pay an annual rental. They belong to the people. Under this Bill the people get nothing. The revenues of the province are gradually decreasing, and when the timber supply is exhausted the province will have to come to direct taxtion to maintain a revenue. This being the case, we ought to impose a tax on power properties which were taken away from the people.

Hon. Mr. POWER—The province can assess the property.

Hon. Mr. BAIRD—Yes, they can assess it; still they should demand a price for it in the first place when they give it over to a corporation.

Hon. Mr. ROSS (Middlesex)—They have a right to tax all corporations in addition to the assessment.

Hon. Mr. BAIRD—But as an initial tax they should be required to pay a certain amount for the power. This is done in the province of Quebec.

Hon. Mr. POWER—I think the hon. gentleman would find it very hard to bring capital into the country to start enterprises under such conditions.

Hon. Mr. BAIRD—Capital comes into the country to build steam mills.

Hon. Mr. ROSS (Middlesex)—Saw mill men are not regulated as to the price they shall sell their lumber at, but this company is regulated in the price they shall sell their power at.

Hon. Mr. BAIRD—It has somewhat amused me to see the attitude of the members on both sides of the House in regard to provincial rights. It depends on who is promoting the measure. I know men who are strong advocates of provincial rights during one session and in another session if parties friendly to the government are asking for a charter, I notice that provincial righters seem to drop out. The Liberals were the great advocates of provincial rights when they were in power in Ontario, but now the Conservatives are the champions of that policy. There has been a change. But we are not consistent, for the reason I have stated.

The Senate divided on the amendment, which was rejected.

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Bowell	Wood.—8.
(Sir Mackenzie),	

Non-Contents:

The Honourable Messieurs

Belcourt,	McHugh,
Bostock,	McMullen,
Campbell,	McSweeney,
Cartright	Power,
(Sir Richard),	Robertson,
Chevrier,	Ross (Halifax),
Cox,	Ross (Middlesex),
Costigan,	Scott,
DeVeber,	Talbot,
Douglas,	Thompson,
Fiset,	Watson,
Godbout,	Yeo,
Jaffray,	Young.—25.

Hon. Mr. BAIRD announced that he had paired with Hon. Mr. King. He would have voted for the amendment.

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

ROYAL GUARDIANS BILL.

THIRD READING POSTPONED.

The order of the day being called:

The third reading of Bill (No. 95) An Act to incorporate the Royal Guardians, as amended.—Hon. Mr. Casgrain.

Hon. Mr. POWER moved that the Bill be read the third time.

Hon. Sir MACKENZIE BOWELL—I should like to inquire of the leader of the House, what are the intentions of the government in reference to this Bill? When the third reading was proposed the other day, it was intimated that the government were opposed to the title of the Bill, that is to

the word 'Royal' in the title. He gave a very good reason for his objection. Under the circumstances, unless the government withdraw from the position taken when the the third reading was proposed, a motion should be made to refer the Bill back to the committee for the purpose of changing the name of the company. If we act upon the intimation given by the leader of the government, we shall have to vote against the Bill because of the use of the word 'Royal' in the title. The company has adopted a name which is objectionable not only to the imperial government, but opposed to the policy of the Dominion government and of this House. The committee rejected the word 'Royal,' and then moved another motion in which they adopted the word 'Guardians' without saying anything about the word 'Royal.' I know that some members of the committee did not understand what it meant at the time. That is how they retained the word 'Royal.' I called the attention of the committee, and also of this House, to the fact that even in the United States and in the West Indies people have been taking out policies in this company under the impression that it was the old-established and reliable Royal Insurance Company of England. Should we allow any company to pilfer a name that has a reputation through the whole world and deceive people seeking insurance? The reply may be that they should know what they are doing. Unfortunately there are too many unscrupulous agents who are ready to say anything in order to get business. I am glad to know that is not the character of agents as a whole. But there are some of that class. The promoter of the Bill told us the other day that the company would rather lose the Bill than lose the name. Then let them lose the Bill and confine their operation to the province of Quebec.

Hon. Sir RICHARD CARTWRIGHT—Under the circumstances, and in view of the appeal made by the promoter this Bill had better stand over. I do not think we should take any action upon it in his absence.

Hon. Mr. POWER moved that the order be discharged and that it be placed on the orders of the day for the second sitting on Monday next.

The motion was agreed to.

POST OFFICE ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 136) An Act to amend the Post Office Act.

He said: The only effect of this Bill is to add some twenty-five cents per diem to the salaries of the several grades in the Post Office Department. The department, after giving the matter very full consideration, think it would be in the interest of the service to make the increase. They say they have very great difficulty in obtaining in the lowest grades a sufficient number of qualified parties and that they are obliged to promote them almost immediately, which they object to do, and if they can only get men at the figures named to start with, it is better than to go through the formality of appointing them to one grade, and in a very few days advancing them to another.

The motion was agreed to, and the Bill passed through its final stages under the suspension of the rules.

CIVIL SERVICE ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 137) An Act to amend the Civil Service Act. He said: This refers simply to the Post Office stampers and sorters, giving them a small increase over and above the salaries provided for them in the old Act.

The motion was agreed to, and the Bill passed through its final stages under suspension of the rules.

CONSERVATION OF NATURAL RESOURCES BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (159) an Act to establish a commission for the conservation of natural resources. He said: With respect to this Bill, I think there will probably be a consensus of opinion that the object is a very desirable one, although, of course, there may be some question as to the method adopted, and judging from some

remarks which have fallen from my hon. friends opposite, I fear they may be disposed to say that in some cases we are carefully locking the stable door after the steed has been stolen. But there are a great many steeds in the Canadian stable, and I think when hon. gentlemen come to examine the details, they will see that if the various provinces co-operate, as I hope and think they will in this matter, some valuable results may be attained. Of course, hon. gentlemen are aware that this subject has attracted a very great deal of attention in the United States, and that ex-President Roosevelt, before he departed on his African campaign to astonish the lion, as he seems to have done already, held a very important conference at the White House, which was attended by two or three delegates from Canada, and also by a number of the most distinguished men in the United States, including many eminent scientists. I think they are waking up all over the continent to the fact, which is apparent enough, that we have been rather improvident in the management of our natural resources, particularly in the direction of squandering our forests. Perhaps my hon. friend the senator from Hastings may remember—I do not think he was in the original parliament of the two Canadas——

Hon. Sir MACKENZIE BOWELL—My hon. friend will remember that we entered the political field the same year. He was successful in being elected, and I was defeated, but the next election I was successful and came into parliament, in 1867.

Hon. Sir RICHARD CARTWRIGHT—It is only a reminiscence, but not without interest; I remember very well that my late friend Sir Alexander Campbell, who was at that time Commissioner of Crown Lands in the old parliament of Canada, had, prior to confederation, elaborated a scheme not unlike this, although after confederation the matter passed entirely out of his hands, for the conservation of the forests of that day. It is a great pity it had not been carried out. If forty-five years ago a reasonable number of Crown forests had been set apart in Ontario, and in one or two of the other provinces, a very great difference would have been made to the revenues of those provinces in the first instance and a very great advantage would have accrued to the community at large. I have always felt, and I have tried—though not altogether with success—to induce the various governments, whether I was in opposition or was a member of them, to take up in serious earnest the question of Crown forestry in this country. I believe it might be made a means of relieving the taxation of the people to a very great extent, and this I feel is a move in the right direction. The details of the Bill may be discussed in committee. They are not very numerous, and the Bill itself is not a very long one.

The motion was agreed and the Bill was read a second time.

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

(In the Committee).

Hon. Mr. LOUGHEED—May I ask what the views of the government are as to the personnel of this commission? It is an honorary commission, and it seems to me it should be selected entirely irrespective of political complexion.

Hon. Sir RICHARD CARTWRIGHT—That was our desire. I think I may answer safely for my colleagues, that it is not intended to be a partisan commission. We are earnestly desirous of getting the best informed men we can obtain to sit on this commission—they will not receive pay—irrespective, I was going to say, of creed or color, at any rate the best men we can obtain.

Hon. Mr. LOUGHEED—As there is to be no compensation, possibly my hon. friend's political friends will not importune the government for an appointment, as they otherwise might.

Hon. Sir RICHARD CARTWRIGHT—I think that is extremely likely.

Hon. Sir MACKENZIE BOWELL—I suppose the personal expenses attending meetings are provided for?

Hon. Sir RICHARD CARTWRIGHT—Yes, clause 9 deals with that.

On clause 3,

3. The Minister of Agriculture, the Minister of the Interior, the Minister of Mines and the member of each provincial government in Canada who is charged with the administration of the natural resources of such province shall be ex-officio members of the commission.

Hon. Sir MACKENZIE BOWELL—These ex-officio members are in addition to the 20 to be appointed?

Hon. Sir RICHARD CARTWRIGHT—Yes, they are ex-officio. We have no control over them.

The clause was adopted.

On clause 4,

4. Of the members appointed by the Governor in Council, at least one member appointed from each province shall be a member of the faculty of a university within such province, if there be such university.

Hon. Mr. ROBERTSON—In reference to this clause, I observe that where there is a university in any province there will be a member appointed. In the case of a province which has no university, but a college, how will it be?

Hon. Sir RICHARD CARTWRIGHT—We have the power to appoint. The government, no doubt, would take that into consideration.

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

The Bill was then read the third time and passed.

FIRST, SECOND AND THIRD READINGS.

Bill (GGG) An Act for the relief of Annie Bowden.—(Hon. Mr. Campbell).

NAVIGABLE WATERS PROTECTION BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 152) an Act to amend the Navigable Waters Protection Act.

(In the Committee).

On clause 1,

Hon. Sir RICHARD CARTWRIGHT—The object of this clause is to prevent the proprietor of a wrecked vessel from getting everything in the vessel that is worth while, and leaving the hull as an obstruction to be removed by the government.

The clause was agreed to.

On clause 2,

Hon. Sir RICHARD CARTWRIGHT—Just at the present there is no law to compel the owner to remove a wrecked vessel. This clause gives us power to compel him. It does not interfere with the right of the minister to take prompt action when required.

Hon. Mr. LOUGHEED—Have you any authority by process of law?

Hon. Sir RICHARD CARTWRIGHT—This is presumed to give it. This directs that the man shall, and he shall be guilty of misdemeanour if he declines to comply. Of course the minister can proceed to remove the wreck anyhow.

Hon. Mr. LOUGHEED—Can my right hon. friend say as to what extent these wrecks pay for themselves where the intervention of the government takes place and the wreckage is removed and sold at auction by the government?

Hon. Sir RICHARD CARTWRIGHT—As a rule, we generally manage to make the small vote taken in the estimates do. If I remember right, the vote is three or four thousand dollars, and I think it has been found sufficient heretofore.

The clause was agreed to.

On clause 5,

Hon. Sir MACKENZIE BOWELL—In a previous clause there is provision made for adding the words 'partially sunk' vessel. One can quite understand why that change was made. While the operation of the Act applied only to vessels that were sunk, the danger to navigation very often arises more from a partially sunk vessel than from one that had gone to the bottom. I notice this clause says:

When any vessel or other thing is wrecked, sunk, lying ashore, &c.

Why should not the same words be added, after the word 'sunk' or 'partially sunk?' There must be a reason, and that reason must have been for what I have in-

dicated. Why are not those words just as applicable in the fifth clause as they were in the other?

Hon. Sir RICHARD CARTWRIGHT—I do not object.

Clause 5 was accordingly amended, adding the words 'or partially sunk' after the word 'sunk.'

Hon. Mr. BOSTOCK, from the committee, reported the Bill with one amendment.

The Bill was then read a third time, and passed under suspension of the rules.

BILLS INTRODUCED.

Bill (No. 103) An Act respecting the National Accident and Guarantee Company—(Hon. Mr. Ratz).

Bill (No. 154) An Act respecting the Harbour Commissioners of Montreal.—Hon. Sir Richard Cartwright).

VACANCIES IN THE SENATE.

Hon. Sir MACKENZIE BOWELL—I would like to ask the hon. leader of the House, when he proposes to fill the vacancies in Nova Scotia. I observe that a telegram from Nova Scotia states that E. M. Farrall of the present House of Assembly is to be appointed, or has been appointed to the Senate. I should like to ask whether that report is correct? I wish also to call attention to the absolute necessity when you consider the attendance at the Senate at the close of every session, and more particularly at this one, of the difficulty of obtaining a quorum, that the vacancies be filled in order to avoid this very great difficulty and danger to legislation? I have, during the present afternoon, on several occasions counted the number of senators present, but I do not think it advisable to place on record the result of that count for fear someone might take exception to the legality of our legislation, when possibly there might not have been a quorum. I would suggest that the law relating to the indemnity of senators be changed, and that a penalty of from $50 to $100 be imposed on every senator who is absent during any one of the ten days' previous to the prorogation of parliament, to be deducted from his sessional allowance. I think that would have a salutary effect upon those who do not deem it their duty to remain here. Unfortunately, the provision in the present Indemnity Act, giving 15 days' grace in which each member can be absent without any reduction in his indemnity, results in what we have seen to-day, and what probably might be still more forcibly thrust upon us on Monday and Tuesday. While I would not suggest the depriving of a member of the right to be absent for some days during the session, what I suggest is that at least during the ten days previous to prorogation there should be a penalty for the absences of the character to which I have called the attention of hon. gentlemen. If that were done, I think I might safely vouch for a sufficient attendance during that time to transact the business of the country, with a legal quorum to enable us to proceed. I have no doubt, because I have been there myself, that it is very acceptable for ministers of the Crown when they are conducting business, as they have been to-day, to have as little opposition as possible; hence there may be an objection to impose the penalty to which I have referred, in order that the government may be able to get their measures through much easier than they would do if we had a full attendance. I make these suggestions in all sincerity, and I do not desire them to be considered as sarcasm. I do think honestly that some steps should be taken either to compel attendance during the close of each session or let the absentees pay the penalty.

Hon. Sir RICHARD CARTWRIGHT—As to the first question put by my hon. friend, I may say that, as usual, the newspapers are giving us information which we do not possess from any other source. As regards the other, it may be taken into consideration. I observe that there were 34 senators present on division, which is, for a Saturday, not a very bad attendance. Touching the general question as to how far a large attendance would facilitate the transaction of business, that might be a matter of opinion; but it is, I admit, eminently desirable that there should be a quorum present. I do not crave earnestly for any more than a quorum during the last few days of a session.

Hon. Sir MACKENZIE BOWELL—I should like to assure my hon. friend that I did not count the House when the vote was taken. I think we could safely take it for granted that whenever a party vote would be taken we would have a quorum.

The Senate adjourned until Monday at eleven o'clock a.m.

THE SENATE.

OTTAWA, Monday, May 17, 1909.

The SPEAKER took the Chair at eleven o'clock.

Prayers and routine proceedings.

CONSTRUCTION OF LOUISE BASIN, QUEBEC.

MOTION.

Hon. Mr. BELCOURT (in absence of Hon. Mr. Choquette) moved:

That an order of this House do issue for a copy of all correspondence between the government and the heirs and successors of Mr. Etienne Dussault, contractor, Levis, Que., relating to the cost of construction at Louise basin, Que.

The motion was agreed to.

MINUTES OF PROCEEDINGS.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to know where the minutes of Saturday's proceedings are to be found? I desire to see them, and that is my privilege. Relying upon the rules of this House which provide that when the House adjourns on Friday it stands adjourned until Monday at three o'clock, I went away.

Hon. Mr. WATSON—Oh, no.

Hon. Mr. LANDRY—I went away, yes. A sitting of the House was held on Saturday; I want to know what occurred.

Hon. Mr. WATSON—We passed the Conmee Bill.

Hon. Mr. LANDRY—Where are the minutes? If my hon. friend, who has great power in this House, will keep quiet——

Hon. Mr. WATSON—I am giving the hon. gentleman information.

Hon. Mr. LANDRY—I ask the hon. gentleman to be magnanimous enough to grant me a little freedom of speech in this House. Perhaps I might hurt his feelings, but let him be generous. I have a right to know what occurred on Saturday.

The SPEAKER—I beg to say that the clerk who had charge of the preparation of the minutes did not discharge his duty until it was so late that it was not possible to have the minutes printed for this morning.

Hon. Mr. LANDRY—I propose that this House do now adjourn until that part of the clerk's duty is performed. We have come here to do our duty and are not able to do it. What have we to do?

Hon. Mr. POWER—We have to go through the orders of the day which are before us.

Hon. Mr. LANDRY—The orders of the day are always published in the minutes.

Hon. Mr. POWER—They are published here.

Hon. Mr. LANDRY—Will the hon. gentleman contend that that is the regular way to publish them?

Hon. Mr. POWER—I am not contending at all. I am simply stating the fact.

Hon. Mr. LANDRY—The hon. gentleman had better not contend that that is the regular way. One of our rules says that business which remains over from a previous day shall be placed on the orders for the following day. I desire to see what business remains to be dealt with, and I cannot see that without the minutes, because I cannot ascertain from the order paper of Saturday what was dealt with on that day and what work remained unfinished. How are we to know whether these orders of the day are correct or not? As a member of the House, I think I have a right to see that the rules shall be observed, unless all the rules are to be expunged. If they are to be dispensed with, we should be informed of it at once. As long as we have rules I think we should follow them. The rules are a protection to the minority. If the majority can do as

they please outside of the rules we have no rights at all. If it is to be held that practice shall supersede our rules, we do not require any rules. I think it is unfair to proceed without having before us what the rules oblige.

Hon. Mr. WATSON—The hon. gentleman should quote the rule rather than give his opinion.

Hon. Mr. LANDRY—The hon. gentleman knows so little of the rules, that he thinks: 'I will bluff him; I will make him quote the rules. I will ask him the rule.'

Hon. Mr. WATSON—I would like to have another rule if I had the power.

Hon. Mr. LANDRY—There is nothing in this book that concerns the 'Power House,' because when the rules were made, what we call number 17, or the 'Power House,' did not exist, and the government used to come here, and what the government wanted to pass they asked the House to do it, and the House did it; but to-day when the government comes here with a motion, if the Power House is not consulted beforehand, nothing is to be done.

Hon. Mr. YOUNG—Turn to rule 98; that refers to the minutes, and that is the only thing I can see.

Hon. Mr. LANDRY—Rule 98 says: 'A copy of the Minutes of Proceedings, certified by the Clerk, is to be transmitted daily to the Governor General.' Is that the rule that applies?

Hon. Mr. YOUNG—That is the nearest we can get to it.

Hon. Mr. LANDRY—Is that all the hon. gentleman can find?

Hon. Mr. YOUNG—Yes.

Hon. Mr. LANDRY—Perhaps 99 would do?

Hon. Mr. WATSON—The hon. gentleman is skating on thin ice.

Hon. Mr. LANDRY— Does the hon. gentleman suppose that parliament is going to prorogue on the nineteenth with the Insurance Bill that the House took two or three years to study still to be reached? Does he expect that we are going to go through that Bill in two or three hours? If the Bill on insurance comes before us we shall make a thorough study of it.

Some hon. SENATORS—Hear, hear, that is right.

Hon. Mr. LANDRY—'Unless senators direct otherwise, orders of the day take precedence according to priority as follows: first, orders of the day for the third reading of Bills, and the order for the day which at the time of adjournment was under consideration.' Where is that to be found. I must know what took place on Saturday to know what should be allowed.

Hon. Mr. POWER—Does not the hon. gentleman think it was his duty to be here and attend the meeting of the House.

Hon. Mr. LANDRY—It was none of my duty at all. I was not obliged to be here on Saturday, because there is our standing order which says that when the House adjourns on Friday it stands adjourned until three o'clock; and if I am here at half-past eleven, it is by zeal, because I am not obliged to be here. 'Orders of the day which at the time of adjournment had not been reached.' How can I find that the orders of the day are correct, if I have not before me the minutes of the proceedings that took place at the last sitting?

Hon. Mr. YOUNG—I always thought that it was the clerk of the House and the Speaker who had to take charge of the orders of the day.

Hon. Mr. LANDRY—If that be so, why do they not give us orders of the day? Will the hon. gentleman just take the verbal report of the clerk or Speaker. The hon. gentleman quoted rule 98. Did they send that copy to the Governor General, as the rule calls for?

The SPEAKER—No.

Hon. Mr. LANDRY—Who is at fault?

The SPEAKER—I do not know about that.

Hon. Mr. LANDRY—Then there is somebody at fault in this case, and I want the officer who is responsible for the fault to be

dealt with by the clerk of the House. It is time we should cease to suffer by the conduct of some of our officers.

Hon. Mr. YOUNG—There is nothing before the Chair.

Hon. Mr. LANDRY—There is a question of privilege. It is my privilege to raise this question, because it relates to the business of the House.

Hon. Mr. YOUNG—I fail to see any privilege in it.

Hon. Mr. LANDRY—I am here in the exercise of my right when I ask for the minutes containing the orders of the day. I am told they are not here, and that it is due to the negligence of our officers. I want that officer to be——

Hon. Mr. WATSON—Court martialed.

Hon. Mr. LANDRY—No, I want to hear his defence.

Hon. Sir MACKENZIE BOWELL—That there has been negligence, or some sort of a blunder, is obvious. I was with the clerk on Saturday night when he called the attention of the officer whose duty it was to attend to this matter, to the fact that the papers were not ready, and told him that he would be held responsible if there was any delay, intimating that dismissal would follow. I make this statement in justice to the clerk, because I thought from some words which fell from my hon. friend that the blame was attached to him. Having heard the interview between the clerk and the officer in question, I know that the clerk is not to blame. I may say in reference to the officer whose duty it was to attend to the matter, he assured the clerk that the papers would be ready in time for the meeting this morning. They are not here, however?

Hon. Mr. LANDRY—I had no thought of casting blame on the clerk, but if his orders have not been obeyed we should ascertain why.

Hon. Sir RICHARD CARTWRIGHT—I am not conversant with the details, but I should suppose our clerk might read for the information of the hon. gentleman the summary of proceedings which should be submitted to the House.

EXCHEQUER COURT ACT AMENDMENT BILL.

DEBATE CONTINUED.

The order of the day being called:

Resuming the adjourned debate on the motion for the third reading (Bill 98) An Act to amend the Exchequer Court Act, and on the motion in amendment of the hon. Mr. Mr. Belcourt, That the said Bill be not now read a third time, but that it be amended by adding the following clause thereto:—

5. The Judge of the Exchequer Court may, from time to time, and either temporarily or permanently or for special cases, with the approval of the Governor in Council, appoint as deputy judge any person having the requisite qualifications mentioned in Section 2 hereof, provided such appointee whenever called upon to act as such deputy judge in the province of Quebec and Manitoba, is proficient in the two official languages, and such deputy judge shall have and exercise all such jurisdiction, powers and authority as are possessed by the judge of the Exchequer Court.

(a) The appointment of a deputy judge shall not be determined by the occurrence of a vacancy in the office of the judge.

(b) The judge of the Exchequer Court may with the approval of the Governor in Council at any time revoke the appointment of a deputy judge.—(Hon. Mr. Belcourt.)

Hon. Mr. BELCOURT—I do not intend to take up the time of the House in making any further remarks on the motion. What was said the other day pretty well covers the ground. I would beg once more to remind hon. gentlemen that this clause is almost verbatim the section which is found in the Admiralty Court Act.

Hon. Mr. LOUGHEED—I wish to raise a point of order. I have no desire to interrupt my hon. friend in discussing this question; but as it is a matter which may lead to very considerable discussion, since it involves a very important question, the appointment of deputy judges, &c., I am of opinion that this Chamber has no authority to grant this legislation—that it would come under Appropriation and Taxation Bills. I would refer my hon. friend to Bourinot, page 626:

> As a general rule, public Bills may originate in either House, but whenever they grant supplies of any kind, or involve directly or indirectly the levying or appropriation of any tax upon the people, they must be initiated in the popular branch in accordance with law and constitutional practice. * * * If any of those Bills are sent down with clauses involving public expenditure or public taxation, the Commons cannot accept them.

I would refer my hon. friend to the principle involved in the proposed amendment, namely, the appointment of deputy judges. That certainly involves expenditure indirectly, if not directly, and certainly would come within the text of the authority I have just read. I would invite my hon. friend's consideration to that feature of the amendment, and ask the ruling of the Speaker.

Hon. Mr. BELCOURT—I do not question the principle, and I am quite aware of the authority which my hon. friend quoted. Every one in this House knows the rules, but we do not agree on the facts. My hon. friend assumes that this directly or indirectly implies an appropriation of public funds. I submit that it does not. There is nothing on the face of it certainly to point to a direct application of the principle, and there is nothing whatever to show that indirectly there is going to be a call made upon the public treasury. As a matter of fact, the work which is asked to be done here by the appointment of a deputy judge, is work which has been, in the past, done by the registrar of the Exchequer Court and it is in the contemplation —in mine at all events and in the contemplation of other hon. members of this House —that the work of the deputy judge should be performed by the registrar. He has acted in these cases, and is willing to act as in the past, without remuneration.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that the duties of the registrar in the instances alluded to have been exercised at the instance of the judge of the Exchequer Court; but my hon. friend proposes that the Governor General may, of his own motion, appoint deputy judges to act in the office indicated. Surely the hon. gentleman is scarcely credulous enough to believe that lawyers will be found to act in that capacity at the instance of the government without emolument.

Hon. Mr. BELCOURT—I repeat, and I say it advisedly, and after conferring with the gentleman, that if he is appointed deputy judge, as it is in contemplation he should be, he is going to perform that work without any remuneration.

Hon. Mr. LOUGHEED.

Hon. Mr. LOUGHEED—You do not limit it to one particular officer.

Hon. Mr. BELCOURT—I do not.

Hon. Mr. LOUGHEED—You give a wide power to the Governor in Council.

Hon. Mr. BELCOURT—I point out a way in which my amendment can be worked out without the expenditure of money. If this motion is carried, and the registrar of the court is appointed deputy judge, I say that there shall be no expenditure of money. I therefore show, in one way at least, why the principle is not applicable to this case. So that neither directly nor indirectly, does the motion imply, at the present time, an expenditure of money. I do not think the objection is well taken.

Hon. Sir RICHARD CARTWRIGHT—It appears to me that the position taken by the hon. leader of the opposition is sound; that undoubtedly, a charge will be indirectly placed on the public exchequer, and it is no answer at all to say that the government might get along by causing the present registrar to be made deputy judge. The government could not bind themselves to do anything of the kind, and if they appoint a deputy judge, there is no doubt he will have to be paid.

Hon. Mr. BELCOURT—I am not asking my hon. friend or the government to appoint a deputy.

Hon. Sir RICHARD CARTWRIGHT—It is perfectly clear that indirectly a charge may be placed on the public funds if this amendment should be accepted.

Hon. Mr. BELCOURT—I can only repeat what I have said. I have pointed out a way in which this amendment, if carried by this House, can be given full effect to without any expenditure of money; and that is by the appointment of the registrar as deputy judge, so that I say, and I think I am quite within logic and truth, that there is not any necessary expenditure connected with this. There may be. It might be made an occasion for spending money; but it can be carried out without any expenditure. Therefore it does not infringe upon the principle.

Hon. Sir RICHARD CARTWRIGHT—Therefore I cannot follow my hon. friend there.

Hon. Mr. LANDRY—To have the question completely before the House I will again quote from Bourinot:

If any Bills are sent down from the Senate with clauses involving public expenditures or public taxation, the Commons cannot accept them. Such Bills may be ordered to be laid aside. The same practice is also strictly carried out in the case of amendments made by the Senate to Commons Bills. Latterly, however, it is not always usual to lay such Bills immediately aside, but to send them back to the Senate with reasons for disagreeing to such amendments so that the Upper House may have an opportunity of withdrawing them. As an illustration of the strictness with which the Commons adhere to their constitutional privileges in this respect, it may be mentioned that on 23rd of May, 1874, a Bill was returned from the Senate, with an amendment providing for an increase in the quantity of land granted to settlers in the northwest. The premier and other members doubted the right of the Senate to increase a grant of land—the public lands being, in the opinion of the House in the same position as the public revenues. The amendment was only adopted with an entry in the journals that the Commons did not think it necessary at that late period of the session.

That seems to indicate that it is merely in the power of the House to accept or not accept what the Senate may suggest, leaving the Senate at liberty to suggest anything they please, and I think that is what is done frequently when a Bill originates in this House, or a Bill is amended in this House, imposing a fine or penalty. That is left in blank, and the House of Commons fills it in. In the present instance, if there is something to be paid to the officer mentioned in the amendment, the salary is not even mentioned and it is not involving any expense at all. Why? Because he cannot be paid, unless other arrangements are made, and the House of Commons in its Bill of subsidy has voted the money for that purpose. No payment will be made if it is not authorized either by the statute itself or by the Appropriation Act, and, as there is nothing in the statute, where is the authority to pay? If there is no expenditure possible, why should we say that there is one in passing such an amendment? If the right hon. gentleman is not able to give a answer definitely, I think it should be postponed to give him time to study the matter a little further.

Hon. Sir MACKENZIE BOWELL—I think the principle of interference with the expenditure of public money by the Senate is well known and defined, that the Senate can express an opinion which would be an advice to the government, though it might involve an expenditure by the government if the advice were accepted, is quite clear. I think that question has often been discussed and decided in the House of Commons, and it is more applicable to this House than the Commons. My hon. friend's motion expresses an opinion that such and such a thing should be done, that would be tantamount to advice of the Senate to the government. That might be affirmed or rejected, and that would be strictly within the rights of parliament; but when you propose a resolution which in itself, if carried, involves an expenditure because it is directory to the government, instead of being advisory, it seems to me it is clearly out of order. I know that the question was discussed in the House of Commons over and over again. It was discussed on one occasion when I moved the resolution, although at that time it was only for the purpose of expressing an opinion that such and such a thing should be done. Bourinot, at that time, took exception to it as being out of order. However, upon subsequent thought, he acknowledged that he was wrong; that parliament has the right to express an opinion which is an advice to the government, because it involved no expenditure. But if the resolution can be so construed, and really does involve an expenditure, it is clearly beyond the province of this House. I know it is so in the Commons, but particularly so in the Senate.

Hon. Mr. CLORAN—It would be a matter for regret if this motion should be thrown out on a technicality.

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

Hon. Mr. CLORAN—Well, on the point of order which has been explained by the hon. gentleman from Stadacona, and reading fully, not partially, the rule from Bouri-

not, according to that authority this motion is not out of order. The latter part of his opinion in regard to these matters fully bears out the stand taken by the hon. gentleman from Ottawa, and the object of this motion is one that has commanded attention in the province of Quebec and elsewhere, where the rights of the people are set aside by the gentleman who is now Exchequer Court judge, and the people of that province do not intend to tolerate such a condition of things any longer. That is plain, and it is the fact.

Hon. Mr. LOUGHEED—I would point out to my hon. friend that he is not dealing with the question of order. He can speak to the question of order, but not to the merits of the proposition.

Hon. Mr. CLORAN—I am explaining the object of the motion, and I say it would be a pity to have it thrown out on a point of order. I say it is not well taken, according to Bourinot, and as explained and read by the hon. gentleman from Stadacona. On a full reading of Bourinot, not partial, not hiding the meaning of Bourinot, the object of the Bill is one that justifies the Senate in taking action in the matter. It is one that appeals to a large section of our people in this country, and I simply express their views and wishes in the matter, that it would be a matter of regret to retard legislation of this kind for another year or two years, and prevent people obtaining their rights under fair and impartial circumstances in the law courts of our country. We are not dealing with the merits of the amendment. I am not entering upon any discussion, or expressing any disparagement whatever of the amendment; but this is a matter of law, it is not even a matter of practice. It is a matter provided for by the British North America Act, section 53, which says:

> Bills for appropriating any part of the public revenue or for imposing any tax or impost shall originate in the House of Commons.

Hon. Mr. BELCOURT—What is there in this Bill appropriating one cent of money?

Hon. Mr. LOUGHEED—I will come to that. A standing order of the House of Commons declares explicitly:

> All aids and supplies granted to Her Majesty by the parliament of Canada are the sole gift of the House of Commons, and all Bills for granting such aids and supplies ought to begin with the House, as it is the undoubted right of the House to direct, limit and appoint in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.

Now, there comes down from the House of Commons a Bill to amend the Exchequer Court Act, and we propose attaching to that Bill an amendment creating a new office for the appointment by the Governor in Council of deputy judges.

Hon. Mr. CLORAN—Without salary.

Hon. Mr. LOUGHEED—My hon. friend from Ottawa is too good a parliamentarian to insert in his amendment any such provision as that, 'without salary.'

Hon. Mr. BELCOURT—Where is the appropriation of one cent of public money?

Hon. Mr. LOUGHEED—When we provide in a Bill for the creation of an office by the Governor in Council, and particularly of judges, there is only one inference to be drawn from it, that that office carries with it an emolument.

Hon. Mr. BELCOURT—I have answered that.

Hon. Mr. LOUGHEED—My hon. friend does not provide for that in his motion. If my hon. friend puts that in his motion it becomes a different proposition.

Hon. Mr. BELCOURT—I have shown my hon. friend that the inference is altogether imaginary.

Hon. Mr. LOUGHEED—But the inference is, if you create an office for the performance of official duties of this character, it involves an emolument.

The SPEAKER—Had I understood that this question would arise I would have taken more pains to investigate it further; but as a matter of interest I looked into it with a view of seeing how the law stands on the subject, and I met a fairly instructive case on the subject which seems to me gave a point to the objection which has been taken to-day. In order to put my-

self right, on reference to the British North America Act, it will be found in section 100:

Salaries, allowances and pensions of the judges of the superior, district and county courts (except the courts of the probate in Nova Scotia and New Brunswick) and of the admiralty courts in cases of the judges thereof are for the time being paid by salary, shall be fixed and provided by the parliament of Canada.

In addition to that, we have the provision in section 96:

The Governor General shall appoint the judges of the superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

From this it will be seen, first, that the provision respecting payment of judges is vested in the parliament of Canada, and the obligation rests there; and secondly, the appointments must be made by the Governor General. That being the provision of the British North America Act, of course it governs. Then passing on to the question which has been raised directly here to-day, we find it laid down as one of the principles, practically a principle of justice, that the provision for payment of judges shall always be provided for by the government before or at the time of the appointment, and that may be regarded as an essential for the purpose of assuring the independence of the judiciary. The case that I have seen most instructive on that is a case of the judicial committee of the Privy Council, Buckley vs. Edwards, (Law reports, 1892, appeal cases, 397). where the question came up as to the propriety, or regularity, or legality of the appointment of a judge made in New Zeaand, no provision having been made for his salary, and in the course of the judgment on that, Lord Herschell gave a judgment in which these words occur:

Their lordships need not dwell upon the importance of maintaining the independence of the judges; it cannot be doubted that, whatever disadvantage may attach to such a system, the public gain is, on the whole, great. It tends to secure an impartial and fearless administration of justice, and acts as a salutary safeguard against any arbitrary action of the executive. The mischief likely to result if the construction contended for by the respondent be adopted, is forcibly pointed out by one of the learned judges, who held the appointment now in question to be valid. He said: 'In the present case, until such time as the matter may be finally dealt with by parilament, the position will undoubtedly remain most unsatisfactory. The judge is absolutely dependent upon the ministry of the day for the payment of any salary, and has to come before parliament as a suppliant to ask that a salary be given him. It is difficult to conceive a position of a greater dependence. No judge so placed could indeed properly exercise the duties of his office.'

Those observations appear to me to give point to the issue now before us. That being so, it appears to me that the words from Bourinot, which have been quoted, should have application to this clause. It is laid down more strongly in May than it is set out in Bourinot. The question is discussed at page 574 of the 11th edition of May. It is pointed out there that this rule in reference to the property of interfering by legislation applies not merely to the initiation of legislation, but to amending clauses introduced in the Bill when they impose a burden on the people. May says:

By the practice and usage based upon that resolution, the Lords are excluded, not only from the power of initiating or amending Bills dealing with public expenditures or revenue, but also from initiating public Bills which would create a charge upon the people by the imposition of local and other rates, or which deal with the administration or employment of those charges. Bills which thus infringe the privileges of the Commons when received from the Lords, are either laid aside or postponed for six months.

It follows, accordingly, that the Lords may not amend the provisions in Bills which they receive from the Commons dealing with the above mentioned subjects, so as to alter whether by increase or reduction, the amount of a rate or charge—its duration, mode of assessment, levy, collection, appropriation or management; or the persons who pay, receive, manage or control it; or the limits within which it is leviable. Other forms of amendment by the Lords have also been held to infringe upon the privileges of the Commons, such as an addition of the clause providing that payments into and out of the consolidated fund should be made under the same regulations as were applicable by law to other similar payments; of provisions for the payment of salaries to officers of the court of chancery out of the suitors' fund; and alterations in a clause prescribing the order in which charges on the revenues of a colony should be paid.

It is clear that the initation of a Bill or amendment or clause is governed by the general principle. I do not feel very strongly on that point, but I am inclined to think that this amendment infringes the rule, and so I hold.

Hon. Mr. LANDRY—It rests with the House to say whether a Bill shall be ac-

cepted or rejected; but on a question of order I do not see anything that justifies the Speaker in ruling the amendment out of order. Where is the rule we infringe? It may be a question of policy or privilege.

Hon. Mr. POWER—If I understand, his honour has ruled that this amendment is beyond the power of this House to make.

Hon. Mr. LANDRY—I stand upon this rule:

The Speaker preserves order and decides questions of order subject to appeal from the Senate. In explaining a point of order or practice he states the rule or authority applicable to the case.

I am asking where is the rule?

Hon. Mr. POWER—His Honour has given the authority.

Hon. Mr. LANDRY—Where is the rule?

Hon. Mr. BELCOURT—I accept the decision of the Speaker, and I propose now to eliminate from my motion every possible vestige of an expenditure of public money. I therefore move:

That the Governor in Council may, upon the recommendation of the Judge of the Exchequer Court from time to time, appoint the registrar of this court as deputy judge, provided the said registrar has the qualifications required by this Act and is proficient in the two official languages, and such deputy judge shall have and exercise all such jurisdiction, powers and authority as are possessed by the judge of the Exchequer Court.

In changing the wording of my motion, I have wholly eliminated every shadow of contention that there is any expenditure of public money in view. My motion, as now framed, would not be open to objection.

Hon. Mr. ROSS (Halifax)—Does not my hon. friend dictate to the government what appointment they should make? That is a matter which the government have to decide for themselves. They should not be dictated to by this House in making appointments.

Hon. Mr. BELCOURT—There is no dictation; it is simply giving power to make the appointment.

Hon. Mr. POWER—I respectfully suggest the propriety of letting this order of the day stand over until the next meeting of the House so that the right hon. leader of the House may have an opportunity to ascertain the feeling of the government towards the amendment in its present form.

Hon. Mr. BELCOURT—I am agreeable.

The order was postponed until the next sitting of the House.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 106) An Act to amend the Railway Act. He said: The main provisions of the Bill are with reference to the level crossings which we had under discussion for such a length of time in this House, and also to make a grant of one million dollars, divided into five sums of two hundred thousand dollars a year, for the purpose of aiding in the construction of such protection at various crossings as may be recommended by the Board of Railway Commissioners.

Hon. Sir MACKENZIE BOWELL—Is there anything in this Bill other than giving them power to borrow money to pay the debts coming due?

Hon. Sir RICHARD CARTWRIGHT—There are some minor clauses, but they chiefly regard the question of level crossings as to which we had a long discussion in this House, and I may observe that the amendments made by the Senate seem to have been substantially adopted. We could discuss the clauses better in committee.

Hon. Sir MACKENZIE BOWELL—There is a clause which deals with the question of level crossings.

Hon. Sir RICHARD CARTWRIGHT—Yes, and the special grant of $200,000 a year.

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

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

(In the Committee).

On clause 11,

11. The Railway Act is amended by adding thereto the following section:—

5A. The provisions of this Act shall apply to—

(a) any and all railway companies incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada, either owned, controlled, leased or operated by such railway company or companies, whether in either case, such ownership, control, or operation is acquired by purchase, lease, agreement, control of stock or by any other means whatsoever;
(b) Any and all railway companies operating or running trains from any point in the United States to any point in Canada.

Hon. Mr. LOUGHEED—Has my right hon. friend any information on that point?

Hon. Sir RICHARD CARTWRIGHT—As to the number of roads to which it will apply?

Hon. Mr. LOUGHEED—Yes, and as to this phase, that possibly might arise; there might be a railway whose cars were used on a provincial road and would not be within the jurisdiction of the parliament of Canada. This section apparently is so comprehensive as not to permit of any distinction being drawn between railways within the jurisdiction of the parliament of Canada and the railways within the jurisdiction of the provinces.

Hon. Sir RICHARD CARTWRIGHT—I have no particular information about that beyond the fact that this was intended to cover the case of foreign railways operating in Canada.

Hon. Mr. LOUGHEED—My hon. friend will observe that it applies to foreign railway companies owning, controlling, operating or running trains or rolling stock upon or over any line or lines of railway in Canada. It is intended to reach rolling stock of companies, and that rolling stock might possibly be confined to provincial roads.

Hon. Sir RICHARD CARTWRIGHT—I have no special information, but I can obtain information on any point the hon. gentleman desires. I understand the intention was to bring all these foreign companies under our control, no matter on what road they operate.

Hon. Mr. LOUGHEED—It seems to me if that is not limited to railways within the jurisdiction of the parliament of Canada, it may possibly give rise to conflict and litigation. There must be some concrete case in view that the government desires to reach in passing legislation of this kind. Very comprehensive powers are enacted about some isolated case. It would be desirable to know the conditions which have given rise to this legislation.

Hon. Sir RICHARD CARTWRIGHT—The special case is in reference to those roads which cross the Ontario peniusula, more particularly the Michigan Southern Railway.

Hon. Mr. LOUGHEED—Of course, if it were operating its railway between the United States and Canada, I then could appreciate its application; but as it deals only with controlling, operating and running trains or rolling stock upon or over any line or lines of railway in Canada, I cannot very well appreciate its application through the language so expressed. Possibly if my hon. friend had an opportunity of seeing the Minister of Railways, he would ascertain what gave rise to that particular clause.

Hon. Sir RICHARD CARTWRIGHT—In that case, we can put the Bill through this stage, and, perhaps, have the information for my hon. friend on the third reading. My. hon. friend's remarks refer simply to the case of foreign railways operating in any form or shape in connection with a Canadian railway.

Hon. Mr. LOUGHEED—Yes, operating rolling stock on a provincial road. It will be observed that the section which we amend simply applies to all railways within the legislative authority of the parliament of Canada, other than government railways, and these restrictive words found in the original section—that is section 5 of the Railway Act—do not seem to apply to this subsection. If those words were made applicable to this particular subsection, then it would be quite proper, namely, railways within the legislative authority of the parliament of Canada. But those words do not seem to apply to those two sections.

Hon. Sir RICHARD CARTWRIGHT—Does the hon. gentleman suggest the introduction of any words in either subclauses (a) or (b)?

Hon. Mr. LOUGHEED—If those words were added 'Within the legislative authority of the parliament of Canada,' I could understand it very well. It would then give jurisdiction.

Hon. Mr. CLORAN—The words are already used in clause 8.

Hon. Mr. LOUGHEED—Yes, but it would not apply to this. My hon. friend will observe those roads mentioned in sub-clause B are manifestly under the jurisdiction of the parliament of Canada, without mention being made of the fact, because automatically they come under the British North America Act.

Hon. Sir RICHARD CARTWRIGHT—If an emendation were made, it would probably require to be made in line 18, 'Controlling, operating or running trains or rolling stock, upon or over any line, or lines of railway in Canada under the jurisdiction of the parliament of Canada.

Hon. Mr. LOUGHEED—Yes, or to use the expression already in the Act, 'Within the legislative authority of the parliament of Canada.'

Hon. Sir RICHARD CARTWRIGHT—Yes: The introduction of those words would meet the case the hon. gentleman speaks of. I will take a note of it.

The clause was adopted.

On section 13—Rate of speed at certain crossings.

Hon. Sir MACKENZIE BOWELL—Before this section is agreed to, I wish to say I am of the opinion that the Senate has cause to congratulate itself on having secured the adoption of the principle laid down in the resolutions which they passed in reference to level crossings, and the rate of speed at which trains should go over them. Had the government taken this step before so much trouble had arisen between the two Houses on this question, all this controversy might have been avoided. We had the leader of the government in the House of Commons, together with some of his colleagues, voting for what is known as the Lancaster Bill, and we had afterwards the spectacle of their voting for the amendments made by the Senate, believing that the clauses in the Bill as it was originally presented were non-effective; that, in fact, it would not have accomplished the object which the advocates of the principle of slow trains at crossings sought—had the government taken the same position we would not have had this discussion about the obstructive character of the Senate. There is one point in this Bill that seems to me rather incongruous. In this clause it provides that the slackening of speed should only take place at certain crossings, after somebody has been killed. It seems to me that in a clause of this kind the object in view should be to prevent accidents taking place, and not close the door after the accident has occurred. It is necessary that provision should be made, but it should be made, it strikes me, before an accident calls for it.

Hon. Mr. McSWEENEY—I think so, too.

Hon. Sir MACKENZIE BOWELL—However, it is in a line with the policy adopted by the Senate, and, therefore, to my mind, should be accepted. There is a provision in one clause in the Bill by which I am led to the conclusion that there are expenses imposed upon municipalities under certain circumstances which should not be imposed. I have always understood the principle in dealing with questions of this kind, where land is to be expropriated, or where a change is to take place, or in cases where through the growth of population it is necessary to make changes, that the expenses should, under certain circumstances, be incurred solely by the railway companies, and in other cases it should be incurred partly, if not wholly, by the municipalities. For instance, if the road is running through a portion of the country where there is no population on the original construction of the road, there is no necessity for providing protection; but afterwards, when the country has become populated and it is necessary then to make crossings, in that case it seems to me the expense should be borne by one party, and when the road has been built where population existed at the time of construction, it should be imposed upon the other. However, that question was fully discussed, and I am not raising it now; I am merely

giving expression to the opinion as to what I think the law should provide. On the whole, I am very glad that the views of the Senate were to a very large extent adopted by the government and embodied in this Bill. To my mind it justifies the position taken by this House in rejecting an amendment to the Act which they believed would not effect the object which the promoters of it had in view, laudable though it might be.

Hon. Mr. ELLIS—I would not make any remarks upon this Bill if it were not for the observations of my hon. friend. Of course, the matter will present itself to different minds in different aspects. The way I view this question, the Senate was influenced by the action of the House in this matter. The Senate first rejected the Bill and set itself up not only against the House, but against the opinions of the country and maintained that position until it was compelled by public opinion and by the action of some gentlemen on the floor of the Senate to do something, and it passed an amendment which the government has accepted; and I am very glad, in order to get something practical done, that it was accepted, although I would rather have seen adopted the proposition submitted by my hon. friend from Marshfield. I would like to make this further observation, that in the House of Commons there are a great many criticisms of the Senate. I think any man who would write a review of the proceedings and the capacity and ability of the House of Commons, must be struck with the ease with which they swung from one side to the other upon this question, and the government itself could not escape the honest criticism of honest men in allowing the legislation to go in the first instance, and then coming back to the legislation adopted here. I just state that as my own view of the situation that, on the whole, the legislation which was brought forward by my hon. friend from De Salaberry and adopted by this House is accepted on the principle that half a loaf is better than no bread.

Hon. Sir MACKENZIE BOWELL—I think the rate of ten miles an hour through thickly populated cities, towns and villages is altogether too fast. Nobody would be allowed to drive a team of horses through a thickly populated place at such a rate of speed. From my knowledge of what has occurred in the city where I live, most accidents occur when trains run very slowly in thickly populated places. People do not take care in crossing railway tracks, or the driver has not been in a fit state to look out for himself.

Hon. Mr. BEIQUE—The hon. gentleman from St. John has given expression to an opinion which was stated in another place, that this amended provision adopted by the Senate was afterwards adopted by the House of Commons because, otherwise the Bill might not pass.

Hon. Mr. ELLIS—I was referring solely to the restrictions in the Bill.

Hon. Mr. BEIQUE—Something of the kind was said in the Commons, thereby throwing a very strong and undeserved responsibility on the Senate. In that connection, it is but proper to call public attention to this fact, that both during this session and last session, when this House dealt with the Lancaster Bill, the position taken by those who favoured the amendment was that they were presenting to the House of Commons a better measure than the Lancaster Bill as introduced here, and that if the other House insisted upon keeping the Bill as it passed in that House, then it would be the duty of the Senate to give way and leave the responsibility with the Commons. That was the position taken throughout by myself and by several other senators, and I may recall also the fact that the hon. member from De Lorimier published over his own signature a letter to that effect in a Montreal paper after the Bill had been amended here and returned to the Commons for their consideration. Therefore, we must infer that the House of Commons adopted the amended Bill because they deemed it to be the best measure that could be framed under the circumstances.

Hon. Mr. LANDRY—Do I understand the hon. gentleman to say that the House of Commons really adopted the amendments made to the Lancaster Bill by this House?

Hon. Mr. BEIQUE—With some additions.

Hon. Mr. LANDRY—Did they take up the amendment and consider it?

Hon. Mr. YOUNG—They did not consider our amendment, but they adopted something similar.

Hon. Mr. BEIQUE—The hon. member will find that subsection 3 of clause 13 is word for word the amendment adopted by the Senate.

Hon. Mr. LANDRY—The hon. gentleman has not caught my point. What I ask is did the House of Commons take up the amendments made by the Senate to the Lancaster Bill?

Hon. Mr. DERBYSHIRE—No.

Hon. Mr. SCOTT—They adopted our amendment word for word.

Hon. Mr. LANDRY—Did they take up the message from this House and act upon it? Did they accept or reject the amendments made by the Senate?

Hon. Mr. DANDURAND—No, they have not taken up our work. They have adopted a Bill of their own, which comes to us, and we are working concurrently on two measures.

The clause was adopted.

On clause 14,

14. Railway companies shall print in both the English and French languages the timetables and bills of lading that are to be used along their lines within the limits of the province of Quebec.

Hon. Mr. LANDRY moved that the clause be amended by adding at the end thereof the words 'and Manitoba.' He said: We have the same rights in Manitoba as in the province of Quebec.

Hon. Mr. POWER—But you have not the same population.

Hon. Mr. LANDRY—Is it a question of population.

Hon. Mr. POWER—Largely.

Hon. Mr. LANDRY—So minorities have no rights?

Hon. Mr. SCOTT—There are many languages spoken in Manitoba, Russian, German, Icelandic, &c.

Hon. Mr. LANDRY—Does the hon. gentleman mean to say that those languages are on the same footing as French?

Hon. Mr. SCOTT—There are French Canadians in all the provinces, but the numbers are so small that no hon. gentleman would consider it advisable to introduce such an amendment to apply to all of them.

Hon. Mr. LANDRY—The hon. gentleman refuses to accept my amendment because, in his opinion, there are not enough French in Manitoba. Why refuse it on that ground? Is it the number of people in a province that entitles them to have their rights respected?

Hon. Mr. SCOTT—Why not have it in Ontario? We have a larger population of French in Ottawa than in Manitoba.

Hon. Mr. LANDRY—Because we are not obliged to use the French language in Ontario.

Hon. Mr. SCOTT—French is not an official language in Manitoba as it is in Quebec.

Hon. Mr. LANDRY—It is an official language in Manitoba.

Hon. Mr. ROSS (Middlesex)—No.

Hon. Mr. LANDRY—Why not?

Hon. Mr. WATSON—Because Manitoba decided to do away with it some years ago.

Hon. Mr. LANDRY—In the proceedings of the House, but not in any other way.

Hon. Mr. ROSS (Middlesex)—Nor is the French language spoken in the legislature of Manitoba.

Hon. Mr. LANDRY—Any litigant in the courts of Manitoba has a right to be heard in French.

Hon. Mr. ROSS (Middlesex)—In the courts of Canada.

Hon. Mr. LANDRY—At the outset the right to use the French language was extended to Manitoba, but an amendment passed in 1891 gave the province the right to regulate what language should be used in their proceedings in the

legislature, and it was decided that the only language used should be English. That does not, however destroy the right of the population to use their own language in the courts.

Hon. Mr. POWER—That is not the question before the committee.

The amendment was rejected.

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

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

SECOND SITTING.

The SPEAKER took the Chair at three o'clock.

Routine proceedings.

APPOINTMENT OF INTERCOLONIAL RAILWAY COMMISSIONERS.

INQUIRY.

Hon. Mr. TESSIER inquired of the government:

If the newly appointed commissioners of the Intercolonial railway, to wit: Messrs. Pottinger, Tiffin and Brady are appointed for one year or for a term of years?

Hon. Sir RICHARD CARTWRIGHT—No period is specified.

SUSPENSION OF RULES.

MOTION.

Hon. Mr. DANDURAND moved:

That from now on to the end of the session, rules 23 (*f*), 24 (*a*), (*b*), (*c*), (*d*), (*e*), (*g*), (*h*) and (*j*), 30, 63, 117, 119, 129, 130 and 131 be suspended in so far as they relate to Bills coming before the Senate.

He said: Two motions have been carried already, suspending the rules concerning the divers stages of certain Bills that were proceeding before the Senate. I have suggested that it would be better to suspend all such rules as would prevent advancing legislation from this on to the end of the session. Our work may be sufficiently complete within the next 48 hours to allow us to separate, and if this motion were carried it would expedite business by allowing us to pass Bills without waiting for one or two days' notice as our rules provide.

Hon. Mr. LANDRY—I notice by the order paper—the kind of paper which has been placed before us—because we have not yet the printed minutes of Saturday's proceedings—that the notice of motion given this a.m., which was placed in the hands of the Speaker, has since been altered at the table.

Hon. Mr. DANDURAND—Not that I am aware of.

Hon. Mr. LANDRY—I have the orders of the day, and I observe that the motion is that from now to the end of the session, rules 24, 25, 30, 119, 120, 130 and 131 be suspended. That was the motion, notice of which was given this morning, but there has been added in pencil '23 F and 24 A. B, C, D, E, F, G, and J and rule 117. I think that is very irregular—at least it appears that way to me.

Hon. Mr. YOUNG—The whole of rule 24 was suspended.

Hon. Mr. LANDRY—What about 117?

Hon. Mr. DANDURAND—The only change that has been made, as I am informed, is adding the letters to rule 24.

Hon. Mr. LANDRY—There was a change.

Hon. Mr. DANDURAND—The hon. gentlemen objects to specifying the subsections of section 24; it could be dropped.

Hon. Mr. LANDRY—If we suspend rule 24, we would not require any subdivision to the rule, but notice having been given, it should stand without alteration. That is according to the way that in the past we have considered our rules; but now all is changed. The rules exist no more.

Hon. Mr. DANDURAND—If the hon. gentleman objects to a small alteration, which is of no consequence, we can drop it.

Hon. Mr. LANDRY—I said I would accept it. There is a motion before the Chair. I suppose I may be allowed to ventilate my opinions as to that rule and to say what I think of it.

Hon. Mr. PERLEY—It would be a departure from the hon. gentleman's practice in the past if he did not.

Hon. Mr. LANDRY—I notice that there have been ten changes in the motion. I want to prove to my hon. friends that I do not want to be an obstructionist, and I move in amendment:

That all words after the words 'session' be struck out and the following be substituted therefor:

All Bills coming from the House of Commons from now to the end of the session be adopted without following any rules, and without any consideration whatsoever, owing to the advanced stage of the session and owing to the danger such Bills would encounter of being passed, if possible amendments should be adopted by this House.

Hon. Mr. CLORAN—Does the hon. gentleman mean to prevent discussion?

Hon. Mr. LANDRY—Yes. Why discuss a Bill if we cannot amend and send it back to the House of Commons? Hon. gentlemen say: 'Do not make an amendment; you endanger the Bill.' It is very dangerous for us to suggest an amendment. A Bill amended in this House might go to the Commons, and they might not have time there to accept our amendments or to pass the Bill.

Hon. Mr. BEIQUE—May I ask the hon gentleman if the motion of the hon. gentleman from De Lormier is according to the practice in past sessions?

Hon. Mr. LANDRY—Practice is supreme according to a recent decision of the Speaker. We do not require any rules; we are going to establish this practice, and next year it will be urged as a precedent.

Hon. Mr. DANDURAND—I may assure my hon. friend that if he moves any amendment from now to the end of the session which seems useful, I will certainly vote for it, so that he will at all events get a seconder or one to support him.

Hon. Mr. LANDRY—But how could we better a Bill if we kill it?

Hon. Mr. DANDURAND—The hon. gentleman certainly can be humorous, but he will not push his joke to the extent of pressing his amendment in the hands of his honour the Speaker.

Hon. Mr. BEIQUE—Nobody should put jokes into a motion; it is against the rules of the House.

Hon. Mr. LANDRY—I am serious. I want every Bill that comes here to go through without following any rules.

Hon. Mr. SCOTT—A motion of that kind is not in accordance with the policy of a deliberate body. We ought not to make a joke of the solemn business we are engaged in. It would make us ridiculous and subject us to criticism in the press.

Hon. Mr. McMULLEN—There is one very important Bill to come before us yet—the Insurance Bill—and no suspension of the rules should be adopted which would fetter this House with regard to that measure. It has been over two years before the Commons and the committee of that House has spent considerable time over it. At the eleventh hour of the session, it should not be expected that we are to consent to suspend the rules and railroad such important legislation through the Senate. I am opposed to anything of that kind, and if the motion is adopted, an exception should be made to that measure.

Hon. Sir RICHARD CARTWRIGHT—I may relieve my hon. friend's mind with respect to the Insurance Bill. There is no intention of forcing it through the House against the wish of any number of members. If there are objections to it, they must be considered and the Bill will not be pressed unduly.

Hon. Sir MACKENZIE BOWELL—The original motion will have precisely the same effect as the amendment, except that the original motion does not prevent a consideration of a Bill, while the amendment would. While I hope my hon. friend will not press his motion, I must say it is singularly unfortunate that it should be necessary, near the close of the session, to suspend the rules adopted by the House, not merely for the protection of the minority, but to ensure ample consideration of all questions coming before us. I know it has been the practice towards the end of the session to suspend the rules, and this is not the first time I have had to object to such practice. I regret that it should be necessary to take such a step in order that prorogation may take place.

Hon. Mr. LANDRY—I have been asked to withdraw my amendment.

Hon. Mr. WATSON—I would rather have the decision of the House upon it. I think the hon. member who takes such a position as the hon. member from Stadacona has taken to-day should be exposed by a vote of the House.

Hon. Mr. POWER—I do not altogether differ in sentiment from the hon. gentleman behind me (Hon. Mr. Watson), but he must remember that our Minutes will go down to future ages, and those who read them may think we were in earnest, and it would not be to the credit of the Senate in the year of our Lord 1909 that a resolution such as this amendment is should be seriously moved and considered. The people would say in the year 2000, not knowing that we were given to joking here, that it was a curious motion. I hope my hon. friend will not persist in objecting to the withdrawal of the motion.

Hon. Mr. YOUNG—The withdrawal of the motion will not erase it from the record, because the amendment will appear in the 'Debates.'

Hon. Mr. EDWARDS—I sympathize with the views of the hon. gentleman from Halifax. It would be very undesirable that this amendment should be pressed. The hon. gentleman has expressed a wish to withdraw it and should be permitted to do so.

Hon. Mr. LANDRY—In view of the opinion expressed on both sides of the House, I ask permission to withdraw my amendment, because it recites the same thing as the original motion, except in this way, that under the first motion we may discuss and adopt, while under my amendment we may adopt without discussion.

The amendment was withdrawn.

Hon. Mr. POWER—I do not wish to take any action which would unduly prolong the session or prevent us from getting away at a certain appointed time, but I trust it is distinctly understood that if an important measure comes up from the Commons it shall not be read a second time immediately after being brought in, but that the members of this House shall have an opportunity to study the measure before the second reading. I assume that the right hon. gentleman who leads the Senate has no objection to that.

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Mr. WATSON—Is it the desire of the House that the matter which has been discussed for the last half hour shall be expunged from our debates?

The SPEAKER—The motion before me is for the suspension of the rules.

Hon. Mr. LANDRY—I think the best way out of the difficulty is the method which the hon. gentleman from Halifax touched en passant, without discussing it any more in this House. Why make a motion to expunge it. If the hon. gentleman wants to press the motion by force let him do so.

Hon. Mr. POWER—I think the matter had better be left to the discretion of the hon. gentleman.

Hon. Mr. WATSON—Is it the desire of his honour the Speaker that any hon. member may expunge from our debate—any words that he may have spoken in this House? If so our debates should be abolished.

The amendment was withdrawn and the motion was agreed to.

GRAND TRUNK PACIFIC LOAN BILL.

Hon. Mr. PERLEY—Before the orders of the day are called, I want to make an explanation with reference to what I intended to have done in respect to the Bill passed so very solemnly the other day, the Grand Trunk Pacific Loan Bill. I intended to have spoken in regard to it, and I was in my place for four different sittings from the time the Senate opened till we closed at night, and had not an opportunity. Time was occupied by procedure similar to that which we have had to-day, and I became disgusted and concluded I would not speak that night but would do so on the third reading; but to my surprise the third reading was carried at the last sitting of the House. I intended to move the adjournment of the House to-day to enable me to speak, but I do not want

to detain parliament at this stage of the session, and I propose to let the matter drop. Of course I would not speak with the expectation that my words would have any effect, because the government can pass Bills through this House anyway without controversy. Whatever the government desire to introduce, even if it were a Bill to build a railway to the moon, it would carry, and it is a waste of time, to my mind, to oppose it.

BILL INTRODUCED.

Bill (No. 147) An Act to amend the Cold Storage Act.—(Hon. Sir Richard Cartwright).

EXCHEQUER COURT ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 151) An Act to amend the Exchequer Court Act.'

The Bill was read a first time.

Hon. Sir RICHARD CARTWRIGHT moved that the Bill be read a second time at the next sitting of the House.

Hon. Mr. LOUGHEED—Can my hon. friend say what this means?

Hon. Sir RICHARD CARTWRIGHT—It is giving the power to appeal to the provincial courts in place of the Supreme Court.

INTERCOLONIAL AND PRINCE EDWARD ISLAND RAILWAYS PROVIDENT FUND BILL.

FIRST, SECOND AND THIRD READINGS.

Bill (No. 164) An Act to amend the Intercolonial and Prince Edward Island Railway Employees Provident Fund Act was introduced and passed through all its stages without debate.

BILLS INTRODUCED.

Bill (No. 165) An Act respecting the Department of Labour.—(Hon. Sir Richard Cartwright).

Bill (No. 174) An Act to correct a clerical error in Chapter 63, of the Statutes of 1908, respecting Railway Subsidies.—(Hon. Sir Richard Cartwright).

CANADIAN NORTHERN RAILWAY BILL.

FIRST READING.

Bill (No. 196) An Act respecting certain aid for the extension of the Canadian Northern Railway was read a first time.

Hon. Mr. LOUGHEED—Has my right hon. friend any knowledge as to whether this is in the shape of a subsidy Bill or will there be another?

Hon. Sir RICHARD CARTWRIGHT—It is not a subsidy Bill at all, as I understand it. I think it is merely extending certain powers the company possess under the deed of trust.

HARBOUR COMMISSIONERS OF MONTREAL.

FIRST READING.

Bill (No. 192) An Act to provide for further advances to the Harbour Commissioners of Montreal was read a first time.

Hon. Sir MACKENZIE BOWELL—To what extent are the advances?

Hon. Sir RICHARD CARTWRIGHT—The purposes of this Bill is to allow of the interest on the advances during the construction of works being charged to capital account, which it appears was necessary to be provided for.

Hon. Mr. LOUGHEED—That is, advances made up to the present time? Can the government say when we may expect the Harbour Commissioners of Montreal to pay interest?

Hon. Sir RICHARD CARTWRIGHT—They do pay interest.

Hon. Mr. LOUGHEED—It is now proposed to consolidate the interest and the principal?

Hon. Sir RICHARD CARTWRIGHT—Only so far as what is known as interest on advances while work is being constructed. It is a common provision, as my hon. friend knows, in advances made to railways, and notably to the Transcontinental Railway and of the other portions of the Grand Trunk Pacific line.

Hon. Mr. LOUGHEED—It is a bad precedent to adopt.

GOVERNMENT ANNUITIES AMENDMENT BILL.

A message was received from the House of Commons returning Bill (B) An Act to amend the Government Annuities Act, 1908, with an amendment.

Hon. Sir RICHARD CARTWRIGHT—The object of this amendment is simply to allow husband and wife, if they choose, each to have an annuity to the extent of six hundred dollars. I have no objection to the amendment.

Hon. Mr. LANDRY—I do not want to object to it, but I want to understand it.

Hon. Sir RICHARD CARTWRIGHT—In the original Act, as passed by the House last year, a husband and wife together could only have an annuity to the amount of six hundred dollars. The House of Commons thinks that the husband might have an annuity of six hundred dollars and the wife an annuity of six hundred dollars, if she chooses to pay for it.

Hon. Mr. LOUGHEED—We amended that provision this session. What was our amendment?

Hon. Sir RICHARD CARTWRIGHT—What I did was this: I allowed the husband to divide with his wife, if he saw fit. I did not interfere with the maximum. Our maximum was six hundred dollars in the case of husband and wife.

Hon. Mr. LANDRY—And the House of Commons, instead of dividing, want to multiply.

Hon. Sir RICHARD CARTWRIGHT—No, they gave both powers. The husband can divide his annuity if he sees fit; likewise the husband and wife can individually have separate annuities.

The amendment was agreed to.

THIRD READING.

Bill (No. 95) An Act to incorporate the Royal Guardians.—(Hon. Mr. Casgrain).

RAILWAY ACT AMENDMENT BILL.

THIRD READING POSTPONED.

The order of the day being called, third reading Bill (No. 106) An Act to amend the Railway Act.—(Hon. Sir Richard Cartwright).

Hon. Mr. LOUGHEED—Has my right hon. friend been able to get the information I asked for?

Hon. Sir RICHARD CARTWRIGHT—The Minister of Railways is of opinion that the section is very necessary. It has been found in practice that some of these foreign railways have possessed themselves of provincial charters for the express purpose of evading and disregarding the provisions of our general Act, and the Board of Railway Commissioners have made formal complaint to the department of several occasions in which this has been done. It is to meet this that the Bill has been framed in the fashion to which my hon. friend called attention.

Hon. Mr. LOUGHEED—Is my hon. friend under the impression that the parliament of Canada can take jurisdiction to itself in that way?

Hon. Sir RICHARD CARTWRIGHT—I think it can.

Hon. Mr. LOUGHEED—I have to express dissent to that proposition.

Hon. Sir RICHARD CARTWRIGHT—I think their jurisdiction extends to all those cases—at least that appears to be the opinion of the Department of Justice. If it is ultra vires, of course the courts will deal with it.

Hon. Mr. LOUGHEED—It will give the lawyers something to do.

Hon. Sir RICHARD CARTWRIGHT—It has been proposed that subsection 1, of section 208 of the Railway Act be amended by adding thereto the following words:

Provided further, that the company shall, to the extent of the compensation recoverable, be entitled to the benefit of any insurance affected upon the property by the owner thereof. Such insurance shall, if paid before the amount of compensation has been determined, be deducted therefrom; if not so paid, the policy or policies shall be assigned to the company, and the company may maintain an action thereon.

I give notice that I shall move that this be added, but as the matter is one of some considerable importance I shall postpone the third reading.

Hon. Mr. LOUGHEED—We have already amended section 208.

Hon. Mr. DANDURAND—Yes.

Hon. Mr. LANDRY—Does it apply only to accidents by fire, or does it extend to accidents by lightning?

Hon. Mr. DANDURAND—Accidents by fire. When the company is called upon to pay compensation, and the property is insured, the company claims it should be entitled to so much of the insurance that is collected.

The order was postponed until the first sitting to-morrow.

HARBOURS AND PIERS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (No. 89) An Act to amend the Government Harbours and Piers Act.

(In the Committee).

On clause 1,

1. Section 16 of The Government Harbours and Piers Act, chapter 112 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

16. If the minister deems it advisable to lease to any provincial government, municipal council, harbour commission, shipping company, or railway company any wharf, pier, or breakwater under the control of the minister, tenders by public advertisement for such lease shall be invited by the minister for a term not exceeding three years, and the Governor in Council may thereupon lease such wharf, pier or breakwater upon such terms and conditions as are agreed upon: Provided that nothing in this section shall interfere with the public use of such wharf, pier or breakwater; and provided further that the lessee of such wharf, pier or breakwater shall not charge wharfage tolls or dues in excess of the tolls and dues established under the authority of this Act by the regulations for the government of breakwaters, piers or wharfs in Canada as approved from time to time by the Governor in Council.

Hon. Mr. POWER—The object of this Bill, as I understand, is to provide that the government shall receive some return for the expenditure made in the construction of those wharfs and piers, and that they may lease the wharfs or piers to the provincial government, municipal council, or individual or company. I notice there is provision made for the making of a lease. I throw out this suggestion for the consideration of the right hon. gentleman who leads this House: These leases, I suppose, will be in the regular set form, because if the leases are drawn up by professional men and the regular charge made for drawing them, the government will not receive very much revenue out of the wharfs during the three years.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend has high ideas, but just ones I fear, of the capacity of the profession to charge.

Hon. Mr. LOUGHEED—If a gentleman like Mr. Johnson, who is practising law in Winnipeg, were permitted to establish a tariff with reference to the leases, the same as he did with regard to certificates of title on the Transcontinental Railway, it would absorb a large amount of the rentals.

Hon. Mr. WATSON—I think the last remark requires a little explanation. With regard to Mr. Johnson, of Winnipeg, who, my hon. friend says, established a tariff for charges for certificates of title on the Transcontinental, the hon. gentleman must remember that the highest officer in Manitoba, who is charged with the duty of taxing the fees which lawyers charge, said that Mr. Johnson's charges were fair and reasonable, as well as the charges of other lawyers in Winnipeg.

Hon. Mr. LOUGHEED—That does not alter the correctness of the statement which I made, that it would absorb pretty much of the rental the government expect to receive from these wharfs

The clause was adopted.

On subclause 3,

3. The minister shall lay before parliament, within one month after the opening of the then next session thereof, a statement of all leases made under the provisions of this Act and the conditions of such leases.

Hon. Mr. POWER—With respect to this last subclause, that is quite right, but it goes on to say: 'And the conditions of such lease.' That would involve a very considerable amount of labour, and I think it is hardly necessary.

The clause was adopted.

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

The Bill was then read a third time and passed.

THE DEBATES OF THE SENATE.

REPORT OF COMMITTEE AMENDED.

Hon. Mr. ELLIS moved the adoption of the report of the Committee on Debates and Reporting. He said: An error was made in printing this report which appears at page 603 and reads as follows:—

Your committee recommend that the contract with Messrs. Holland Bros. for the reporting of the Senate debates be cancelled at the end of the present session, and that thereafter such reporting be made by a staff consisting of one editor and chief reporter, one junior reporter, one assistant in charge of copy and three typewriters.

That the report, though not strictly verbatim, should be substantially a verbatim report with repetitions and redundancies omitted, and with obvious mistakes corrected, but on the other hand leaving out nothing that adds to the meaning of the speech or illustrates the argument.

That the unrevised edition of the debates of the Senate be issued to the public as is now done in the House of Commons.

In the first paragraph, after the words 'chief reporter,' should appear 'one senior reporter.'

Hon. Mr. LOUGHEED—What is the error?

Hon. Mr. ELLIS—Most hon. gentlemen will remember that the matter of reporting the 'Debates,' and other matters relating thereto, was before the House on a previous occasion on the report of the committee, and the House was not satisfied with the report and referred it back. Now this is the judgment of the committee as regards what should be done to improve the reports of the 'Debates.'

Hon. Mr. THOMPSON—Does this enlarge the staff or add anything to the expense of the service?

Hon. Mr. YOUNG—It involves a greater expenditure of money.

Hon. Mr. THOMPSON—To what extent?

Hon. Mr. ELLIS—To answer my hon. friend frankly, I think it will enlarge the expense, but of course the service will be better. Making up a rough statement there will be an editor in chief and reporter, senior reporter, junior reporter, one assistant in charge of copy, and three typewriters, and an estimated expense of $9,800. The Messrs. Holland were paid last session $8,000, according to the report of the Auditor General, but that was a very long session.

Hon. Mr. POWER—That leaves out of consideration the cost of the material altogether. We will have to supply the plant.

Hon. Mr. ELLIS—I may say to the House, that the contract now with the Messrs. Holland is a contract price of $5,-240, for the 'Debates' up to six hundred pages, and eighty-one and two-thirds cents per page for all over that.

Hon. Mr. THOMPSON—Would the shortness or the length of the session determine to the same extent as now the cost of the work?

Hon. Mr. WATSON—It would be a fixed charge.

Hon. Mr. YOUNG—It would be $9,800 short or long.

Hon. Mr. ELLIS—That is the estimate of the price, about $9,800. The length of the session or the shortness of the session would not affect it. These persons would become, presumably, members of the staff of the Senate.

Hon. Mr. LANDRY—What would be the salary of the chief reporter?

Hon. Mr. ELLIS—Supposing he started at $2,500, he would probably get to $2,800 within a reasonable time.

Hon. Mr. LANDRY—That is at the start.

Hon. Mr. ELLIS—I could not say. The memo. that I hold in my hand, editor and chief reporter, $2,800; senior reporter, $2,500; junior, $1,600; the assistant in charge of copy reading it over and fixing it for the press, $1,400; three typewriters, $500 each.

Hon. Mr. LANDRY—That makes seven officers.

Hon. Mr. ELLIS—I do not know that it is necessary to add anything more. The committee made the report with the object of improving the 'Debates' generally, and having the work done more efficiently, although there is very little complaint, we

admit. A reduction will undoubtedly take place I think, in the amount of printing, by leaving out the redundancies.

Hon. Mr. LANDRY—That could be done in the same manner now. If the reporters now were to cut out all the redundancies, the same result would be attained under the present system. Nobody seems to have the responsibility for doing that.

Hon. Mr. BEIQUE—The figures given by the hon. member from St. John are $9,800. It would, of course, cover all reporting. The staff would be employees of the Senate, and would do all the reporting not only of the House but also all committee work, and it would increase the capacity for that purpose, and enable the reporting to be done with more care. While the cost of reporting would be increased over the present contract price, there would be a considerable saving in printing. The editor would reduce the length of the report considerably, and not only save expense in printing, but improve the character of the reports. I am sure we would be surprised if we could obtain from the Printing Bureau the expenditure entailed by the corrections made for the revised edition.

Hon. Mr. THOMPSON—Is that expense charged to the Senate?

Hon. Mr. BEIQUE—I think it is.

Hon. Mr. ELLIS—I am safe in saying there is a regular charge for printing. The printing cost us $9,000 last year.

Hon. Mr. BEIQUE—The report has to be translated into French, and printed in French, and the volume is unnecessarily bulky. If we had a competent editor, I am quite satisfied that the size of the volume would be considerably reduced, and our volume would be more interesting than it is at present. Many redundancies and repetitions would be omitted and the style would be very much improved. For my part I have no complaint to make of the reporters; but there being only two, they are unable to give the same care to the reporting that is given in the House of Commons. In that House the speeches are issued in an unrevised edition; we propose to adopt that plan here. Hon. gentlemen who have read the unrevised edition of the Commons must have observed that they are far superior to the unrevised edition of the Senate. It is because they have a staff large enough to do the work, and the necessary care is taken to improve upon a verbatim report. It seems to me that as we propose to issue the unrevised edition to the press and the members of the House of Commons, we should all be interested in having a competent staff and a competent editor to see that the report is sent out in the proper form. It is true that the contract price is below $9,800; on the other hand, every session we have been called upon to vote a bonus to the contractors. This session the contractors have asked that the contract price be increased to $11,000, so if we continue the present system we have to face the probability of the price being raised to $11,000, when we can improve the system by cancelling the contract and employing a proper staff to do the work.

Hon. Mr. CLORAN—Did the hon. gentleman say that the proposed new staff will be at the service of the different committees?

Hon. Mr. BEIQUE—Of course.

Hon. Mr. CLORAN—That will be quite an advantage.

Hon. Mr. BEIQUE—Of course it is a great advantage, and the three typewriters will be at the service of the Senate and its committees.

Hon. Mr. THOMPSON—Would the staff be in attendance on the committee and report the discussions?

Hon. Mr. BEIQUE—They would be regular employees of the Senate, at the disposal of the Senate and under the control of the Senate.

Hon. Mr. CLORAN—Would they be here during the adjournment of the Senate?

Hon. Mr. BEIQUE—The salaries which have been mentioned, I understand, are the same as those obtaining in the House of Commons, and, the reporters are there during the whole session, and they would be expected to be there during the recess as well.

Hon. Mr. CLORAN—It is well to have all these matters understood.

Hon. Mr. LANDRY—I think we should not proceed too quickly with this report. It has the disadvantage of coming here in the last days of the session. We do not know what the changes are to be, and they will involve the question of the expenditure of public money. We were told a day or two ago that we had no right to discuss money questions in this House, that would impose taxes upon the people. Now we are told that the cost will be increased over that of the system at present prevailing.

Hon. Mr. DANDURAND—This is an absolutely domestic matter with which we are solely entitled to deal.

Hon. Mr. LANDRY—A short time ago my hon. friend from Ottawa introduced a matter in which there was not a single cent of money to be appropriated, but now we are undoubtedly asking an appropriation, and this motion is said to be in order, but the other motion was not. At all events, I want to know a little more. We have actually three reporters present here. I see three faces coming in.

Hon. Mr. POWER—There are three.

Hon. Mr. LANDRY—I see only one for the moment, but he will be replaced by another, and the second one by another, Mr. Holland. That makes three. We have actually three, and I do not know all the typewriters we have; but if we have four in the future, with three typewriters, it will not be a great change from what we have now. I think they must have three typewriters upstairs, and I want to know if there are any complaints made against the present system? If there are no complants why change? If there is going to be a chief editor and chief reporter, what will be the duty of the editor? Is he to take a pair of scissors and cut out all the redundancies which may occur in the 'Debates? Is that all he has to do. The work is actually done in a pretty fair way. If that is the only complaint there is, I do not see why the change is proposed. I am not ready to give an opinion. The report may be in the right direction, but we have not sufficient information before us on which to take up the question. It comes in near the close of the session, and it is a very serious change that is proposed. It is a new departure altogether. I think we should proceed slowly, and consider the pros and cons before sanctioning such a move. If a change is to be made, I should like to know if one of the reporters will be a French reporter? I should also like to know if one of the typewriters who are to be employed will understand typewriting in French? We never brought up these questions before, because there was a contract with Messrs. Holland; but if we are going to make a departure, I do not see why we French people should be left in the dark. I should want to have a French reporter if that motion were going to carry. I do not want him necessarily to be a Frenchman, but I want him to understand the French language. Whether he be French or English, I want to avail myself of the services of a French operator. I want to have somebody who understands both languages. The two languages are official, and at least we should have one who understands both. What about the cancellation of the contract? Was there some arrangement arrived at to cancel the contract? Is there a contract between the Messrs. Holland and this House? If there is a contract, and the cancellation takes place, I suppose it must be with the will of the contractors.

Hon. Mr. POWER—The contract requires a year's notice.

Hon. Mr. LANDRY—Then we must give the notice, and I suppose we cannot give that before we have arranged what is to take place in the future. Therefore, this change cannot be made until next session. Has the notice been given?

Hon. Mr. DANDURAND—It would only be given if this report carries.

Hon. Mr. LANDRY—If it is not given, what is the position in which we are placing our contractors to-day: If you pass this motion, what are you going to do with the contractors?

Hon. Mr. DANDURAND—The contractors would be notified, but if they want to stick

to their contract they can continue their work for next session.

Hon. Mr. LANDRY—And if they stick to their contract, and continue their work until they receive proper notice, they will not be noted in a favourable way. It will be said to them: 'You are an obstacle, and when we renew the contract you will be put aside.' That might occur.

Hon. Mr. DANDURAND—I understand from one of the parties, this is subject to verification—that they are agreeable to this change.

Hon. Mr. LANDRY—I did not see them at all.

Hon. Mr. DANDURAND—But that is immaterial, because they can always remain by their contract or abandon it if they please.

Hon. Mr. LANDRY—If they stick to their contract, and have the right to stay one year more, I do not see that we should be in such a hurry.

Hon. Mr. DANDURAND—It will authorize the committee to make a beginning by giving the year's notice.

Hon. Mr. LANDRY—There may be difficulties in the way, and I think a report of this importance should not be carried in one sitting of the House. We should have time to see what we are going to do ourselves in the matter. The report may be a good one. It may be in the right direction. Before I am asked to give my sanction to the proposed change, I want to know all about the details.

Hon. Mr. POWER—I think the hon. gentleman who has just spoken really struck the nail on the head when he said that he had not heard any serious complaint of the way in which the work is done now. In fact, my impression is that some of the hon. members of the committee who made this report were loudest in their praise of the way in which the present contractors did their work. Here is the point: A suggestion was made which would have given to the debates of the Senate a better chance of being read than at present. There is no such element involved in this proposition at all. It leaves us in that respect just as we were, and it may be that there would be an occasional repetition struck out of the debates, but inasmuch as very few people read our debates, I regret to say, I do not think it is necessary to create a staff or add to the staff no less than eight new salaried employees, for the purpose of striking out these repetitions which very rarely occur. As it is now, they are not on our staff, and hon. gentlemen must remember that if these gentlemen, and young ladies, I suppose, become members of the permanent staff of the Senate, then if we should decide next session or the session following to make a change in our system, we cannot get rid of them, and I fail to see that any substantial good is to be accomplished by the change which is proposed in this report. I therefore move, seconded by the hon. gentleman from Stadacona, that the said report be not now concurred in, but that the question of a change in the system of reporting the debates of the Senate be postponed until next session, and that meanwhile an arrangement be made with Messrs. Holland for the reporting of the debates next session.

Hon. Mr. DANDURAND—I have no special objection to this amendment, because it does not contradict the report of the committee. It simply adjourns the decision which the Senate should make as to the particular change. There is an element in the last part of the motion which is somewhat necessary, although not very clearly stated. The element I refer to is that arrangement be made with the Messrs. Holland for the reports for next year. I take it for granted that this would constitute a sufficient authority to the committee to limit the contract with these gentlemen for the next twelve months, so that at the beginning of next session we may not be hampered by a contract which would need to be denounced by a twelve months' notice.

Hon. Mr. POWER—The committee meet to-morrow and they can provide the details.

Hon. Mr. CLORAN—Do I understand the hon. gentleman to say that the committee is empowered to notify the contractors for the debates that at the end of twelve months the contract will cease?

Hon. Mr. DANDURAND—No, the amendment does not read that way; but I infer that the committee may, under this authorization arrange that the contract shall terminate at the end of next session; so that during the next session we may be fully empowered to decide without having to give notification to the contractors.

Hon. Mr. LANDRY—The actual contract provides that a year's notice must be given.

Hon. Mr. DANDURAND—That is what I understood from the clerk of the Senate.

Hon. Mr. LANDRY—If no arrangement were made to-day, then the contract would continue, and it will continue until a notice of a year is given.

Hon. Mr. DANDURAND—So that if no notice is given this year, it means the contract runs for two years, practically.

Hon. Mr. LANDRY—Then the year's notice must always be given.

Hon. Mr. DANDURAND—Yes.

Hon. Mr. CLORAN—Is it the intention of the House to instruct the commitee to notify the contractors that their contract will be cancelled at the end of the year?

Hon. Mr. DANDURAND—There is enough in the amendment.

Hon. Mr. CLORAN—Not sufficient. Is it necessary that the committee should be given authority, or has the committee authority itself? It is just as well for the committee to know it. We might as well have the thing done right now.

Hon. Mr. LANDRY—I understand that we cannot give that instruction to-day, because we do not know if the plan proposed is better than the one we have now.

Hon. Mr. ELLIS—I concur in the idea that the notice had better be given, and perhaps it had better be done now. As I understand the contract, the time is up, and it is running along year by year. I think it would be better for the House to say. It is subject to a year's notice, and the notice had better be given now.

Hon. Mr. POWER—Unless we see something better in sight, I do not see why we should give notice to the contractors. The committee, as I understand, are to meet to-morrow, and they will, perhaps, have more information than the House has, and if they report in favour of giving notice, a notice can be given, but just now we are not in a position to say that.

Hon. Mr. DANDURAND—I have suggested to the hon. gentleman who has moved the amendment to add this phrase: 'That said arrangement be limited to the work of next session only.'

The amendment, with these words added, was carried.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 154) An Act respecting the Harbour Commissioners of Montreal.

The motion was agreed to.

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

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—This legislation is introduced at the request of the Harbour Commissioners of Montreal, and I understand also the trade of Montreal.

Hon. Mr. LANDRY—What is the principle of this Bill?

Hon. Sir RICHARD CARTWRIGHT—The principle appears to be to put the harbour of Montreal more completely under the jurisdiction of the Harbour Commissioners of Montreal than it is at present. There has been a sort of mixed jurisdiction between the authority which controls the port, and the authority which controls the harbour. They are endeavouring to divide that and give the Harbour Commissioners complete jurisdiction within the harbour. Heretofore they had a very wide jurisdiction; this Bill is restricting their authority to the harbour.

Hon. Mr. THOMPSON, from the committee, reported the Bill without amendment. The Bill was read the third time and passed.

PUBLIC HEALTH AND INSPECTION OF FOOD.

REPORT OF COMMITTEE.

Hon. Mr. DE VEBER—In moving the second report of the committee, I shall not take up the valuable time of the House by any extended remarks. I have a few figures that I feel constrained to quote in order to prove that public action is necessary. These figures are taken from statistics published for the larger towns in America and Europe. They show the number of deaths from typhoid fever in each one hundred thousand of inhabitants in each town. In Boston the figures are 32.6; Baltimore 45.8; Cincinatti 52.4; Chicago 84; Pittsburg 91.7. Unfortunately I have mislaid the figures for Toronto and Montreal, but I am very sorry to have to inform the House that they are very much in excess of those already given you. In the Hague, in Europe, the figures are only 4.9; Rotterdam 5.8; Dresden 6.9; Vienna 7; Munich 7.1; Berlin 8; and in London 14. This comparison is not very favourable to the newer cities in America; but very much in favour of the old cities in Europe, where one would naturally suppose, from the congested state of the population, they would be a favourable situation for the occurrence of typhoid germs. Why is this so? Simply because the people in the older cities of Europe have passed through the stage years ago which we are passing through now, and have learned from unhappy experience that it was necessary to pass stringent legislation, to take precautions and care; and these figures are the result of that legislation, those precautions and that care. I have in my hand a copy of the 'Free Press' of Winnipeg, of May 15th last, containing a very strong editorial in regard to river pollution, calling the attention of the citizens of Winnipeg to the disgusting state of the Red and Assiniboine rivers, and suggesting that legislation should be passed preventing the pollution of these streams. Coming nearer home—take the city of Ottawa, which is emptying the whole of its sewage into the Ottawa river without any thought or care of the people below, who must, of necessity, take that water for domestic use; but when the small town of Aylmer, some nine miles above, talks of emptying its sewage into the Ottawa river, the cititzens of Ottawa are immediately filled with indignation in their protest, and go so far as to offer to pay a very fair proportion of the cost of a septic tank, if the city of Aylmer will put it in. I think this shows the necessity for legislation, and legislation of a stringent nature; but what form it should take, or whence it should emanate I and the committee are at a loss to suggest. We hope next session to get to work earlier, and to go into this subject more deeply, and if we had two sound constitutional lawyers, of whom I think there are quite a number in this House, added to our number, it would assist us materially.

Hon. Mr. BEIQUE—I have had the advantage of hearing only part of the papers which were read before the committee, and I must say that I was very much impressed with their importance, I entirely agree with the remarks which have been made by the hon. chairman of the committee, and I think that the information elicited before the committee is worth editing and publishing. It may be doubtful, on the face of the report, as to whether the sum mentioned, that $100.10 is for each of the gentlemen mentioned, or the total expense.

Hon. Mr. DEVEBER—That is the total hotel and travelling expenses of the gentlemen who appeared before us.

The motion was agreed to.

SENATE REFORM.

DEBATE RESUMED.

The order of the day being called:

Resuming the further adjourned debate on the motion of the Hon. Mr. Scott, that it be resolved—

1. That in the opinion of the Senate the time has arrived for so amending the constitution of this branch of parliament as to bring the modes of selection of senators more into harmony with public opinion.

2. That the introduction of an elected element, applying it approximately to two-thirds of the number of senators would bring the Senate more into harmony with the principles of popular government than the present system of appointing the entire body of senators by the Crown for life.

3. That the term for which a senator may be elected or appointed, be limited to seven years.

4. That the provinces of Ontario and Quebec be each divided into sixteen electoral districts for representation in this chamber.

That the provinces of Nova Scotia and New Brunswick be each divided into seven electoral districts, and the province of Prince Edward Island into two electoral districts for election to this chamber; and that for the present, and until the four western provinces have been given increased representation in this chamber, that Manitoba, Saskatchewan and Alberta be each one divided into three electoral districts, and that the province of British Columbia be divided into two electoral districts, all for the election of candidates for representation in the Senate.

In defining the said electoral districts, due regard being had, not only to approximately equalizing the population in each district, but to convenience, local interests and county boundaries.

5. That immediately after the said electoral districts shall have been defined and agreed upon, a member of the existing Senate shall be allotted to each of the said districts, having due regard, as far as practicable, to residence, local interests or other reasons.

6. That as vacancies hereafter arise in the representation of the said electoral districts, the vacancy shall be filled by the electors of that district entitled to vote for members of the House of Commons.

7. That in order to diminish the expenses attending elections over wide areas and to secure a larger and freer expression of independent opinion, the system of compulsory voting shall apply to all elections of senators; every voter being required to exercise his right to the franchise, and by ballot, under a penalty of ten dollars, to be collected by the returning officer and applied in reduction of election expenses. Provided that any elector may be excused from voting on producing a medical certificate that his state of health did not admit of his attendance at the polls, or a certificate from the local judge that important business or other reasonable excuse prevented his exercising the franchise.

8. That the remaining eight senators in each of the provinces of Ontario and Quebec; the remaining three senators in Nova Scotia and in New Brunswick, and the two remaining senators in Prince Edward Island, and the remaining senator in each of the provinces of Manitoba, Saskatchewan, Alberta and British Columbia, who had not been allotted to any constituency, shall be classed as senators for the particular province at large, and as a vacancy arises in that class, it shall be filled by appointment, as at present, by the Crown.

9. That in order to more nearly equalize the standing of political parties in the Senate, on the occasion of a change in the government, the principle laid down in sections 26 and 27 of the British North America Act, shall apply; that is to say, the incoming administration may appoint an additional number of senators, not exceeding nine if in the opinion of the Governor General, acting independently of the Privy Council, the request is a reasonable one, but not more than one of the senators to be appointed, shall be taken from any one province; and that no more arisen; thus reverting to the original number of senators allotted to the said province.

10. That the senators representing the several different provinces be requested to meet and suggest the best mode of dividing into senate electoral districts, and also the name of the senator who will represent each particular district.

11. That the House of Commons be asked to concur in the proposed changes in the constitution of the Senate.

12. That the Senate and House of Commons adopt a joint address to His Gracious Majesty the King praying that the British North America Act, and the Acts under which British Columbia and Prince Edward Island entered the union, be so amended as to conform to the foregoing resolutions and the motion of the Hon. Mr. David in amendment thereto:—

That all the words after the word 'That' in the first line be struck out to the end of said resolutions and the following words substituted in lieu thereof: 'in the event of a change in the present constitution of the Senate being deemed necessary and asked for; by, among others, all those provinces who were a party to its original constitution under the British North America Act, 1867, the most practical and satisfactory way of doing so, would be, as new seats would be created, or vacancies occurred, to have fit and qualified persons summoned for life to fill the same as now, under the said Act; but leaving the selection of one half of said persons to the provincial governments of the respective provinces entitled to said seats. The right of selecting such persons beginning always with the provincial governments and alternating thereafter.

Hon. Mr. ELLIS—I do not intend to proceed with any discussion of details now. I have not, so far as my individual leanings are concerned, departed from the idea that a parliament consisting of one body would be ample to administer the affairs of the country. Perhaps in view of the fact that the Senate year by year is becoming less effective by reason of its merely following, as we observe here to-day, the legislation of the other branch of parliament, does not therefore take any particular stand on great questions my hon. friend has introduced in the direction of reform. I presume the time will come in the history of the country when that phase of the question will come vigorously to the front, and there will be a general expression of opinion by the people as to whether they desire a change in the constitution of the Senate or not. What we have to deal with now is the fact that the second Chamber exists, and that it should be improved. The speech of the hon. ex-Secretary of State is really a luminous speech in many ways. He made some reflection upon the fact that he found it difficult to get a seconder for his motion; but I honestly felt, while I sympathized with his efforts at reform,

somewhat careless myself about the situation, because I viewed it from the standpoint of what I conceived to be a Liberal. My hon. friend knows that in the convention in 1893, the Liberal party laid down certain propositions upon which they conveyed the idea that they wanted the country governed along particular lines, and among them was reform of the Senate. Sir Oliver Mowat presided at the convention, and I remember very well that he referred to reform of the Senate as one of the important questions. My hon. friend the ex-Secretary of State, vigorous then as he is now, was the leader of that part of the programme. To him was intrusted the proposition as to the reform of the Senate, and the resolution was adopted. There was not much talking over it. The days were swelteringly hot, and it was almost impossible to keep up the difficult work of the two or three days we were in convention.

Hon. Mr. LANDRY—I thought they were then in the cold shades of opposition.

Hon. Mr. ELLIS—But they were sufficiently warm on matters of this kind.

Hon. Mr. DANDURAND—To make it hot for the other side.

Hon. Mr. ELLIS—Then a change of government took place; the hon. ex-Secretary of State came here, possessed of great power in this House, and, as the leader of the Senate during all the time since 1896, he did nothing. If I felt cold about the matter, when he brought forward his proposition at last—having no longer any responsibility and no power—it did occur to me that there was no special reason for one who was not particularly anxious in the matter to worry himself about it. I may be entirely wrong in that feeling, and I am willing to be criticised for it, but that was how I felt over the matter. As the hon. gentleman made his propositions as to what could be done, and proved the necessity for it, I felt a good deal more sympathetic than when he commenced his observations. Several speeches that were made seemed to me to be very excellent. I was sorry to see the hon. member for Middlesex rather repudiate the idea there was any necessity for reform of the Senate. He seemed to throw cold water over the general proposition, that life membership should be set aside. Another Liberal, the hon. gentleman from Russell, suggested that men who did not believe in the life principle, might go out of the Senate altogether. I do not think that a good sound radical—as the hon. gentleman has declared himself to be—would propose such a theory as that at all. We should meet the institutions of our country as we find them, and discuss the point whether they should be improved or not. I can imagine a country governed by some tyrant who, objecting to a proposal of reform, would put the would-be reformer out of business. I do not charge my hon. friend with holding that view, but it seems very much like it. I do not intend to be led into making a speech, further than to say that I concur in the view that there should be some reform in the Senate. The complaints which my hon. friend brought forward, and which the hon. gentleman from Wolseley, who seconded him, also did—and they are certainly wide apart as the poles in some respects—were objections which we, as Liberals, made against the constitution of the Senate when we were not in power. There is no question about that. A party with great principles should stand up for its views. If it does not stand up for its views, what is the good of it? I will not argue the question as fully as I should have done had I spoken earlier in the debate. I might criticise the suggestions contained in the various speeches made by the gentlemen as to how improvements might possibly be made, and along what lines the government, or whatever authority would take the matter up, could work it out. It is impossible for the Senate if it passed the resolution of the hon. Secretary of State, to do anything. If the amendment proposed by the hon. gentleman from Mille Isles (Mr. David) were carried, nothing could be done. I dispute the correctness of the principle which he affirms. I agree with the hon. gentleman from Acadia (Mr. Poirier) that if any attempt is to be made at all to reform the organization of the Senate, it should be made by the provinces; that is to say, they should have the right to choose their own representatives after their own fashion. I think the power

of selecting senators should be placed in the provinces. That was the idea of the Hon. Mr. Mills, who either moved a resolution or made a speech on the question thirty years ago, that the men selected should represent the province from which they came. I do not agree with the view put forward by the hon. member from West Middlesex, that there is no power to change the constitution of the Senate unless all the provinces agree. I think that is about his proposition, at any rate that is embodied in the amendment of the Hon. Mr. David, and I am opposed to that. A great self-governing country such as Canada is to be, and such as it is rapidly becoming, must find its own way to amend its constitution and to create its institutions according to the needs of the people as they present themselves for the time being, and whatever technical difficulty may exist can easily be got rid of, if the people are earnest, and determine to effect reform. The party of which I am a member, and the party which is now controlling the destinies of Canada, were pledged in 1893 to a reform of the Senate. The conditions have not changed, but there has been a reversal of power. I think the present administration has appointed some 58 members of this Senate, and while the appointments are excellent, my hon. friend the member for Westmoreland (Hon. Mr. Wood) last year, or on the last occasion, on which we discussed this question, threw upon the government the responsibility of the Senate itself, and that is quite a fair thing to do; but my hon. friend came to the conclusion that the gentlemen who were appointed by the government were as good as could be got, and there was no objection to the personnel of the Senate. I concur in the proposition that it is not a question of the individual, it is a question whether the principle which we are working on is a sound one, and the hon. Secretary of State in his resolution, and by his speech affirms it is not; that the mode of appointment is not a good one; and he opens up the whole question in proposing the change. The resolution which I intend to move is, looking at the fact as I said before that it is in accordance with the principles of the Liberal party to reform the Senate, because they so declared some 16 years ago—looking at the fact that the Liberal party being in power and quite able, I judge, in both Houses of parliament to carry any fair and reasonable reform, that party consider the conditions of the country demand, and to work out some plan that would best improve the existing conditions, conditions which have been condemned by both parties, as represented by the hon. Secretary of State and the hon. member for Wolseley. There is a change going on in the country. It is very easy to sit here and try to make ourselves believe that we are satisfied with present conditions, and say that the country is also; but hon. gentlemen must remember that there are very large numbers of people coming into Canada who are not at all acquainted with our institutions, and who will form their own ideas of our government by comparisons between it and the government of the countries from which they come, from the institutions they are familiar with, and there will spring up a new set of ideas in regard to the future of Canada which at the present moment is not actually apparent. Any person watching the changes in the condition of public affairs, watching the drift of opinion, watching the desires of the people in the west, and viewing in many ways all that is going on, must see this Senate as it stands to-day, and as it is doing its work, cannot continue. It is passing any number of Bills with very little consideration because the time of prorogation is at hand, and it is desirable to have those measures passed without the critical attention given to them which should be given to them; and finding that the body itself does not originate or lead off, that it has practically no leadership whatever in affairs—are things that will strike the public mind and have their influence and their effect upon public opinion and on the toleration they give towards the Senate itelf. I beg leave to move in amendment to the motion of the Hon. Mr. David

That the amendment be amended by striking out all the words in the second line thereof, after the words " in lieu thereof ", and inserting the following:

This House is prepared to give careful consideration to an proposition which may be

submitted to it by the government for the amendment and improvement of the constitution of parliament.

We might pass a hundred resolutions here, but we cannot improve matters without the support of the government, without their direction and what is the good of moving resolutions until the government itself takes the matter up? We cannot force them to take action, as could be done by the House of Commons.

Hon. Mr. BEIQUE—For my part I propose to vote for the amendment, and for this reason—it would imply that we are in favour of a change. We are not called upon to give an expression of opinion. It goes without saying that any measure brought up by the government will receive due consideration by this branch of parliament; but we are not called upon to pass such a resolution as is now before the House. I am satisfied that the present constitution of the Senate is the proper one, for the reason which I stated in the remarks I made two years ago on this subject, and I shall vote against the amendment to the amendment.

Hon. Mr. WOOD—My views are precisely the same as those of the hon. gentleman from De Salaberry. I shall not take any time in making remarks on the subject, but shall vote against the amendment to the amendment.

Hon. Mr. CHOQUETTE—My views are the very opposite of those expressed by the two hon. gentlemen who have just spoken. The amendment to the amendment presents the only practical way to dispose of this question. It does not call for any reform of the Senate, but expresses the willingness of this House to give careful consideration to any proposal that may be submitted to us by the government. In 1893, at the convention of the Liberal party, when we were in the cold shades of opposition, we made it very hot for the party in power, so hot that in three years afterwards they were out. At that convention, a resolution was passed declaring that the Senate should be reformed, and at the time it really did require reformation. Who was responsible for bringing that about? The Liberal party when it came into power. Now, the Liberal party is in power and if there is anybody who should reform the Senate it is the government, and this amendment to the amendment presents the only practical way. We do not admit that we need any reform. We think the Senate is the best constitution of a second Chamber that this country could have. I would rather vote for the abolition of the Senate than for an elective Senate. If we had an elective Senate, it would not be an independent body, as it is now. As a senator I am neither Liberal nor Conservative. I am like a judge on the bench, who, whatever his personal views may be, is impartial in the discharge of his duty. That is what I intend to do here, perhaps more so in the future than in the past. If the Senate were elective, we would very probably be of the same political colour as the House of Commons, and we do not want two Houses of the same kind. It is very well for the Commons to be elective because they represent the people, but here we are a court of appeal where we deal with questions on their merits, without considering from what source they come. I should like to see the government or parties who would come to me and ask me to support a measure which I did not consider in the interest of the country.

Hon. Mr. DOMVILLE moved that the debate be adjourned until the second sitting on Thursday next.

Hon. Mr. LANDRY—Thursday will be a holiday. Why not take Friday?

Hon. Mr. SCOTT—I should like to have an opportunity to say something before the debate closes. I do not intend to occupy the time of the House many minutes.

Hon. Sir MACKENZIE BOWELL—If the motion is to be postponed, why not let it go over until Monday next, so that we shall never reach it?

Hon. Mr. LANDRY—We might suspend the rules and set it down for Saturday.

Hon. Mr. DOMVILLE—I have been a patient listener to this terrible discussion, brought up by those who ought to have attended to it before.

The motion was agreed to.

BILL INTRODUCED.

Bill (No. 97) an Act respecting Insurance.—Hon. Sir Richard Cartwright.

The Senate adjourned until eight o'clock this evening.

THIRD SITTING.

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

SECOND AND THIRD READINGS.

Bill (No. 147) An Act to amend the Cold Storage Act.—(Hon. Sir Richard Cartwright).

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. DANDURAND moved the second reading of Bill (No. 151) An Act to amend the Exchequer Court Act.

He said: If any hon. gentleman desires to discuss the Bill he can do so at the third reading. It has the effect of allowing the Crown to appeal from any decision of the Exchequer Court to an appellate court of a province.

Hon. Mr. POWER—The hon. gentleman understands this Bill a great deal better than I do, but it occurs to me that there is some question as to whether there should be an appeal from the Exchequer Court, which is a Dominion court, higher than any of the provincial courts, to the provincial Court of Appeal. I am not asking what the object of the measure is; I simply take the Bill as I find it here. It gives the Crown the right of appeal from a judgment of the Exchequer Court to the highest provincial Court of Appeal. There is first the objection that it is a question whether there should be an appeal from the Exchequer Court, which is a court higher than any provincial court, to a provincial Court of Appeal. The object is apparently to substitute this highest provincial Court of Appeal for the Supreme Court of Canada. As the Exchequer Court is a Dominion court, the appeal would naturally be to the Supreme Court, and, consequently, I have my doubts about the wisdom of this Bill.

Hon. Mr. BELCOURT—I quite concur with what has just been said with regard to this Bill. It seems to me to be an extraordinary one. The Exchequer Court and the Supreme Court are the two federal courts in existence in Canada. By chapter 140, sections 82, 83 and 84, an appeal is created from the Exchequer Court to the Supreme Court. In cases of $500 and over, there is an appeal permitted by any party to the Supreme Court. In certain cases under $500 there is also an appeal appertaining to a subject who is a litigant in the Exchequer Court, and also an appeal to the Crown in certain cases, by leave of the Supreme Court. I take it that the object of the two Acts, the Supreme Court Act and the Exchequer Court Act, was to create federal courts with federal jurisdiction, and to establish throughout Canada federal jurisprudence. This is a very serious departure from the principle or principles which were sanctioned at the time of the creation of the Supreme Court, and later on of the Exchequer Court. What would be the result? It will be this, that you will have a judgment of the Exchequer Court, a federal court, going in appeal to a provincial court. The Court of Appeal in Ontario will sit in appeal on a decision given by the Exchequer Court, to the exclusion of the Supreme Court. The result will be that you will possibly have a certain class of jurisprudence; for instance, in the province of Ontario on a federal subject created by appeal or arising out of appeal from the Exchequer Court, to the Court of Appeal in Ontario, and on the other hand you will have in the Court of Appeal in Quebec say, a jurisprudence of an entirely different character, all arising out of the federal courts. It seems to me to be a very marked departure from what was intended when the Exchequer Court was established. Then we will have this further result, that while the judgments of the Supreme Court are conclusive and final, the judgment of the courts of appeal from the Exchequer Court will not be final and conclusive.

Hon. Mr. ROSS (Middlesex)—It will be under this Bill.

Hon. Mr. BELCOURT—I imagine the object of this Bill is to enable the Crown to go from the Court of Appeal to the Privy

Council, a right which the Crown could not exercise in an appeal from the Supreme Court. If the Crown were to appeal a decision of the Exchequer Court to the Supreme Court, the judgment of the Supreme Court will be final so far as the Crown is concerned. Application might be made for leave to appeal to the Privy Council, and the royal prerogative might be exercised, but it would only be allowed by the exercise of the prerogative. But in the case of an appeal from the court below, sitting in appeal on a decision of the Exchequer Court, there would be an appeal to the Privy Council as of right, which was evidently not intended at the time when the Exchequer Court was created. I take it that the Exchequer Court Act, and the Supreme Court Act intended that the decision of those courts should be final and conclusive after they reached the Supreme Court. The result of this Bill will be to create another appeal from federal decisions that does not exist to-day. I have no strong feeling as to whether appeals should be made to the Privy Council or not; but let us not adopt this Bill without knowing what it means. Instead of diminishing, it will have the effect of increasing appeals to the Privy Council. It seems to me it is a marked departure and one which should receive serious attention.

Hon. Mr. CLORAN—I recognize in this Bill a slight suspicion of the government's anxiety to respect provincial rights. I would quite agree with my hon. friend from Ottawa if the facts were such as he stated; but on reading this Bill, I perceive that the Minister of Justice is anxious that any case falling under the civil rights protected by the provincial legislature, shall be protected by a court of the province, and decided upon.

Hon. Mr. BELCOURT—This provides for an appeal on the part of the Crown only.

Hon. Mr. CLORAN—I feel that the move is a good one, because if a case is taken in the province of Quebec, whose laws are altogether different from those of other provinces, a judge settles it according to his own ideas of our law. If he happens to be a judge raised in the province of Quebec and has studied the civil code and our civil rights in the province, he may and should be able to render a judgment accordingly; but take a judge from Manitoba or British Columbia, who has no idea of our Civil Code, its meaning and far-reaching results, he will not be able to give a case the same accuracy of judgment. What the government wants is, no matter who the judge may be in the Exchequer Court, when in one province or the other, if there is to be an appeal taken, it should be to the highest court in that province. That is a step in recognizing the rights of the provinces, and the people in the provinces. We know that very able and eminent lawyers are put on the Supreme Court bench, who have very little knowledge of the genius of the French laws in the province of Quebec. Naturally, they have superficial knowledge, but not that profound knowledge which is built up by education, which is in the bone and sinew of the people of our courts. They cannot sympathize with our laws. It is not a question of ignorance.

Hon. Mr. ROSS (Middlesex)—If that argument is good, an appeal to the Privy Council would be futile.

Hon. Mr. CLORAN—The Privy Council is probably the best tribune on earth, because it acts not according to the strict letter of the law, but very largely on common sense and equity. The strict letter of the law is sometimes the most tyrannical instrument that could be put in the hands of a judge; but I am proud to say that, in the British empire, we have a court whose action is not determined by the strict letter of the law. Law is not always justice but, I am proud to say, the Privy Council, in the vast majority of its decisions has given justice sometimes against the letter of the law, but always based on common sense, equity and justice. I am not in the secret of the Minister of Justice, and do not know why he introduced this new method of proceeding with civil cases; but I see here his intention to give to the provinces the right to regulate their own cases in their own domicile, and if there is to be an appeal let it go to a tribunal which is above and beyond all party relations in its judgment. I would rather go to the Privy

Council than to the Supreme Court on a question of that kind. On questions of constitution, I am always prepared to go to the Privy Council rather than to the Supreme Court, because I feel that the judgments of the Privy Council have always been fair, always according to the merits of the question, and not according to the strict letter of the law. The men sitting in the Privy Council judge the cases as they stand on their merits, and on a basis of equity and justice to all concerned; so that in this measure I do not see any grave departure that would infringe on the rights of the people of this country in any province. On the contrary, I think it puts the rights of the people of every province on a surer basis in the administration of justice, so that I would have no objection to having this measure go through. Whether it be an appeal from the provincial appellate court I am not going to discuss; but from the merits of the Bill I see a recognition of a right which belongs to each individual province, and in which each individual appellate court is better able to decide than the Supreme Court of Canada.

Hon. Mr. BEIQUE—A strong argument has been given by the hon. member from Ottawa against this Bill, in the fact that it would tend to destroy uniformity in jurisprudence. As far as I am concerned, that would not be a reason sufficient for me to move against the Bill; but there is another reason to which I would like to call the attention of this honourable House, and of the hon. Minister of Justice. and in that I do not agree with the hon. member from Ottawa. The right of appeal is given to the Crown against a judgment rendered by the Court of Exchequer either to the Supreme Court as it now exists under the Act, or to the Court of Appeal in the provinces, and it is there I disagree with the hon. member for Ottawa. If the judgment is reversed by the Court of Appeal, there would be no appeal from the Court of Appeal unless the Exchequer Court Act gave the right of appeal. There would be no appeal at the request of either party.

Hon. Mr. BELCOURT—Would there not be an appeal under the Provincial Statutes from the Court of Appeal to the Privy Council, because all judgments of the Court of Appeal, where the amount exceeds five hundred pounds, are appealable as of right to the Privy Council?

Hon. Mr. BEIQUE—No, that is as regards the judgments of the province; but the hon. gentleman will understand, when he comes to reflect on it, there can be no appeal from a judgment of the Court of Appeal when the jurisdiction is given by the federal government. It is a special jurisdiction; it is the same jurisdiction as in the case of controverted elections. In controverted election cases the Act declares that there will be an appeal in certain cases from the decision of the judge; but there can be no appeal except it is so stated by the law. I draw the hon. gentleman's attention to this: the Court of Appeal will not sit in appeal on judgments of the Exchequer Court in virtue of the jurisdiction which is given by the provincial legislature.

Hon. Mr. BELCOURT—But the hon. gentleman will see that every judgment of the Court of Appeal is made appealable to the Privy Council, wherever it comes from, whether originally it was in the Exchequer Court or in the High Court.

Hon. Mr. BEIQUE. What the hon. gentleman is referring to is a provincial statute, is it not?

Hon. Mr. BELCOURT — The provincial statute creating the Court of Appeal, and making the judgments of the Court of Appeal appealable to the Privy Council. It does not matter where the cases come from, whether they come from a district court, a high court or the Exchequer Court, if this Bill passes.

Hon. Mr. BEIQUE—But as a provincial court.

Hon. Mr. BELCOURT—As the Court of Appeal.

Hon. Mr. BEIQUE—But as a provincial court. Surely the provincial court will be sitting, not in virtue of the Act to which the hon. gentleman is referring, but will be exercising its jurisdiction in virtue of a federal Act, and no

right of appeal can be had unless it is given by the federal statute. To my mind it is quite plain, though I may be mistaken. The position will be that a suppliant in the Court of Exchequer will obtain judgment. This judgment will be appealed to the Court of Appeal of the province. The judgment may be reversed, and, if it is reversed, the suppliant will not have any right of appeal either to the Supreme Court or to the Privy Council. It seems to me that the right of appeal should be given him in a case of that kind. There is the other question, as to whether the right of appeal should not be given to both parties.

Hon. Mr. CHOQUETTE—Hear, hear.

Hon. Mr. BEIQUE—But as to that, just before recess I read the discussion in the House of Commons, and the Minister of Justice has there given reasons which have some weight against that. The suppliant cannot exercise any action without the fiat of the Attorney General, and on that fiat he can enter suit in the Exchequer Court; if he loses his case before that court, he may be contented with his right of appeal to the Supreme court as it exists under the Act and not be given the ultimate right of going to the Privy Council.

Hon. Mr. POWER—Why should the other party not have the right to go?

Hon. Mr. BEIQUE—As far as the right of appeal from a court of judgment of the province, if it reverses the judgment, it seems to me it would be but fair that the subject should have that right of appeal; therefore I would suggest that the attention of the Attorney General be called to that point. It was not called to his attention in the discussion in the House of Commons.

Hon. Mr. ROSS (Middlesex)—I have another objection to this Bill. Take the province of Ontario for instance; the court of Appeal is usually loaded with work as it now is, and a good deal of labour and thought have been expended to lighten the labour of the court. Supposing it is congested with work, and judgments are sometimes delayed because of that congestion, if you are going to still further load the courts of appeal of the various provinces with appeals from the Court of Exchequer, you are thereby interfering with the facilities for and progress of provincial litigation. The tendency of the laws recently has been to reduce the number of appeals.

Hon. Mr. CAMPBELL—Hear, hear.

Hon. Mr. ROSS (Middlesex)—The old procedure in the Court of Chancery, whereby a case would take a quarter of a century to pass through the courts, has been cut short by the Judicature Act of Ontario, and the Judicature Act of England, passed some years ago. Here you have an Exchequer court from which it is proposed to appeal to a Court of Appeal which may be loaded with provincial work. I do not think the duty should be superimposed, for the reasons given, and I do not think the appeal should be allowed, because you are prolonging litigation. If the Exchequer Court is a federal court, why not continue your appeal within federal lines? Why cross the orbit of a federal court by a provincial court? You are descending. You are appealing from a higher court to a lower. It may be possible that the judges of an appeal court, usually from three to five, make a stronger court than the Exchequer Court; but that does not seem to be the natural order of an appeal. An appeal should lie within federal lines, and we have an Appellate Court within federal lines. This Bill seems to be intended to lighten the labour of the Supreme Court, and to transfer from them what seems to be the natural and logical jurisprudence of the Supreme Court to the provincial courts, certain appeals which might naturally and logically belong to the Supreme Court. We have a strong Supreme Court of six judges, representing practically all the provinces. Supposing, as the hon. gentleman from Montreal said a moment ago, it is desirable to have a Court of Appeal that is acquainted with the genius of local legislation, for that reason there might be some justification for an appeal to local court. That contention is fairly met by an appeal to the Supreme Court. The province of Quebec is represented, and always will be, on that court and so will Ontario, and it is from these two provinces the greater number of appeals would lie; but the maritime provinces are also generally represented on

that court, and the genius of one or more of the western provinces. So if you go directly from the Exchequer Court to the Supreme Court, you are in the atmosphere of local legislation I think, very much more than if you go to the Privy Council. The constitution of the Supreme Court is intended to limit appeals, and it is only in certain cases you can go to the Privy Council at all, and in the constitution of the Commonwealth of Australia it is provided there can be no appeal without the consent of the Crown. That was designed to reduce appeal. Here we are going back on the record, practice and policy of the province, and I think it is going back on the policy of this House, in limiting these appeals to the Supreme Court from the Courts of Appeal of the various Provinces. I think these conditions should have some weight. They have, to my own mind, and I think the Bill might very well stand over for further consideration.

Hon. Mr. BEIQUE—I should like to call attention to this fact in support of the suggestion which I made. Suppose, for instance, the plaintiff recovers judgment for an amount of $500,000, the Crown, in virtue of this Bill, carries the judgment of the Exchequer Court to the Court of Appeal of the province, and the judgment is reversed; would it be fair if the plaintiff would have no other appeal at all either to the Supreme Court or to the Privy Council, any way to the Supreme Court?

Hon. Mr. ROSS (Middlesex)—I do not think the prerogative of the Crown should be limited to that extent.

Hon. Mr. LOUGHEED—I am opposed to enlarging the facilities of the Crown to contest the claims which may be made by the subject against it from time to time. There has been a system of aggression, I might say, on behalf of the Crown in resisting claims of the subject. To-day the subject is handicapped in recovering from the Crown to an infinitely greater extent than he is from a private individual. It is a well known fact that if a claim exists against the Crown, no matter how just it may be, the Crown is surrounded by traditional barriers of all kinds, the prerogative of the Crown is asserted to such an extent that many a man who has a just claim would prefer losing it rather than proceed against the Crown. In the first place the subject has to obtain a fiat from the Governor in Council. That is solemnly deliberated upon before he can proceed upon his claim. He then enters his case in the Exchequer Court, and proceeds in that court for the recovery of his claim. If he lives in Vancouver or Cape Breton, at either extremity of the Dominion, he may possibly have to wait a year before he can have his case tried. True, the court moves from place to place occasionally, but it is one of the greatest difficulties that the subject has to confront, namely the recovery of his claim from the Crown. The Supreme Court has been called practically into existence for this and other purposes. It is very desirable there should be a uniform current of authority upon all Crown litigation. That this should be distributed amongst the different Appellate Courts of the Dominion, is, to my mind, bad policy. It destroys the current of uniformity which has been established from confederation down to the present time. It refers Crown cases to courts that may not know anything about this class of litigation. In my judgment, the question arises from the phraseology used in the latter part of the section, as to whether an appeal will not lie from an Appellate Court of a province to the Supreme Court, by the Crown, because although in the alternative the Crown proposes a right of appeal to a provincial court of appeal, yet there is attached to that appeal, as hon. gentlemen will observe in the last two lines of the clause, all the incidents rights, powers and privileges incident or belonging thereto. So that if the Crown would appeal to a provincial court it might then avail itself of all these powers and privileges incident thereto and go back to the Supreme Court. That is one of the possibilities in the Bill.

Hon. Mr. ROSS—And paralyze the poor litigant.

Hon. Mr. LOUGHEED—Instead of our erecting further barriers to prevent the subject from recovering a lawful claim against the Crown, we should take those barriers down and place the subject as against the Crown in as good a position as we would against private individuals.

Hon. Mr. CHOQUETTE—I am strongly opposed to increasing the number of appeals, and I am in favour of this Bill because I do not see in it the increasing of appeals. The Bill says that the Crown will have the alternative right to appeal either to the Supreme Court or to the Appellate Court of the province. So that, on this point, there is no increasing of appeal, and I am in favour of the principle of the Bill; but I could not accept it as it is now, because, as my hon. friend has just pointed out, it gives only to the Crown the right of appeal. I do not see why the suppliant or the defendant in the case should not have the same right, and if the government is willing to add after the words the Crown 'and the other parties to the suit,' I am quite willing to support the Bill, not only for that reason but because I am strongly in favour, especially in our province, of the provision that the appeal should be to the Court of Appeal in each province rather than to the Supreme Court, and the reasons are many. We have before this House an amendment to the Exchequer Court Act, to provide that we may be able to argue our suits in our own language, and that the witnesses may give evidence in their own tongue. If the case is one for damages under civil law, or something of that kind, naturally the judge of the Exchequer Court is not in as good a position to understand the genius of the civil law of Quebec, as my hon. friend from Montreal has said, as the Court of Appeal of our province, and if the appeal is taken from that court either by the Crown or the subject to the Supreme Court, what is the position? You come here from the court in the province of Quebec and you place that case before five judges, and you have only two and, unfortunately, often only one, judge from our province who knows the law and civil procedure. Then you have to argue before three or four judges at least from the other provinces, who know nothing about the French language, who cannot read the evidence at it is written, who cannot follow the case, and you compel the lawyers from the province of Quebec to go before that court and speak English when they speak it perhaps just as badly as I do.

Hon. Mr. LOUGHEED.

So you see the injustice in that direction, and I see a remedy in this Bill. I hope the Crown will always, in Quebec, choose the Court of Appeal in any case where the Crown thinks an appeal should be made, and especially if the other party to the case has the same right of appeal. In that event, I doubt if there would be a single case that would not be decided by the Court of Appeal of the province. The same thing would occur in Ontario. When an appeal is made from a decision of the Exchequer Court in a case coming under the English law, the subject would prefer to go to the Court of Appeal in his own province rather than go to the Supreme Court, where he would only have three judges out of five who would have a thorough understanding of the language and laws of his own province. Though the judges from the province of Quebec are in a better position in that respect, they are not as well educated as to the laws of the other provinces as the other judges of the Supreme Court. So, if the right of appeal were given, I am sure a litigant in Ontario or British Columbia would prefer to appeal from a decision of the Exchequer Court to the Court of Appeal in his own province; the cost would be much less. A litigant in British Columbia, for instance, would advise his lawyers not to appeal to Ottawa, where the expense would be heavy, especially when cases are adjourned from one term to another, but to take the case before the Court of Appeal in British Columbia. I think this is a good law and in the right direction. I intend next session to bring in a Bill requiring that every judge of the federal courts shall understand both languages, and a similar provision with respect to the Civil Service in Ottawa, so that nobody can be employed in the Civil Service here unless he understands the two official languages. I give notice of that now, and I should be glad if such a provision could be incorporated in this Bill. I shall gladly vote for this Bill, especially if it is amended so as to permit not only the Crown but the individual to appeal to the provincial courts of appeal. I do not agree with the leader of the opposition when he says that the Crown will have a right to ap-

peal from the provincial court of appeal to the Supreme Court.

Hon. Mr. BELCOURT—The appeal to the Supreme Court is made final; but there is no finality in this case.

Hon. Mr. CHOQUETTE—There is the right to go to the Supreme Court or to the Provincial Court of Appeal. It is within the bounds of the statute, which says the Supreme Court shall be final, and if he chooses the alternative, it will be final also; but if he goes to the Court of Appeal of the province, he shall have the right, not as a matter of grace merely if the amount is sufficient, to go to the Privy Council. The Bill is a good one, and if it is pressed I shall move not only that the Crown, but that all parties shall have the right to appeal. My hon. friend suggests that the jurisprudence ought to be general and that the Supreme Court must be the only court of appeal from the Exchequer Court. In the province of Quebec there is a court of appeal and, if appeals could be taken from the judgments of the Exchequer Court, the jurisprudence would be established and appeals would always be to the provincial courts, and I like the jurisprudence of the provinces as well, if not better than the jurisprudence of the Supreme Court. If the government add to the Bill that the parties to a suit shall have the same right as the Crown to exercise the alternative to appeal to the Supreme Court or to the provincial Court of Appeal, I am willing to support the Bill.

Hon. Mr. CLORAN—This is an important Bill, more important than appears on its face. I have listened to the discussion between the different legal lights of the House in regard to this matter. The House should bear in mind that this Bill is simply a restriction of the rights of the Crown, and in no way a restriction of the rights of the subject. The Bill deals simply and solely with the rights of the Crown, and the Crown limits itself to one simple appeal, whether as petitioner or respondent, from the judgments of the Exchequer Court, with the option—that is all it reserves—to go before the Court of Appeal in the province in which the case has been tried by the Exchequer Court.

Hon. Mr. ROSS (Middlesex).—Does the Bill say that that appeal is final?

Hon. Mr. CLORAN.—The law is to be taken as it reads, and it provides for only one appeal, and that appeal is final. If it was intended there should be another appeal, the law would say so. You cannot put more into the law than words will express, and the government has restricted its rights to an option of an appeal from a judgment of the Exchequer Court whether it be the petitioner or respondent. The Government can take an action against the subject just as well as the subject can take an action against the Crown. They are on equal terms, so far as civil rights are concerned. Often, the government has to take action against contractors for the recovery of money over-paid. In that case, the Crown is the plaintiff, but in the vast majority of cases it is the subject who has a grievance against the Crown. The Crown restricts itself to a simple appeal from the Exchequer Court to the provincial Court of Appeal. The Minister of Justice will have to advise the cabinet that justice would be better obtained by going before an appellate court; if he thought not, he would advise his cabinet to go to the Supreme Court. This Bill does not in any sense take away the rights of the subject.

This leaves the subject with all his rights under the common law and under the provincial law of each province. So that the subject to-day remains in the same position as he was before this Bill was introduced. He will have a right to appeal from the Exchequer Court to the Court of Appeal; he can go from the Court of Appeal to the Supreme Court; he can go from the Supreme Court to the Privy Council. This Bill takes none of his rights away; it simply deals with the right of the Crown, and the Crown in this case restricts its right; so that I am obliged to disagree with the very learned leader of the opposition, that the rights of the subject are not very well protected in this Bill. On the contrary, they are left open; they are left under the protection of the common law; they are left

under the protection of the province in which the case is tried, and in the province of Quebec the procedure says that a man can appeal from one court to the other, go to the Court of Review, the Court of Appeal, Queen's Bench, Supreme Court and the Privy Council. The subject will have all these rights under judicial protection. This Bill does not take one iota of his rights away. The subject has still all his rights of appeal from one court to another, and I cannot see how our learned authorities here, well up in the law, can read the Bill otherwise. I fail to see that it inflicts any hardship on the subject. On the contrary, it gives him an open field, while the government closes the gates against itself in all appeals except one, and that with an option.

Hon. Mr. POWER—The hon. member from Victoria Division reminds me a little of the juror who differed from his eleven brethren and said they were the eleven most obstinate men he had ever met in his life.

Hon. Mr. CLORAN—And brought them around and got a verdict of acquittal.

Hon. Mr. POWER—I took two objections to this measure at the beginning of this little debate, and I have not heard anything yet calculated to change the views which I then expressed. In the first place, I think it is a departure which mars very much the symmetry of the law, to give an appeal from a federal court to a lower court, even though that lower court is a court sitting en banc.

Hon. Mr. CLORAN—Would the hon. gentleman allow me one question. Is the Exchequer Court really a federal court in the true sense of the word the same as the Supreme Court? Is it not a travelling court?

Hon. Mr. POWER—The statute says so; but the gentlemen who drafted the statute were not as well up in the law as my hon. friend. I just put this case to the House, and to hon. gentlemen from Quebec: Would it be looked upon as the proper thing to give an appeal from a decision of the Court of King's Bench in Quebec to the Superior Court? I do not think any one would propose such a thing. This is just the same, only in a somewhat more aggravated form.

Hon. Mr. CHOQUETTE—The Superior Court is presided over only by one judge.

Hon. Mr. POWER—Is not there in the province of Quebec a court called the Court of Review, made up judges of the Superior Court?

Hon. Mr. CHOQUETTE—That is the Court of Review, another branch of the Superior Court.

Hon. Mr. POWER—Is there an appeal from the judge of the King's Bench to the Court of Review?

Hon. Mr. CHOQUETTE—No.

Hon. Mr. POWER—No. The hon. gentleman would scout a proposal to give an appeal from the Court of King's Bench to the Superior Court. The appeal provided for in this Bill is more out of the way. This is an appeal from a federal court to a provincial court; and in the other case both are provincial courts.

Hon. Mr. CHOQUETTE—The election law is a federal law, and it gives the right to go before the Superior Court in Quebec.

Hon. Mr. POWER—That is a different thing; but in the case of an election trial there is no appeal from a federal court to a provincial court. The process begins in the provincial court.

Hon. Mr. BELCOURT—An election court in the provinces is a federal court.

Hon. Mr. POWER—Yes, I know it is. There has been something said about the ground taken by the hon. leader of the opposition. I quite agree with the hon. gentleman, that there is a great deal to be said in favour of putting private individuals on the same footing as the crown as to the right of appeal.

Hon. Mr. CLORAN—He is on a better footing in this Bill.

Hon. Mr. POWER—I shall discuss this for a moment. In the first place, before the private citizen can sue the Crown, he has to go to the Crown and ask for permission.

He has to apply for a petition of right; and although I notice it has been stated in another place that this petition of right is rarely refused, it is very often long deferred. Sometimes more than a year will elapse before the right of the Crown is granted. You see the Crown has that advantage. The private citizen cannot bring a suit without the permission of the Crown. Surely after the two parties have got into court, the Crown should not insist on having privileges superior to those granted to the private suitor. I notice that in the discussion in another place one of the grounds given was that it was cheaper to appeal to the Provincial Court of Appeal than to the Supreme Court at Ottawa. Surely if that is one of the grounds for allowing this appeal to the Crown, it is a stronger ground for allowing the appeal to private individuals. The citizen's purse is not generally as long as that of the Crown, and, I quite agree with the hon. gentleman from Grandville, in thinking if the Bill is to pass, the appeal should be granted to both parties in the same way. The private individual should be put on the same footing as the Crown in that respect.

Hon. Mr. BEIQUE—I rise to make a correction in a statement that I made. I said that I did not agree with the hon. member from Ottawa when he said that he thought there would be an appeal either to the Supreme Court or to the Privy Council.

Hon. Mr. BELCOURT—I said to the Privy Council.

Hon. Mr. BEIQUE—Yes, because of the provincial Act, which says that there is an appeal from all final judgments. Well, I maintain the opinion I expressed, and I desire to call the hon. member's attention to this, that it would be open to the provincial legislature to remove the right of appeal. An appeal in virtue of this statute would depend upon whether the legislature maintained a right to appeal. I do not think there can be any appeal in virtue of this federal Act unless it is so expressed by the Act, in virtue of a provincial statute; but where I may have made the mistake is, when I added that there would be no appeal either to the Privy Council or to the Supreme Court. The appeal might exist, and I think that it would exist under section (37) of the Supreme Court Act. That section says:

> Except as hereinafter otherwise provided, an appeal shall lie to the Supreme Court from any final judgment of the highest court of final resort now or hereafter established in any province of Canada, whether such court is a court of appeal or of original jurisdiction, where the action, suit, cause, matter or other judicial proceeding has not originated in a Superior Court, in the following cases:—

In the province of Quebec, if the matter in controversy amounts to or exceeds the sum or value of $2,000, there might be a right of appeal in virtue of that section of the Supreme Court Act, which is, of course, a federal Act; but I think the attention of the Department of Justice should be drawn to the matter, and that it should be made clear as to whether it is intended to give a right of appeal, and to what court.

Hon. Mr. DANDURAND—I may be allowed to say a few words in reply to some statements which have been made. The first one I would like to answer is the one made by the hon. gentleman from Halifax, who thinks it is somewhat derogatory to allow an appeal from a federal court to a provincial court. I do not look upon the Exchequer Court as being a higher court than the Superior Court of any province, and much less when compared with the Court of Appeal in any province. The Exchequer Court is instituted to deal with cases which are dealt with by the Superior Courts throughout the land in cases affecting the Crown, and its judgment is a judgment of first instance, and the judge of the Exchequer Court, to me, stands in the same light and on the same plane as a Judge of the Superior Court of any province in the Dominion. As to the purport of this enactment, in order to understand the reason for its being framed one would need to see what actuated the Minister of Justice in drafting it. He has been confronted with judgments of the Exchequer Court against the Crown for small amounts, where an important principle of civil law was involved and settled definitely among the parties. He has thought that in certain of these instances it was important that the Crown should not rest with this judgment, and this enunciation of principle——

Hon. Mr. BELCOURT—Does my hon. friend not consider that under section 84 that remedy is open to the Attorney General, where it is provided that if he gives his opinion in writing, and the principle affirmed by the decision is of general public importance, he has an appeal to the Supreme Court, so that there is no necessity of giving him an appeal to the Court of Appeal.

Hon. Mr. DANDURAND—It is just for that reason that his appeal up to this moment has been altogether to the Court of Appeal, and that he has felt the cruelty of the proceeding on the part of the Crown of bringing litigants from a far away province for a relatively small sum, and involving the litigant in the heavy expense of the Supreme Court, and as he felt that it was a question of principle that was involved, and which was of more importance to the Crown than to the litigant, that the litigant should not be mulcted in a heavy bill of costs by bringing him to the Supreme Court. Under these circumstances, he has felt that he should be entitled to go to the Court of Appeal in the province in which the case has arisen.

Hon. Mr. LOUGHEED—Why has the Crown made it optional, if that is the case ?

Hon. Mr. DANDURAND—I am just proceeding to explain the trend of mind of the minister, and the genesis of this piece of legislation. Of course, the attention of the Minister of Justice has been drawn in another place to the opportunity of giving the suppliant the same right of appeal to one of the courts of appeal. I consider there is considerable force in asking that he should be put on the same plane as the Crown; but just now I am simply explaining why the Minister of Justice has thought proper to ask parliament to vest him with the right of instituting for himself an appeal, and having the alternative to going to the Court of Appeal and accepting thereby, as final against him, the judgment of that Court.

Hon. Mr. BELCOURT—Where is the authority of my hon. friend to say that that judgment is going to be final ?

Hon. Mr. DANDURAND—I say that the Crown, acting under the provisions of this Bill—

Hon. Mr. BELCOURT—What is there in the Bill which provides that the judgment of the Court of Appeal shall be final?

Hon. Mr. DANDURAND—I find it in the spirit of this very piece of legislation; I am not affirming that there is no appeal. I consider there is an appeal. If the sum in dispute is above two thousand dollars, there will be an appeal from the Court of Appeal to the Supreme Court, of right an appeal by the suppliant, but which could not be exercised by the Crown under the terms of this legislation.

Hon. Mr. BELCOURT—Or to the Privy Council.

Hon. Mr. DANDURAND—I consider that the crown has closed the door to an appeal, when it says that it may take an alternative appeal to the Court of Appeal. In my opinion the Crown will have to be satisfied under this legislation with the judgment of the Court of Appeal, if that judgment goes against it.

Hon. Mr. BELCOURT—Does my hon. friend think, and does the Minister of Justice think that there is or is not an appeal from the Court of Appeal to the Privy Council in a case of this kind?

Hon. Mr. DANDURAND—I would not like to give my opinion on this point, although I am fairly clear as to the other point, that the supplicant can go from the Court of Appeal to the Supreme Court.

Hon. Mr. BELCOURT—I would like my hon. friend to say if one of the objects, if not the sole object of this legislation, is to grant an appeal from a decision in appeal given on the judgment of the Exchequer Court judge? Is it not for the purpose of getting to the Privy Council from the Exchequer Court, outside of the Supreme Court?

Hon. Mr. DANDURAND: I say no; because I have the authority of the Minister of Justice who has expressed himself in another House and who has stated that he had two ends only in view: First to

bring the litigant to a tribunal where the costs would be less heavy; and second to get, on the principle of civil law, what he considered as good a judgment as he could get anywhere else, and perhaps a better judgment in the Court of Appeal of the province where the case has arisen?

Hon. Mr. BELCOURT—Did he say there would be no appeal from the Court of Appeal to the Privy Council?

Hon. Mr. DANDURAND—He has not given an expression on that point; but he has expressed his mind in the framing of this legislation, and he has given the two reasons, which I now repeat.

Hon. Mr. CLORAN—The Crown cannot take any more right than the law gives it. The law gives only one right of appeal.

Hon. Mr. DANDURAND—I do not believe that the suggestion of the hon. member from De Salaberry, that the law should be made clear as to the right of parties to come from the Court of Appeal to the Supreme Court, will be entertained by the Minister of Justice, for this simple reason, that the Crown will never, of its own accord, risk inscribing a case in the Court of Appeal when the amount is at all large. The Crown will do in small cases, but in large cases, it will take very good care to keep its way clear to retain the appeal to the Privy Council, if it deems proper. As to the matter of putting private parties on an even plane with the Crown, there is considerable to be said in favour of allowing the suppliant to go to the Court of Appeal, and if the Minister of Justice sees his way clear to adopt that view, I shall be only too glad. With these few words, I would ask that the second reading be allowed this Bill, and if anybody thinks proper to move an amendment, it may be done at the next stage.

Hon. Mr. LANDRY—I do not see here to-night the minister of the Crown who introduced this legislation. He should be here to give all necessary explanation.

Hon. Mr. DANDURAND—The right hon. gentleman expressed his regret at not being able to be here. He thought the weather conditions would justify his absence.

Hon. Mr. LANDRY—We regret it still more. Under the circumstances, I ask that the discussion of this Bill be postponed until to-morrow, in order that we may have his opinion upon it. The hon. gentleman says that the Minister of Justice had in view two objects when he brought in this Bill. What are the two objects? First to diminish the cost of appeal, and second to have the best possible judgment. If the second reason is a good one, why should it not apply when the costs are heavy? Is he afraid to have the best judgment when the costs are heavy? If the best judgment goes where the costs are small, why does he not take the judgment of the Appellate Court when the amount is large? I do not see that that is a very good reason. If the Crown gives itself the right to appeal for these reasons, the same reasons should apply equally to the other party. Why should the other party be deprived of having a judgment which would be better, and less costly? Is it fair that the Crown alone should have the good judgments and deny them to the other party? The hon. gentleman will see that the two reasons he gave have no foundation. The two parties should be on the one footing. If the Crown thinks the best judgment could be had in the provincial Court of Appeal, the other party should have the same right. For four or five years, the government have promised us that the French element would be represented in the government in this House, The Prime Minister being himself a French Canadian should gratify the French population throughout the country by giving us in the Senate a French minister. If we had such representation, we would be able to proceed with the legislation to-day. I would ask the hon. member what is the meaning of the last phrase in this paragraph? It says: 'All the incidents, rights, powers and privileges belonging thereto.' What are those incidents, rights, privileges and powers? I should like to know. We are kept in the dark. For all those reasons, before committing ourselves to the principle of this Bill, we should have further explanation from the Minister of Justice of the meaning and purport of this legislation. We know that the Bill is not likely to be amended; but if it were amended, the paternal government would look after one

of its children when it came back from the Senate, and find a way of keeping it alive. I do not think an amendment will endanger the Bill, and I hope the minister will consent to let this measure stand until to-morrow. Perhaps it will not need amendment; but if the Minister of Justice should decide that the Crown and the other party should have the same chance to have a better judgment with the least possible cost, it could easily be settled by adding a few words to this clause.

Hon. Mr. DANDURAND—Do I understand the hon. gentleman to say that if both parties were put on the same footing he would accept the principle of this Bill?

Hon. Mr. LANDRY—Certainly.

Hon. Mr. DANDURAND—Then he cannot object to having the principle adopted by the second reading of the Bill.

Hon. Mr. LANDRY—No, the principle is given to one side only here.

Hon. Mr. CLORAN—There is nothing taken away.

Hon. Mr. DANDURAND—The hon. gentleman admits the Bill is a move in the right direction, but he thinks it should go further. We can discuss that in the committee to-morrow.

Hon. Mr. LANDRY—If the hon. gentleman promises to make the amendment in committee, I shall be willing to let the second reading go.

Hon. Mr. DANDURAND—I cannot make any promise of the kind, but if the hon. gentleman will let the second reading go, he can have full opportunity to move his amendment.

Hon. Mr. LANDRY—It is understood that we do not accept the principle of the Bill because we consent to the second reading?

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

MINERAL RESOURCES OF CANADA.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. DOMVILLE moved the adoption of the report of the Committee on Mineral Resources, he said:—

This is a matter which will give satisfaction to the public. Large discoveries of mineral oil and shale have been made, and I spoke to the Minister this evening and he seemed anxious to give his support to such matters as these. There is nothing in the report to hurt anybody.

Hon. Mr. DANDURAND.—I would like to know what the conclusions of the committee are?

Hon. Mr. DOMVILE.—Simply to have the report printed.

Hon. Mr. ROSS (Middlesex).—It contains the evidence of three or four witnesses who apeared before the committee, first Mr. Ells who examined the shale deposits in New Brunswick, and his evidence showed that the shale rock of that province was equal to the best shale rock of Scotland, out of which large fortunes have been made. Then Dr. Brock, head of the Geological Survey, who explored the Cobalt and Gowganda districts, as well as the iron districts of Ontario and of the other provinces, gave evidence as to the economic value, first of the shale of the Maritime Provinces, and the mineral wealth of the Cobalt district of Ontario, indicating the extent of their explorations, and the line that prospectors might most successfully take in order to discover fresh mineral. I think it is worth publication.

The motion was agreed to.

SECOND AND THIRD READINGS.

Bill (103) 'respecting the National Accident and Guarantee Co. of Canada'.—(Hon. Mr. Rattez.)

A CORRECTION.

Hon. Mr. POWER.—Before the House adjourns, I wish to make a slight correction, and I do it at the earliest possible moment, of some observations I made with regard to the classification of the Senate. In speaking of the Usher of the Black Rod, I am reported to have said:—

Up to the present incumbent, the officers did not receive more than $1,800. The present incumbent is now receiving $2,200.

Then again I said :

The Black Rod had only $1,050 salary after having been here twenty years.

I wish to say that is not a correct report. I said $1,350. I never said $1,050. And I think that I referred to the fact that his predecessor had had a salary of $1,350 and rooms and dwelling in the House here, which was supposed to be worth the difference between $1,350 and $1,800, and when Mr. St. John was appointed Usher of the Black Rod his salary was increased from $1,350 which his predecessor had, to $1,800, because Mr. St. John did not have the quarters in the building which his predecessor had.

Hon. Sir MACKENZIE BOWELL—What was the sum at which Mr. Kimber was superannuated? Was he not allowed, in addition to his salary, a certain amount which was supposed to be an increase of salary, but was really for house rent, fuel and so on?

Hon. Mr. POWER—I do not know what his superannuation was based on. I am informed that his superannuation was $1,000; the senior Kimber had disappeared from this scene before I came here.

Hon. Sir MACKENZIE BOWELL—My recollection is that the accommodation he had in the house and the other perquisites were computed at a certain sum and added to the salary which he received, and he was superannuated for a larger amount.

Mr. SPEAKER—If I may be permitted to make a remark on that subject, it will be noted that in the classification of the House of Commons, the same accommodation is valued there for the Sergeant-at-Arms at, I think, $800 a year.

The Senate adjourned until 11 a.m tomorrow.

THE SENATE.

OTTAWA, Tuesday, May 18, 1909.

The SPEAKER took the Chair at eleven o'clock.

Prayers and routine proceedings.

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

Hon. Sir RICHARD CARTWRIGHT moved the third reading of Bill (No. 106) An Act to amend the Railway Act.

Hon. Mr. YOUNG—There is notice of motion for an amendment to that Bill, and, if the House consents, I shall make the motion, that the Bill be not now read the third time, but that it be amended by adding the following:

1. Subsection 1 of section 298 of the Railway Act is amended by adding thereto the following words:—

Provided further that the company shall, to the extent of the compensation recoverable, be entitled to the benefit of any insurance effected upon the property by the owner thereof. Such insurance shall, if paid before the amount of compensation has been determined, be deducted therefrom; if not so paid, the policy or policies shall be assigned to the company, and the company may maintain an action thereon.

Hon. Sir MACKENZIE BOWELL—Might I ask how it is that this notice is given by the right hon. leader of the House, and moved by an hon. gentleman who is supposed to be an independent member?

Hon. Mr. YOUNG—It was for the convenience of procedure, inasmuch as the hon. leader of the House had moved the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—I do not know that it makes any difference.

Hon. Mr. YOUNG—It would appear irregular for the hon. minister to move to amend his own motion. This course has frequently been adopted in the past.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman proposing an amendment to the notice of amendment given by the hon. leader of the House.

Hon. Mr. YOUNG—No. I am merely proposing the motion of which he gave notice yesterday.

Hon. Sir MACKENZIE BOWELL—I understand that; but why has he not taken the responsibility of doing it himself, instead of asking the hon. member to do it?

Hon. Mr. YOUNG—He did not ask me to do it.

Hon. Sir RICHARD CARTWRIGHT—I had moved the third reading of the Bill.

Hon. Mr. YOUNG—It is a practice that has been followed frequently.

Hon. Sir MACKENZIE BOWELL—If the hon. member is absent, but not when he is present. I recognize the fact that it is quite in order. What I mean to say is that it is an irregular practice for an hon. member to give notice of motion and then ask somebody else to move it.

Hon. Mr. YOUNG—I asked the consent of the House, and there seemed to be no objection. However, the right hon. leader can make the motion.

Hon. Sir RICHARD CARTWRIGHT—I withdraw the motion for the third reading and move the amendment.

Hon. Mr. LANDRY—I rise to a point of order. This is an amendment. The main motion is that the Bill be read the third time.

The SPEAKER—That is withdrawn by leave of the House until the hon. member can make his motion to amend.

Hon. Mr. LANDRY—What is that motion?

Hon. Sir RICHARD CARTWRIGHT—The one of which I gave notice yesterday.

Hon. Mr. LANDRY—The motion before the Chair is one for the third reading of the Bill, and in amendment to that motion it was proposed to move that the Bill be not now read the third time, but that it be amended as stated in the notice. So that before the third reading is taken, the Bill must be amended. I do not contend that it must go back to committee, but we find that the hon. gentleman who made the motion for the third reading now makes a motion in amendment. He has no right to make that motion.

Hon. Mr. YOUNG—I understood he withdrew his motion.

Hon. Mr. LANDRY—He had no right to make the motion.

Hon. Mr. YOUNG—The hon. gentleman from Hastings objects to the other course, so what are we going to do? Between the three leaders in the House we ought to be able to adopt some course.

The SPEAKER—The order of the day for the third reading of the Bill was called, and the hon. minister made the motion. On this question being raised, he asked leave to withdraw the motion for third reading and to move the amendment of which he gave notice yesterday.

Hon. Mr. LANDRY—That cannot be done. The right hon. gentleman moved the third reading and then withdrew that motion. He is now moving his amendment of yesterday; but what is his amendment to it; there is no motion before us?

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman from Hastings objected to the manner of doing it.

Hon. Mr. YOUNG—Which is the proper mode?

Hon. Mr. LANDRY—The two modes are bad. The only thing for the hon. member to do is to move the third reading, and, if he wants to amend, to get somebody to move the amendment.

Hon. Sir RICHARD CARTWRIGHT—That is what he did.

Hon. Mr. LANDRY—What the hon. member from Hastings objected to was not that.

Hon. Mr. YOUNG—I submit that all the rules are suspended in so far as giving notice are concerned.

Hon. Mr. LANDRY—My motion was not carried yesterday, by which I wanted to suspend all the rules.

Hon. Mr. YOUNG—Rule 129 is suspended. It does not seem to me there is any serious difficulty in this matter. I think the view of the hon. gentleman from Stadacona, that the right hon. leader of the House cannot very well move an amendment to his own motion, is well taken. But we are dealing with a public Bill; there is no necessity for giving notice of an amendment to a public Bill, and it is quite in order for the hon. member from Killarney, or any other hon. gentleman, to move an amendment without notice to the motion for the third reading.

The SPEAKER—The hon. gentleman who gave the notice for the third reading of the Bill when objection was taken to what followed, asked leave to withdraw his motion and to move an amendment of which he

gave notice yesterday. If the House gives leave to withdraw the motion, the amendment is perfectly in order when moved by him. That is my ruling.

Hon. Mr. LANDRY—I appeal to the House on the decision of the Speaker.

Hon. Mr. YOUNG—We shall simplify this little trouble and clear the atmosphere at once. Sir Richard Cartwright will move his third reading and some one will attend to the moving of the amendment.

Hon. Sir MACKENZIE BOWELL—There has evidently been some misapprehension as to the remarks I made. I did not take objection; I merely asked for an explanation of why it was done, and after the explanation was made by the hon. gentleman from Killarney, I said no more.

Hon. Sir RICHARD CARTWRIGHT—I move the third reading of the Bill.

Hon. Mr. YOUNG—I move the amendment of which notice has been given.

The amendment was agreed to on a division.

Hon. Mr. BEIQUE—I have no desire to move any amendment, but I wish to say that, as presently informed, I am under the impression that the point raised by the leader of the opposition yesterday is correct, that this paragraph of subsection 5 of clause 11, goes beyond the power of this parliament, as it provides that any rolling stock belonging to railway companies organized in foreign countries and brought in on provincial railways, could hardly be dealt with as is mentioned in this clause. However, as these railway companies are able to protect themselves, and there may be ground for two opinions on the point, I do not propose to do more than express my own feelings on the subject.

Hon. Mr. LANDRY—I think the hon. gentleman should go a little further and move an amendment. There is no danger of killing the Bill, because it has already been amended, and that amendment must be concurred in by the House of Commons. The hon. gentleman says there is a part of this Bill which, in his judgment, is unconstitutional. If it is, we should not pass it in its present shape, and I trust he will move an amendment. It is a government Bill, and the government will see that the Bill shall pass. I ask the hon. gentleman, as a question of right and justice, not to put those companies in a wrong position, but to come out with his amendment and we will vote for it.

Hon. Mr. BEIQUE—I am following the course of the hon. gentleman's leader, who drew the attention of the House yesterday to this very point without moving an amendment. As far as I am at present informed, the objection taken to the subsection is well founded. However, I am not sure enough on that point to take issue with the Minister of Justice on the question to the extent of moving an amendment.

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

EXCHEQUER COURT ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 151) An Act to amend the Exchequer Court Act.

(In the Committee).

Hon. Mr. BOSTOCK—I did not take any part in the discussion on this Bill last night, because I wanted to look into the matter a little and become posted in regard to the question; but having given it some consideration, I think great difficulty will arise if this Bill becomes law. The position, as I understand it, is this: that under this Bill the Crown is to have the right to appeal to the Supreme Court of the province. The result will be that there will be a further appeal from the court of the province to the Supreme Court of the Dominion.

Hon. Sir RICHARD CARTWRIGHT—No, they must take the alternative, apparently. My hon. friend will note, the Crown would have an alternative right.

Hon. Mr. CLORAN—If the Crown takes one court, it cannot go to the other.

Hon. Mr. BOSTOCK—At all events, it goes from the Supreme Court of the province to the Privy Council. One very strong

objection I see to this Bill is, that the decision arrived at by the Supreme Courts of the provinces may vary very considerably, and one of the great objects in the establishment of a Supreme Court for the Dominion was that continuous decisions upon the same line should be arrived at with regard to these questions as between the people and the Crown. I cannot see that it is going to be of any material benefit to the litigants who have to bring actions against the Crown that this appeal should be allowed to the Supreme Courts of the provinces, and I certainly think that there will be a great deal of wide open law which will lead to a lot of trouble as between the decisions which may be given by the various Supreme Courts of the provinces. It would be very much better that this question should be left as it is, and leave the appeal from the Exchequer Court to the Supreme Court of the Dominion as it now stands.

Hon. Mr. BEIQUE—I suggested yesterday that this Bill should stand over so that we might be informed as to the opinion of the Department of Justice on the question whether, under this Bill, an appeal will lie from the decision of the Court of Appeal of the provinces, and to what court. If we can get this opinion, it is the best we can expect from the Department of Justice.

Hon. Sir RICHARD CARTWRIGHT—Very good. The request is very reasonable. At present I am not in a position to accept any amendment to the Bill; but I have no objection at all to obtaining the information which my hon. friend requires. I move that the committee rise, report progress and ask leave to sit again.

Hon. Mr. CHOQUETTE—At the same time I think we should have the opinion of the Minister of Justice as to the question of the parties having the same right of appeal as the Crown. I think that should be added to the Bill.

Hon. Sir RICHARD CARTWRIGHT—It will be almost unnecessary to discuss that at present, as I am going to consult the Minister of Justice before the next sitting of the House.

Hon. Mr. BOSTOCK.

Hon. Mr. CHOQUETTE—And the hon. gentleman will obtain his opinion on the two points?

Hon. Sir RICHARD CARTWRIGHT—Will the hon member send me his amendment, if he desires to suggest one?

Hon. Mr. CHOQUETTE—Just to give the parties the same right of appeal as the Crown.

Hon. Mr. BELCOURT—I would ask the right hon. gentleman, since he intends to have a consultation with the Minister of Justice on that point, to inquire of him also what his opinion is with reference to this: If, as the hon. gentleman is of opinion, the judgment of the Court of Appeal is to be final, and there shall be no appeal from that to the Privy Council or to the Supreme Court, I should like to know, as one having a good deal of business to do with those courts, which jurisdiction is to be conclusive, the jurisprudence established by the Court of Appeal or the jurisprudence of the Supreme Court in like cases? There is sure to be a conflict. If my right hon. friend is correct in his opinion, that the judgment of the Court of Appeal is to be final, you have jurisprudence established by that court in Ontario, another by the Court of Appeal in the province of Quebec and another by the Supreme Court, all on similar cases. I should like to know which jurisprudence is to be deemed conclusive?

Hon. Sir RICHARD CARTWRIGHT—There may possibly be a conflict. The object of the Bill, as I understood from the Minister of Justice, was to avoid the heavy costs that are inflicted on litigants when they have to go before the Supreme Court. That was the object, as stated by him in the House of Commons. As far as the Crown is concerned, the Supreme Court would be the most convenient for them.

Hon. Mr. CAMPBELL, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

DEPARTMENT OF LABOUR BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 165) An Act respecting the Department of La-

bour. He said: I may offer a few reasons why the government propose to create this particular department. In a general way, I concur with the remarks made by my hon. friends on both sides, as to the undesirability of increasing the number of ministers, and I have also my own particular views as to what might be done and which I explained on a former occasion. But with respect to this particular measure, I would call the attention of the House to the fact that within the last very moderate number of years the whole industrial situation, and more especially on this continent, has undergone many and very important changes. Within a comparatively short number of years, three things have occurred in the neighbouring republic, and to a lesser extent in Canada, none of which, I may say, I regard with great favour. There has been too great a congestion, I think, in the various towns and cities in the United States and in certain parts of Canada. Agriculture has been rather at a discount, and a great number of our people have betaken themselves rather to the task of distribution than to the task of production. Now, I believe that, particularly in a country like Canada, the agricultural element is the backbone of its prosperity, and that anything which tends in any way to divert men from the soil and bring them into the cities, particularly where they are not going to engage in productive occupations, but rather act as middlemen, is not best for Canada. That is one thing; another is the fact that there has been a terrible accumulation of huge fortunes in individual hands. That I hold to be a threat of the very worst kind to civilization, and I have regarded with increasing apprehension the tremendous accumulations that have taken place, notably in the United States, in a much smaller degree with ourselves, and which I think are more likely to endanger the prosperity of both the United States and of other countries where the same state of things prevail, than almost any other cause I know. From that has arisen the state of things which, I think every hon. gentleman here who has studied the matter will agree with me in saying, requires the earnest and serious consideration of the legislatures of every country where it arises; I mean the very marked division which now exists between labour and capital. It is hardly too much to say that these two forces, both of which are eminently necessary to the prosperity of a country, and which ought to work together in harmony, are, one might say, almost arrayed in hostile camps against each other. We have seen in other countries, and to some extent in our own, what tremendous mischiefs arise from a collision between organized labour and its employers. The cost of a great strike, such, for example, as that which occurred a few years ago in connection with the coal fields in the United States, almost equals the cost of a great war. For the purpose mainly of doing what can be done by the government to reconcile what I may say are these hostile factions, at any rate to provide means whereby a better understanding may be arrived at between these parties, the government have thought it expedient to create a department which should be very specially charged with the duty of looking after the interests of labour, and incidentally of everything connected with labour, and in particular would be charged with the duty for which an Act has been specially provided, of establishing and maintaining courts of arbitration, voluntary or otherwise, whereby and through which these disputes may be averted. I need not say that the cost of a Department of Labour, organized as it is proposed to be, is a most insignificant thing compared with the cost of any considerable strike. The smallest strike almost would involve a greater loss to the community that probably the Department of Labour would in several years. I may also observe that in other countries similar departments and Ministers of Labour have been created, and I think that on the whole the result has been very satisfactory, and that the experience of what is known as the Lemieux Act has, on the whole, been very satisfactory in Canada. For all these reasons, the government has deemed it wise to ask parliament to permit them to create a new department which shall be specially charged with the adjustment of the differences that I have alluded to, that have arisen and are arising all over this continent, though more especially in the republic to the south of us, between organ-

ized labour and the capitalists and other employers of labour. Those are the reasons which move the government to advise the creation of this department. I move the second reading of the Bill.

Hon. Mr. LOUGHEED—This is another illustration, and my right hon. friend has anticipated the observation I was about to make, of the government practicing economy under a falling revenue, by adding to the expenditure of civil government. What I object to in connection with this Bill is what I might term the patch-work policy of the government in increasing the portfolios of civil government. This increase does not seem to be based upon any well-defined policy. It seems to be the outcome of whatever clamour or demand may be made at the moment concerning conditions which arise from time to time, and which may not be looked for. This is the second Bill which we have had to consider during the present session increasing the portfolios of civil government. There is no doubt whatever that the Bill concerning a Department for External Affairs will, with propitious political weather, blossom into a full-blown cabinet portfolio at a very early date, and, even though the revenue decreases, as surely as the sun shines at noon to-day, next session, or at a very early session, we shall have to consider the propriety of appointing another cabinet minister to provide for the portfolio of External Affairs. We have now a Bill before us involving an expenditure of no less than thirty-four or thirty-five thousand dollars for the maintenance of the Department of Labour. I find in the estimates which were introduced to the other House in connection with this Bill, we are to have a deputy head at $5,000, one secretary in the first division, subdivision A of $2,800; two second division subdivision A clerks, $3,800, eight second subdvision clerks at $1,100 one-third subdivision B clerk, and four third division subdivision B clerks at $2,200, one messenger at $650, one packer and sorter at $500, and an allowance for private secretary of $300, together with a full-blown cabinet minister at $7,000; making in all $34,000.

Hon. Sir RICHARD CARTWRIGHT—The larger part of that, I think, is already incurred in the Bureau of Labour that now exists.

Hon. Mr. LOUGHEED—That would be the minimum. This is simply presented to us so as to prepare us for what may possibly arise in the future. Those departments have contracted a habit during the last ten or twelve years of growing very rapidly; of flourishing like green bay trees; of increasing their expenditure anywhere from 100 to 500 per cent. The service in some of the departments of the government has increased to no less than 500 or 600 per cent during the last 12 or fifteen years. We do not seem to be making any headway in being able to control the expenditure of civil government. I do not entertain any spirit of hostile criticism to the government in saying that large financial corporations, large transportation companies and the other great commercial companies of Canada or of the continent, would not dream of transacting their business in the same way as we do in the Civil Service of the government of Canada. Abuses have always existed there, and they continue with abounding rapidity and multiplication. It would not seem unreasonable to suppose that this government made up at one time, as we understood it to be, of all the business talents, should have been equal to grappling with this very important question. I do not know how many royal commissions have been appointed from time to time to inquire into this matter, and so numerous have all the recommendations been that I scarcely recall them, as to how the Civil Service might be reconstructed, and how the expenditure might be reduced. Still we go on session after session piling up increased expenditure until it seems to me that at a comparatively early period, the uncontrollable expenditure of the government will practically absorb all the revenue. Another question arises: are we going to receive value for this? I very much regret that my right hon. friend has not been able to indicate to this Chamber some well defined scheme whereby the Department of Labour will be able to grapple with the various questions to which he has alluded. I quite appreciate the responsibility of the government in dealing with

large industrial questions that arise from time to time, and in quieting the public mind as to agitations which seems to be perennial between capital and labour; but the establishment of a Department of Labour, with all the paraphernalia which has been indicated, and with all the expenses that it will entail, is not going to result in settling those difficulties which confront us from time to time, and which as between capital and labour have existed from time immemorial. Until the government of the day is sufficiently strong, and is prepared to hold the scales of justice between capital and labour entirely irrespective of the labour vote, or entirely irrespective of what pressure capital may bring to bear in the way of political influence, so long will these difficulties exist. Until the government of the day is sufficiently strong to bring down legislation making it part and parcel of our criminal law to enforce a penalty, as they do when other laws are disregarded, so long will those difficulties continue. Take for instance the Act which we know as the Lemieux Act. My right hon. friend can scarcely congratulate the country on that Act being a success at the present time in adjusting difficulties which arise between labour and capital. Shortly after its introduction, it did receive a fair trial at the hands of both parties, but the labour party to-day absolutely disregard the Lemieux Act.

Hon. Mr. CLORAN—No.

Hon. Mr. LOUGHEED—They have passed resolution after resolution in their Labour Congress expressing their entire disapproval of the Act. I speak with knowledge on the subject. It is not compulsory. It simply touches the fringe, and does not reach the centre of the difficulty which has been pointed out. I quite appreciate that the question of labour is of sufficient importance to command the attention of the government in endeavouring in every intelligent way to deal with it and the difficulties arising under it from time to time, and from which labour is undoubtedly suffering. But there must be a well defined policy. If this Department of Labour is to be established, it should be accompanied with a provision for the settlement of strikes, and not simply make provision for a Minister of Labour with all the retinue that I have pointed out, and involving a yearly expenditure of $35,000, as a minimum, without knowing what that Department of Labour is going to do. I regret very much that the government has not seen fit to permit the Labour Bureau, as it now exists, to exert its influence in the direction already pointed out. The Minister of Labour to-day is the Postmaster General. My right hon. friend has not pointed out to this Chamber, nor has it been pointed out in the other House, that the questions which have arisen from time to time and which would necessarily appeal to the deputy minister, have been so extraordinary in character as to render that department unable to grapple with them. The staff there has certainly not been inadequate to deal with the various questions which have arisen from time to time. The policy of the department has been, so far as I have observed, to allow strikes to practically exhaust themselves, and when both parties were absolutely exhausted from the antagonism which had existed for a considerable time, the department then intervened. The Deputy Minister of Labour appeared on the scene, and he then had no difficulty, in many cases, in settling the strikes. But it is in the inception of those difficulties that the government should act, and I must confess that in no case has my attention been directed to any important strike where the government has intervened before the difficulties had reached an acute stage.

Under the circumstances, while this Bill is bound to go through, the government has shown no good reason for the establishment of another department involving a very large expenditure of money. I regret also that the government has not considered the propriety, now that there is to be an increase under new conditions arising from time to time of government portfolios, of considering the policy which obtains in England, of appointing under secretaries. I recall the speech that the hon. member from Middlesex made upon this subject some months ago. It was full of interest, and certainly should commend itself to the attention of the government. I regret to say that under the present system our civil government is unsatisfactory; our de-

partments are largely political, the transaction of business in our departments is of such a political character that the party in opposition hesitates to go into a department to transact business as members of parliament on account of the political sympathies pervading the whole branch, from the head down to the lowest messenger. This is a regrettable condition of affairs. It is something which demands the attention of the government, and the sooner we can end this condition of having a political party transact the business of the country and doing business for one side of politics only, and the institution of a system of under secretaries, entirely free from the political affinities which characterize the service to-day, the better it will be for individuals and the better for the country.

Hon. Mr. DANDURAND—The hon. leader of the opposition is generally fairer in his remarks than he has been in dealing with the Lemieux Act. He has failed to notice, in his experience during the last three years, that any good has come of that measure. We all agree with him that it is a measure to prevent strikes and not settle them, and although the Lemieux Act is directed towards that end, my hon. friend does not know that in the first twenty-four months of its existence, out of 52 threatened strikes no less than 48 were settled under its provisions. It has been so successful that attention has been drawn to it in some of the old countries of Europe, and, personally, I have been in contact with ministers of the Crown in Austria, Italy, France and Belgium who have asked me to send them copies of that law as being an improvement on their own legislation. This is to the credit of the government. My hon. friend wonders why the government asks for the creation of a Department of Labour. The whole press rings with applause at the creation of this new portfolio. I have heard hardly any criticism. Of course I have heard from some quarters that it was perhaps time to rearrange the divers departments and perhaps amalgamate one or two of them that could well be brought together; but as to the important question now before the Senate, all will admit that we have reached a point where a Minister of Labour should be in the cabinet. The work of that department has gone on increasing every year. Strikes are threatened from the Atlantic to the Pacific. Demands are made upon the department every week, and every day, to try and prevent strikes which loom up in many parts of the country. We should all be agreed, therefore, upon the importance of this department and of the work that has been done by this government since 1896 towards bettering labour conditions and the relations between capital and labour.

My hon. friend thinks this government has done nothing in the matter of Civil Service reform. Did he not admit last year that the Civil Service Commission was a commendable step? We have brought the inside service under an influence other than political, and henceforth the nominations will be made according to merit. I for one, will be disposed to vote in favour of bringing the whole of the outside service under the Civil Service Commission. We have quite a number of cabinet ministers but we have no under secretaries, as my hon. friend remarked. He thinks that this country is overgoverned, and that we have too heavy a ministerial staff. It may be that our cabinet could be well reduced by one or two units; yet within the next few years, in a rearrangement, it will perhaps be found that some departments may be united, but that the present number of ministers will have to be retained. My hon. friend spoke of large corporations administering their affairs in other ways than the federal affairs are administered. If my hon. friend would go to large corporations like the Canadian Pacific Railway and the Grand Trunk Railway, and add up the salaries paid to the directors, managers, superintendents, and vice-presidents, he would see that the salaries that we are paying to our cabinet ministers were very small indeed. I do not deny that in many departments, perhaps in all, a certain number of employees should be dispensed with. It may be that the staff is too large, and that a private individual, paying out of his own pocket, would apply the pruning knife, and dispense with a certain number; but we all know the difficulty of coping with this matter, and bringing down the staff of the various departments to a just

basis. All governments have endeavoured to reduce the number of their employees. I doubt if we shall ever reach an ideal basis, but I hope, under the operation of the Civil Service Commission, that better days are in store for us.

Hon. Mr. ROSS (Middlesex)—I do not quite approve of the observation made by the hon. leader of the opposition with regard to the Lemieux Act. I live in a large centre of industry. Although Toronto has been, fortunately, free from strikes and labour disturbances, still, so far as I know, the public feeling of western Ontario is decidedly in favour of this court of conciliation. It has worked admirably in coal mine strikes in the west, and has worked admirably in Montreal on various occasions, and I think the Act, as a court of conciliation, practically intercepting the movements of those inside who are disposed to make a strike, or an employer of labour who is disposed to be over-exacting with his employees, has worked, a partial revolution in the relations between capital and labour, and the Act has met with the approval of many countries who have been more perplexed with labour problems than we, and who have suffered more than Canada from irregularities of that kind. Therefore, I must express my cordial approval of the Lemieux Act and its successful operation. I cannot express my approval so cordially of the appointment of a Minister of Labour.

I think the hon. leader of the opposition has pointed out the true remedy for the better administration of the public service. I had the honour and pleasure of discussing this matter last session in the Senate, and cited the British system, a system which in many respects we have copied, and which, so far as the appointment of under secretaries is concerned, is, to my mind, a solution for the difficulties existing in the present administration of the public affairs of Canada. The British cabinet is a small cabinet. Although it governs an empire of three or four hundred million, it rarely exceeds twenty. It is usually under twenty—down as low as nineteen, and in the early days it was contended that a British cabinet should not exceed twelve. We cannot make exact comparisons. We cannot take the population and propose it as a proper basis for the cost of administration, or for the difficulties of administration comparing one country with another. But there is the fact: The British empire is administered by a cabinet of twelve, but when I say that, let not the House be misled. Although the cabinet is now fifteen or twenty, the administration consists of sixty persons, and there is an under secretary for almost every public department. This is not the time to dwell upon the advantage of the appointment of under secretaries. There are in the House of Lords representatives of almost every department of the public service in the government. Where a cabinet minister sits in the Commons, his under secretary sits in the Lords and vice versa. I do not want to reflect in the slightest degree upon the administration of the public service in Canada to-day, but I am quite sure that, apart from the advantage there would be in educating young men for the public service, there would be a decided advantage in both houses if there was a sort of subdivision of the responsibility of the administration of the various departments, and that the officer or the head of the department who is in one House might be represented by the under secretary in the other. I am convinced, after watching the public service of Canada for many years, in the House of Commons for a time and for a short period here, that would be a remedy for many of the difficulties, and that it would facilitate the passing of Bills, so that probably at the end of the session business would not be congested as it is now, and it would promote a better discussion of public affairs. I do not think the multiplication of ministers is the best remedy for the matter at all, and although it may be considered necessary to appoint a Minister of Labour, I think the system of under secretaries would contribute far more to the efficiency of the public service and would expedite the administration of public business. The cabinet is now large and efficient. It is impossible, almost, to make reduction once you increase the number. But that is not a matter under consideration. I merely rise to reiterate my opinion, that the remedy for our difficulties is not the in-

crease of the cabinet, but some other subdivision of labour between the ministers.

Hon. Sir MACKENZIE BOWELL—Those of us who listened to the introductory remarks in regard to this measure by the right hon. leader of the House, must have been convinced, by his statement of the fact, that the difficulties existing between capital and labour are of such a character as to justify any government in taking action by which such difficulties may be controlled as far as possible. I must confess that I have, personally, no sympathy with the statements that are being continually made, of the great danger which exists in this, or any other country, by the acquisition of wealth by those who enter into the different industries of the Dominion. All public men, to some extent, have given attention to the problem of what would be the best means of conciliating the interests of capital and labour; but the tendency of the age, is unfortunately, in favour of granting to the latter concessions, and submitting to demands and excesses which the laws of the country should govern and control to a greater extent than they do to-day; and that tendency is due mainly to the fact that men who are engaged in public life, and who have to depend upon the electorate for the positions they hold, are swayed to a very great extent by clamour which may exist out of doors, without having the courage to meet it. In England to-day, where the labour element has gained so much control as to have been able to elect many of their representatives, which is quite correct, and has succeeded in placing one representative in the cabinet, so far has that influence been carried, that those who have been placed in responsible positions as representing labour, have come to the conclusion that it is necessary to check the spread of socialistic tendencies to a great extent. The leaders of the labour party have been obliged to oppose in many cases the advances and the demands that have been made upon the government and upon the people, more particularly on those who have acquired some little wealth through their industry. Their demands are so serious that the governmen who shall devise some scheme by which to create an equilibrium of power and of authority between these two elements, will accomplish a very great thing. The remarks made by the leader of the government upon that point are of a character that most of us will endorse. Whether the creation of a new department will effect the reform suggested is a question upon which we are asked to deliberate. I am in accord with the sentiments expressed by the hon. gentleman from Middlesex. I do not think that the creation of a number of heads will accomplish the object the government have in view. Many of us remember that, when the late Premier of this country, Sir John A. Macdonald, introduced into the House of Commons a system by which controllers, who were to occupy positions similar to those of an Under Secretary of State in England, were appointed, it was very strongly opposed by the then opposition, as adding unnecessary trouble, unnecesary expense and unnecessary officials in the administration of the department. Now, the statement made that many of the ministers are overworked, I know to be quite correct. Just so long as the minister is obliged to deal with all the details of his department, so long will that condition of overwork continue to exist. The deputy head of each department in Canada occupies, except in name, the position that is occupied by the under secretaries of state, so far as the administration of affairs in England is concerned, with this difference, that the under secretaries of state have seats in the Commons, or in the House of Lords, and they are there to take the place of the minister in the explanation of Bills which are introduced affecting that particular department which the under secretary represents. The head of the department is not expected to be familiar with details, but with the policy, and to defend that policy when it is attacked in the Commons, or in the Lords. The under secretaries of state are expected to, and in fact do, perform the duties that are now performed by the minister, in explaining any question that may come up in the administration of the affairs of his department. If there is any matter affecting a colony, the representa tive of that colony is referred at once, if he

has an interview with the Colonial Secretary, to the under secretary, or the permanent head of the department, who is not subject to appeal to the people, and there is where he will get information, and, I was going to add, instruction upon the question at issue.

Now every man who has been in the government is aware that no matter how trivial the question may be affecting the importation of, say, a horse, if there is a difference arising between the importer and the government, the man who complains will never be satisfied until he has an interview and takes up the time of the minister to settle it. If the principle prevailed that under secretaries or deputy heads could give their decision, then there would be an end to it, and the labour that devolves upon a minister of the Crown would be relieved to a very great extent, and the minister would be able to give more attention to the public policy of the country. I remember distinctly in my own case, Sir John Macdonald making this remark to me when some great question was under consideration: 'Bowell, the details of the Customs Department are of such a character that they prevent the head of it from devoting time to the consideration of greater questions which affect the whole Dominion that he should give to it.' My hon. friends opposite will admit that that sentence alone explains the reason why ministers are overworked. As has been indicated by the gentleman who has just addressed the House, if you can remove from the departments that perpetual pestering of ministers by political opponents and political friends in the ordinary administration of the affairs of the country, you will have the difficulty of over-work removed to a very great extent. I know it has been said that the appointment of controllers was a failure. Why was it a failure? The appointment of controllers was for the purpose of relieving the heads of departments from dealing with office details of which the ministers complained; but the controllers were too ambitious to submit to the positions in which they were placed, and instead of reporting upon great questions to the minister under whose charge they were, that is the Minister of Trade and Commerce, they were perpetually coming in conflict with the minister by assuming powers and authority with which they had nothing whatever to do; the result was that when the present government came in power they changed the law and raised the two controllers in that department to the position of cabinet ministers. I admit that the ambition of the controllers, and the fact that they considered themselves it an inferior position, led to that change. The question now arises as to the creation of a new department. Is it necessary? Why could not the duties which the Minister of Trade and Commerce has given as the reason for appointing a new minister, be performed just as well by the gentleman who has held the position of Deputy Minister of Labour under the Postmaster General? It would not give the minister much additional labour. The deputy minister could perform all the duties which he will have to discharge if he is made head of the department, without this additional expenditure. Thirty years ago, the opposition complained of the number of heads of departments, claiming that a smaller number could transact the business of the country. True, there was not as much work to be done then as there is now; but the adoption of the English system of appointing under secretaries, would have met that contingency. Another question which was raised by Mr. Blake at that time, was the question of remuneration to heads of departments. He claimed that the head of each department should be paid in proportion to the labour and responsibility involved in administering that department. Like most of the reforms advocated by the Liberal party in opposition, that principle was not adopted by the Liberal government when it came into power. On the contrary, Mr. Blake accepted the position of President of the Privy Council, which entailed the least labour and responsibility in the cabinet, but no attempt was made by the Liberal government to reduce the salary attached to the office. Will the right hon. gentleman tell us what is the intention of the government in appointing a deputy head of the Department of Labour? Is he to be a university man, as the head of the department is, and are all the officials of the department to be of the same class, or are we to have a practical labour man, as

it is termed, appointed? When I say labour man, I mean a man engaged in some industrial pursuit. To my mind, the use of the term 'labour,' as understood and generally used is incorrect. I doubt if there are many of those employed as artisans or at other similar occupations, who work as hard as my hon. friends who sit opposite me. Their occupation is just as laborious mentally as the physical work of those engaged in occupations in the field or in the workshop. It has been intimated by the hon. member from Calgary, that before many years we shall have a department of External Affairs. We had the same pledge and declaration made by those who created the Labour Bureau that no new head of a department was to be created, as we have to-day in the appointment of an under secretary of state for external affairs. I am much mistaken if we do not find in the course of a very few years that a new department will be created to deal with external affairs just as the Labour Bureau is being converted into a Department of Labour with a departmental head. It has been stated that it is necessary to have a head of a department in order to transact the public business. That is not the case in other countries. In England, the number of ministers is restricted. Each premier selects just as many cabinet ministers as he thinks necessary or desirable to administer the affairs of the country. Sometimes we find the Postmaster General a member of the cabinet, and sometimes he is not. And so it is with all the departments. Then with reference to the payment of heads of departments, some receive larger salaries than others. In this country we have now fourteen heads of departments, all receiving the same salary. We are about creating another department, and that will make a fifteenth minister, and in a short time I doubt not there will be a sixteenth head of a department. Each minister has a deputy head, a secretary, and all the other officials employed in carrying on the affairs of the country, when the work might be just as well done by a smaller number of ministers with under secretaries as called for by the needs of the administration. In Australia, there are only seven ministers, though they govern a country somewhat similar to our own in area and population. There is no more difficulty in administering a department in a country with seven millions than there is in a country with five millions of population. There may be more clerical work, but there is no increased work for the head of the department. It is no more difficult, for instance, for the Minister of Customs to administer the affairs of a department with a collection of one hundred million dollars than if the collection amounted to fifty million. The details are worked out by those who are under him, and his duty is confined to dealing with questions which arise from interpretation of the tariff or some violation of the law. It is all nonsense to say that the collector of customs is harder worked when he collects eight or nine millions than when he collects four million of dollars, for this reason, that large importations involve no more work, except in the work of valuating, in making the entry than small importations. In New Zealand, there are eight cabinet ministers, and in the United States nine cabinet ministers to govern a nation of ninety millions of people. I am well aware of the fact that their system of government is different from ours. The head of a department here propounds a policy and crystallizes it in a measure which he introduces to parliament. In the United States, measures are prepared and sent to the Senate, and intrusted to the leading men in the Senate or House of Representatives. If the measure should be rejected by Congress, it has no effect on the status or stability or permanence of the ministers themselves. They have a large number of officials who transact the public business, which the heads of departments here have to perform, and which might be performed by under secretaries or deputy heads. The creation of a number of departments is not necessary. The work could be better accomplished by having deputy heads who are not subject to political influence or the control of politicians. So long as the ministers themselves have sufficient strength of character to be firm in the administration of public affairs, and refuse to be made the creatures of political influence, the affairs of the coun-

try will be well administered. I have no expectation that any expression of opinion from me will have effect upon the policy of the government, with the immense majority that they have at their back. I am not prepared to accept the statements of those who speak of the great good that has resulted from the creation of the Department of Labour. The labour organizations are setting the Lemieux Act at defiance, and even when they suggest arbitration if the decision is not satisfactory they disregard it. There is a danger arising from labour organizations. Their tyranny is greater to-day than that of any monarch in Europe. Any one who has paid attention to the position taken by the labour organizations in dealing with questions arising between capital and labour must come to the conclusion that it is becoming dangerous for any one to possess more than is necessary to sustain his life. The socialistic tendencies of many people are becoming so serious that unless some government sufficiently strong to grapple with the question and settle it shall arise, there will be great danger to the safety of the community in the future. I know that this expression of opinion will not be popular. but I have always held it. I expressed it when representing a constituency, and I hesitate not to express it to-day, and I would suggest to any government dealing with questions of this kind that they should handle them with a firm hand if they wish to prevent revolution and difficulties and strikes which will endanger the peace of the community. We are all, as politicians, too apt to pander to the clamour that is popular for the time being, but the common sense of the people will prevail, and they will find in the end that in order to live in peace and harmony in the country there must be a change in the manner in which the public affairs are administered.

Hon. Sir RICHARD CARTWRIGHT—At this hour, I do not want to enter into a disquisition on the numerous questions which have been brought up, which might take up our time from early morn till dewy eve and leave us still very much of the same opinion. These measures are necessarily of a tentative character, and while the government hope for very considerable results from them, with all deference to my hon. friend the leader of the opposition, the results of the Lemieux Act has been so far very satisfactory and it has succeeded in preventing a great many disputes. At this present moment I am informed that there are no less than nine or ten arbitrations going on under the Lemieux Act, which, without the Act, would probably have resulted in strikes more or less disastrous. My experience, and I think the experience of most men who have been much in contact with the labouring public or the public in general, is this: As a rule, it is a great advantage in the case of disputes that men should have an opportunity of presenting their views and of having both sides heard. This department, if it does nothing else, will afford an excellent opportunity for both the employers of labour and for the labourers, in the case of disputes, of making their views heard, and of laying them before the public. One thing that I think will result from the creation of a special Minister of Labour is this: that the labour organizations will at any rate feel that the government of the country recognizes their status and importance. There is no use shutting our eyes to the fact that labour organizations are going to be and are, a tremendous force in this country and in all civilized countries. I need merely point to the example of the United States and of France and of England to convince hon. gentlemen that, for good or evil, labour organizations are there to stay; they are here to be reckoned with, and it may be of importance, and I think is of importance, that the party who is specially charged with coming in contact with these men, should be an officer of very considerable rank in our official hierarchy. That is one reason which would go far, I think, to justify the creation of a special officer charged with this service. I have not at all receded from the opinion I have expressed here and elsewhere as to the great desirability of adopting the English system of under secretaries. I see and always have seen many advantages in it, and I may remind my hon. friend from Hastings that on the occasion to which he referred I, as 'Hansard' will show, took the opportunity of commending Sir John Mac-

donald's action as far as it went. It did not go far enough, but it was good as far as it went. The other point that I would call attention to—it bears more or less, no doubt, on the question—is this: Here we are a great federal community, having sway over a tremendous extent of country, very nearly half a continent, having to deal with a great number of provinces, many of which are now on the verge of becoming great states, particularly in the northwest. That state of things renders it necessary to have more officials, whether they be called heads of departments or whether they be called under secretaries, than would be required under another form of government. For that reason, there is not much comparison to be made between the number of officials we require and the number of officials required in England. There is another thing which I think everybody will recognize, that when you have a federal government and where you have a great many different provinces existing, some times under very varying conditions, it is eminently desirable that the ministers of the day (whether they be ministers or under secretaries) should devote a very considerable portion of their time to visiting those outlying parts of the Dominion and making themselves personally acquainted as nothing else will make them acquainted with the needs of these widely separated portions of our territory. That is one reason which goes far to excuse the possibly too great multiplication of cabinet ministers which we now possess. It is impossible at this stage of the session to go at length into many of these discussions; therefore I will content myself with these few remarks and move the second reading of the Bill.

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

The Bill was then referred to a Committee of the Whole House, was reported without amendment, read the third time and passed on a division; names not recorded.

EXCHEQUER COURT ACT AMENDMENT BILL.

AMENDMENT WITHDRAWN.

The order of the day being called:

Resuming the adjourned debate on the motion for the third reading (Bill 98) An Act to amend the Exchequer Court Act, and on the motion in amendment of the Honourable Mr. Belcourt, that the said Bill be not now read a third time, but that it be amended by adding the following clause thereto:—

Hon. Sir RICHARD CARTWRIGHT.

5. The Governor in Council may, with or without, the recommendation of the judge of the Exchequer Court, from time to time, and either permanently or temporarily, or for special cases, appoint as deputy judge any person having the requisite qualifications mentioned in this Act, and being proficient in the two official languages, and such deputy judge shall have and exercise all such jurisdiction, powers and authority, as are possessed by the judge of the Exchequer Court.

(a) The appointment of a deputy judge shall not be determined by the occurrence of a vacancy in the office of the judge.

(b) The judge of the Exchequer Court may, with the approval of the Governor in Council, at any time revoke the appointment of a deputy judge.

Hon. Sir RICHARD CARTWRIGHT—In conformity with the statement I made at the last sitting of the House, I conferred with the Minister of Justice on this point, and the Minister of Justice authorizes me to say that an amendment at this stage will not give him the time that he requires to study the economy of the matter, and that he intends to deal with the question next session in order to meet the need mentioned by the hon. senator from Ottawa. I would, therefore, ask my hon. friend from Ottawa to withdraw his amendment and allow the Bill, which merely affects Mr. Audette, after that to pass the third reading.

Hon. Mr. CHOQUETTE—In the absence of the hon. member from Ottawa, I may say that I conferred with him about the amendment, because I had some intimation that a statement of this kind would be made by the hon. leader of the House; but I do not think his statement goes quite far enough. It is a little late in the session, but that is not our fault. We were just confronted with the third reading of the Bill and we could not do otherwise than present this motion in amendment on the third reading of the Bill.

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman wants to let it stand, we will let it stand.

Hon. Mr. CHOQUETTE—No; I just wish to make these few remarks. We have given the reason why this amendment ought to be inserted in the Bill, and even ought to

go further; but if I understand what I have been told, and the remarks that have fallen from the lips of the right hon. leader, in view of the increasing number of cases in the Exchequer Court the government will consider if it is not absolutely necessary in order to do justice to the people from the Atlantic to the Pacific, to appoint a second judge. This question has been before the public for some time, and I am inclined to think, from the remarks that have been made, that between now and next session, not only will this amendment be taken into consideration, but that the government will find its way clear to declare it necessary to have a second judge appointed; and if that is done, I have not the least doubt the government will see that the judge will be able to speak both official languages of this country and that he will be appointed from the province of Quebec to hear cases from Quebec and other provinces where the French language is used. In this view, as far as the hon. member for Ottawa and myself are concerned, we are willing to let the matter stand till next session.

Hon. Sir RICHARD CARTWRIGHT—I can just repeat, that the minister advised me that he intends to deal with the question next session so as to meet the needs which have been mentioned by the hon. gentleman.

Hon. Mr. CHOQUETTE—Taking it as granted that this declaration means as I put it——

Hon. Sir RICHARD CARTWRIGHT—I can add neither yea nor nay to what I have stated.

Hon. Mr. CHOQUETTE—According to what I have been told this will be done.

Hon. Sir RICHARD CARTWRIGHT—I have no doubt the Minister of Justice, and, I may add, the Prime Minister, will see that no reasonable complaint or no reasonable grievance will be left unredressed. I move the third reading of the Bill.

Hon. Mr. CHOQUETTE—With this official declaration, and as seconder of the motion, in the absence of the hon. member from Ottawa, I ask leave to withdraw the amendment.

The SPEAKER—Has the hon. gentleman authority from the member from Ottawa to withdraw it?

Hon. Mr. CHOQUETTE—I may say I discussed the matter with the hon. member from Ottawa as seconder of the motion, and I have authority to withdraw this amendment under the declaration made, and I am satisfied that next session we will have an additional judge.

The SPEAKER—Then with the leave of of the House the amendment is withdrawn.

Hon. Sir RICHARD CARTWRIGHT—I move the third reading.

The Bill was then read the third time and passed.

The House adjourned at one p.m. until three p.m. to-day.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

GEORGIAN BAY CANAL.

Hon. Mr. DEBOUCHERVILLE—May I ask the right hon. leader of the Senate if the report on the Georgian bay canal, which was promised at the commencement of the session, is complete? I previously asked the right hon. leader if we would have it soon, and he answered that we should. Can the hon. gentleman tell me if we are to receive it before prorogation?

Hon. Sir RICHARD CARTWRIGHT—I have applied for the report, but have not yet received it. I will send a note to the Department of Railways and Canals at once to know if it can be brought down.

MONTREAL BRIDGE AND TERMINAL COMPANY BILL.

COMMONS AMENDMENTS AGREED TO.

A message was received from the House of Commons returning Bill (TT) An Act respecting the Montreal Bridge and Terminal Company, asking that the Senate give leave to the clerk of the House of Commons to insert certain amendments to the

Bill which were passed by the Commons, and which by mistake were omitted when the Bill was returned to the Senate.

Hon. Mr. LANDRY—How can they make an amendment without having the Bill before them? I understand the Bill is here, and the message asks us to return the Bill so as to permit them to add the amendments which they omitted to insert. They are asking us now to allow their clerk to come here and make amendments to this Bill.

The SPEAKER—The message is asking us to give leave to their clerk to add the amendments to make it accord with the amendments made by the Commons.

Hon. Mr. LOUGHEED—I understand that the Bill as it left this Chamber and went down to the Commons, has been returned here by mistake, and not the Senate Bill which was amended by the Commons.

The SPEAKER—Oh, no.

Hon. Mr. LOUGHEED—I was informed of that fact by the promoter, that by some error, the Senate Bill as sent to the Commons was returned with an amendment.

The SPEAKER—Amendments were made to the Bill which we sent to the Commons, but in the copy returned to us only one of the amendments was shown, to which we agreed. They then discovered that they had not sent all the amendments which they made, and they passed this order, that a message be sent to the Senate requesting that their honours give leave to the clerk of the House of Commons to add certain amendments which were passed by the Commons—but were omitted through a clerical error.

Hon. Mr. POWER—I do not see how that can be done. We passed the Bill. The Commons passed the Bill with an amendment which came up to us and we concurred in that amendment. My contention is that no one has anything to do with that Bill except His Excellency the Governor, who assents to it. It is a novel idea to ask that an officer may come up from the other House to insert amendments in the Bill. We do not know what the amendments are. The two Houses have concurred in one amendment, and we have no more to do with the Bill, nor has the House of Commons. The only thing now to be done is for the Commons to pass a Bill amending the former Bill.

Hon. Mr. LOUGHEED—A similar incident occurred last session or the session previous to that, in regard to a government Bill which received concurrence in this House. The government found it necessary to introduce a new Bill to amend that Bill.

Hon. Mr. LANDRY—It was in relation to the bounties.

Hon. Mr. CAMPBELL—I move, seconded by the hon. Mr. Béique:

That the request of the House of Commons, as contained in their message of the seventeenth instant, to allow one of their clerks to correct errors made in the engrossing of their amendments made to Bill (TT) on the 14th inst., entitled 'An Act respecting the Montreal Bridge and Terminal Company,' be granted.

Hon. Mr. DANDURAND—I do not take the same view as the hon. gentleman from Halifax as to the rights of the two branches of parliament in dealing with this Bill at this stage. The Bill was sent here with an amendment to which the concurrence of the Senate was asked. The concurrence was given, and an order was made that a message be sent to the House of Commons to acquaint the House that the Senate have concurred in their amendment without any amendment; but the message was not sent. The Bill was and is still here.

Hon. Mr. LANDRY—Why?

Hon. Mr. DANDURAND—I am stating facts. The House of Commons, noticing that they had sent but one amendment out of two or three, sent a further message and asked that their clerk have leave to add the further amendments which were passed by the Commons to this Bill. The Bill being still in our hands, His Honour the Speaker may then, if this message is concurred in, submit these further amendments for concurrence by the Senate, and then the whole Bill will be returned with a message to the House of Commons.

Hon. Mr. POWER—The hon. gentleman from De Lorimier leaves out of sight the fact that the Bill is here because it was a Bill

originating in our House and having been amended in the Commons, and we having accepted the amendment it remains here, and no one can do anything to it except the Governor General.

The SPEAKER—Let me read from Bourinot, page 685:

> Sometimes mistakes are discovered in Bills after they have been sent up to the other House; for instance, Bills may be sent without having passed all their stages, or without certain amendments that have been made therein. When a Bill has been sent up by mistake to the Lords without certain amendments, a message has been transmitted to that House asking them to make the necessary amendments, either by adding the requisite provisions, or by exchanging certain clauses or parts of clauses.

This message asks the doing of that very sort of thing.

Hon. Mr. SCOTT—The House of Commons adopted three amendments. They put in one, and by accident they did not enter two others. The Bill comes up without the other two by reason of a clerical error, and now they ask us to allow their officer to add the other two. I think it is very simple and in accordance with common sense.

Hon. Mr. DANDURAND—And their officer is the proper person to state what were those amendments. He generally certifies on the Bill what the amendments are, and he will be the same party who shall further certify as to the other amendments.

Hon. Mr. ELLIS—I do not feel convinced by the logic of my hon. friend, and I do not think that the quotation from Bourinot actually covers the case. Could you, Mr. Speaker, entertain a motion for this House to take up that Bill again? I think it would be unheard of. The Bill has passed all its stages, and it has gone beyond the control of this House and is now on its way to the Governor General. It is ended as far as we are concerned.

Hon. Mr. LOUGHEED—We did the same thing this session already in the case of the Manitoba and Northwestern Railway Bill. There we made an amendment which we afterwards discovered to be in error, and we sent our clerk down to the Commons to correct the error which we had made.

Hon. Mr. SCOTT—They allowed our clerk to make the change.

Hon. Mr. LOUGHEED—It was the case in which my hon. friend from Prince Albert was interested. He moved an amendment in this House, and an error arose in some way and we discovered it.

Hon. Mr. DANDURAND—It was the senator himself who, in drafting it, had made an error as to figures.

Hon. Mr. LOUGHEED—We afterwards discovered it, and sent a message down and had it rectified.

Hon. Mr. ELLIS—There is this difference: that Bill was in the hands of the other House and had not passed through its stages; this Bill has passed all its stages so far as the parliament of Canada can touch it.

The SPEAKER—All we have done is to consent to the amendment without any amendment.

Hon. Mr. CAMPBELL—The amendments made by the House of Commons were all in the direction of protecting the rights of the municipalities.

Hon. Mr. POWER—It has been said that if we did not agree to this message the Bill is lost; it is quite the contrary. The Bill will pass as we passed it, with one amendment.

Hon. Mr. LANDRY—May says:

> When a Bill has been sent by mistake to the Lords without some amendments, a message has been transmitted to that House asking them to make the necessary amendments, either by having the requisite provision inserted or by expunging certain clauses.

The message we have received is to the effect that we allow the clerk of the House to come and make the proper corrections. If we are to follow this practice laid down in May, we should receive a message from the House of Commons asking us to put in the Bill the proper amendments they passed themselves.

Hon. Mr. DANDURAND—Does it not amount to the same thing to allow the clerk who generally certifies to amendments to

come here and certify to their amendments, in the message we would receive. Either the message would contain the further amendments not made in the Bill itself, or the clerk of the other House will come and certify the Bill. I do not see that it makes any difference.

Hon. Mr. BEIQUE—We should facilitate the desire of the House to have their message complied with as far as possible; on the other hand this is a precedent of some importance. To my mind, the course is irregular. The Bill was returned to us with a message advising us that one amendment had been made. We have considered that message and complied with it, and the procedure has been entirely exhausted. The proper course now is for the House of Commons to ask us to return the Bill for the purpose, and let them send it to us with another message containing the two amendments which they had omitted to send in the first place. Then, on receiving the message, we will deal with it, and agree to or reject the two amendments which had been omitted. If you follow the course which has been suggested, it is open to two very serious objections. In the first place, the Bill in its present condition is what may be considered an authentic document, which no officer of either House has a right to tamper with.

Hon. Mr. DANDURAND—Except with our authorization.

Hon. Mr. BEIQUE—No.

Hon. Mr. YOUNG—We had a similar case here the other day.

Hon. Mr. BEIQUE—The two cases are not parallel. That was done by virtue of a message.

Hon. Mr. DANDURAND—We have one in this instance.

Hon. Mr. BEIQUE—I am speaking of one objection; that is, interfering in an irregular way with what I consider to be an authentic document. The second objection is this: Supposing we comply with this request, what will be the position? The clerk of the House of Commons will come to this Chamber and will make the amendments. How will this House then be called upon to consider these amendments? There will be no message. The message is merely to insert these amendments that have been written, but there is no message asking us to concur in these two amendments; therefore they will not come regularly before this House. The other course which I suggest is, I am satisfied, the only proper course.

Hon. Mr. SCOTT—It is a regular message. On the 17th May, 1909, a resolution was passed by the House of Commons that a message be sent to the Senate requesting that their honours give leave to the clerk of this House to add certain amendments which were passed by the House of Commons to Bill (No. 180), describing the Bill. As I understand the situation here, the Bill came back with only one amendment, and there were others. We concurred in that amendment; we did not announce to the House that we had adopted that amendment; it is still before the House. It is not passed. No message, as I am advised, has gone to the House of Commons acknowledging it. It still stands before this Senate, and the Commons can do no more than have their official come up and state that they, by an oversight in the copy, omitted the amendment.

Hon. Mr. BOSTOCK—I desire to mention a case reported in Bourinot, which, I think, bears on this particular matter. In the session of 1875, a Bill to incorporate the Royal Mutual Life Insurance Company of Canada, was amended in the Senate and sent back to the Commons where the amendments were concurred in. Subsequently, the House of Commons informed the Senate by message, that an amendment to the title had been inadvertently left out in the copy of the Bill sent back to the Commons, and requesting that leave be given to the proper officer of the Senate to supply the omission. It was accordingly resolved by the House to give the necessary leave, and a message was returned to that effect. Then the omitted amendment was considered and agreed to. This is the ordinary practice now, in the case of a Bill being amended.

Hon. Mr. BEIQUE—It was merely changing the title, but here it is two amendments with which we have to deal.

Hon. Sir MACKENZIE BOWELL—When the amended Bill came back to us, the amendment made by the House of Commons to the Bill was concurred in by this House, and the Speaker then in reading the motion read the usual notice that a message be sent——

Hon. Mr. SCOTT—It was not sent.

Hon. Sir MACKENZIE BOWELL—Why was it not sent? That is the point I am coming at. The usual notice by the Speaker was, that a message be sent to the House of Commons stating that this House concurred in the amendments made to the Bill. If the message was not sent, why was it not sent, and whose duty was it to send it?

Hon. Mr. CAMPBELL—The error was discovered before it was sent.

Hon. Sir MACKENZIE BOWELL—If the clerk of the House informed us that the order given by the Speaker to return the Bill with the intimation that we had concurred in the amendment has not been sent, let the Senate be informed of it in that way.

Hon. Mr. LANDRY—I refer to our 'Minutes,' page 706, where I find the following:

A message was brought from the House of Commons by their clerk, to return the Bill (TT) intituled: 'An Act respecting the Montreal Bridge and Terminal Company,' and to acquaint this House that they have passed the said Bill with an amendment, to which they desire the concurrence of the Senate.

The said amendment was then read by the clerk as follows:—

In the Title.

After 'company' add 'and to change its name to the Montreal Central Terminal Company.'

On motion of the honourable Mr. Campbell, seconded by the honourable Mr. Jaffray, it was

Ordered, That the said amendment be agreed to.

Ordered, That the clerk do go down to the House of Commons and acquaint that House that the Senate doth agree to their amendment to the said Bill, without any amendment.

Hon. Mr. DANDURAND—These facts were admitted at the outset.

Hon. Mr. LANDRY—Was that done?

Hon. Mr. DANDURAND—It was not done.

Hon. Mr. OWENS—The error was discovered.

Hon. Mr. SCOTT—It is still before us.

Hon. Mr. POWER—Excuse me. The hon. gentleman says it is before us; in order to get it before us we have to rescind that order.

Hon. Mr. WATSON—The hon. gentleman from Hastings has asked the clerk to make a statement. Of course the clerk cannot make any statement in this House, but he can give information to the Speaker. I should like his honour the Speaker to inform the House whether he was notified before he sent that message to the clerk that a mistake had been made and to hold the Bill here to make a correction?

Hon. Sir MACKENZIE BOWELL—That is what I suggested.

Hon. Mr. DANDURAND—That has no effect upon the point of order.

The SPEAKER—I may say that the clerk of the House informed me shortly after he had acted upon the motion, that the Commons had discovered the omission of certain other amendments, and that they wanted to have those amendments inscribed on this Bill. I told the clerk, of course, that it should not be done in that way, and that under the circumstances the message had better be sent from this House advising them of it at all.

Hon. Mr. LANDRY—So the order of this House was set aside.

Hon. Mr. CHOQUETTE—It is really a very nice point of procedure, and it is very important as to how we are going to settle it. If I understand aright, by this message which is sent to us we are asked to amend a Bill which has passed the third reading in this House. If we are going to introduce something further into the Bill, it means practically that the Bill is open for discussion and placed back on the order paper. If that is so, what prevents the leader of the government or any member of this House moving that the Bill be placed on the order paper and reconsidered. We may have to suspend the rule.

In that way the amendment could be moved, but if we are going to touch the Bill at all it will be open for discussion.

Hon. Mr. DANDURAND—No. We would simply discuss the amendments.

Hon. Mr. CHOQUETTE—The amendments if you like; but it will bring the Bill before us again. What is the objection to the hon. leader of the House moving that such a Bill be reconsidered? The question will be open and we will consider it. I think that is the proper course to pursue.

Hon. Mr. DANDURAND—There is a motion for concurrence in the message, and I think there is a point of order raised by the senator from Halifax that this motion is irregular, and that the message should not be received. Does the hon. gentleman raise the question on a point of order or by an amendment?

Hon. Mr. POWER—I rise to a question of order. I hold that it is irregular and unparliamentary, after the Bill has passed through all its stages in both Houses, for either House to undertake to amend it.

Hon. Mr. DANDURAND—The question is on the point of order.

Hon. Sir MACKENZIE BOWELL—Might I ask: Supposing the House grants the consent asked for in the message, will the Bill have to be sent back to the Commons with the additional amendments——

Hon. Mr. SCOTT—We would have to consider the amendments ourselves.

Hon. Mr. CAMPBELL—I have some further motions on that point.

Hon. Sir MACKENZIE BOWELL—What position would it be in if we give the consent asked for? The Bill will have to be returned to us from the Commons to ask our concurrence in the additional amendments which have been added to the Bill. Then the Bill, not having been sent to the Commons, still being here, the order of the Senate not having been carried out, what would be the procedure?

The SPEAKER—I was about to put the motion. If no question of order is raised—

Hon. Mr. POWER—I thought I had raised the question of order.

Hon. Mr. CHOQUETTE.

The SPEAKER—I am of the opinion that the motion is in order. It seems to me it is exactly the parallel of the case where we made a mistake in a Bill and sent our clerk down to the House of Commons to correct it.

Hon. Mr. LANDRY—Will the Speaker be good enough to cite the rule of the House, because we have a rule which says that the Speaker, in giving a decision, shall cite the authority.

The SPEAKER—I cited Bourinot, and a precedent, and have given a decision which is my own.

The motion was agreed to on a division.

Hon. Mr. CAMPBELL moved that the proceedings of the Senate, had on the amendments to the said Bill on the 14th instant, be now read.

The motion was agreed to on a division, and the 'Minutes' were read at the table.

Hon. Mr. CAMPBELL moved that the said proceedings just read at the table be rescinded.

The motion was agreed to.

Hon. Mr. CAMPBELL moved that the amendments as corrected, made to the said Bill, be agreed to. He said: The amendments are for the purpose of protecting the rights of the municipalities as well as the rights of the city of Montreal. One of the amendments omitted is in the 5th clause, and is as follows:—

But no such rate or charge shall be demanded or taken until it has been approved of by the Board of Railway Commissioners for Canada, who may also revise such rates and charges from time to time.

This was omitted in the transmission of the Bill to this House. Then again, in clause 8, the Senate allowed them to connect with any railways coming to the city of Montreal, or which might hereafter enter the city of Montreal. The House of Commons, according to their rules, require that these railways should be named, and so they have given them power to connect with the Canadian Pacific Railway, the Grand Trunk Railway and others mentioned. Those amendments are all to restrict the powers of the company, and pro-

tect the rights of cities and municipalities in which this road is proposed to be constructed. There is no possible objection to any one of them on the part of the public, and the company have agreed to them.

Hon. Mr. ELLIS—I should like to know how it comes before the House now?

Hon. Mr. YOUNG—The Bill was reprinted in the House of Commons with an amendment.

The SPEAKER—I have the Bill before me with the one amendment which was sent up by the House of Commons before. I have also the other amendments sent by the clerk of the House of Commons and certified to, and they are simply to be attached to the Bill.

The motion was agreed to.

BILLS INTRODUCED.

Bill (No. 148) An Act to amend the Criminal Code—(Hon. Sir Richard Cartwright).

Bill (No. 187) An Act to authorize certain increases of salary to members of the Civil Service, inside service—(Hon. Sir Richard Cartwright).

Bill (No. 191) An Act to authorize the raising by way of loan of certain sums of money for the public service—(Hon. Sir Richard Cartwright).

Bill (No. 193) An Act to amend the Judges Act—(Hon. Sir Richard Cartwright).

EXCHEQUER COURT ACT AMENDMENT BILL.

LOST IN COMMITTEE.

The House again resolved itself into a Committee of the Whole on Bill (No. 151) An Act to amend the Exchequer Court Act.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend asked a question when this Bill was before us at the last sitting. I find that I was in error, that the appeal to the Privy Council still remains.

Hon. Mr. CHOQUETTE—What about my amendment?

Hon. Sir RICHARD CARTWRIGHT—I spoke to the Minister of Justice, as I had promised the hon. gentleman, but he objects to the amendment.

Hon. Mr. CHOQUETTE—Why?

Hon. Sir RICHARD CARTWRIGHT—His object is to reduce the expenses, and he thinks it would be availed of so often as to practically nulify the entire object of this Bill.

Hon. Mr. CHOQUETTE—By the law, he will have a right to appeal to the Supreme Court.

Hon. Sir RICHARD CARTWRIGHT—That I presume he would not take away.

Hon. Mr. CHOQUETTE—Then I would like to move my amendment.

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman insists at this stage of the session, the minister says that if there is objection taken and delay likely to be caused, he would prefer to let the Bill stand.

Hon. Mr. CHOQUETTE—I suppose the amendment will be lost; but it will appear in the 'Minutes of Proceedings.'

Hon. Sir RICHARD CARTWRIGHT—Move it then.

Hon. Mr. CHOQUETTE—Then I move that section 84 (a) be amended by adding after the word 'Crown' in the first line thereof the words 'or any party to any suit, cause, action or matter.'

The amendment was declared lost on division, the names not being recorded.

Hon. Mr. POWER—I do not think we have disposed of this clause yet. We have disposed of the amendment. I think the objection that the hon. member from Grandville dealt with is not the only objection to this measure. The hon. gentleman from British Columbia pointed out another. He emphasized an objection which had been made before as to the impropriety of giving an appeal from the Exchequer Court to provincial courts. Hon. gentlemen who come from the provinces of Ontario and Quebec when they talk about provincial courts have in their minds the Court of Appeals in Ontario and the Court of King's Bench in the province of Quebec; but when you go to other provinces,

for instance the province of British Columbia or Saskatchewan, you would hardly think it was the correct thing that there should be an appeal from the decision of the Exchequer Court to the Supreme Court of British Columbia or to the Supreme Court of Saskatchewan. I do not think any hon. gentleman can quote a precedent for an appeal from a higher court to a lower court, even though it is an appeal from a single judge of a higher court to a lower court sitting in banc. I have the honour to move that the committee rise. We shall get along very well without this Bill for another year.

Hon. Mr. BELCOURT—I must second the motion. I think this is a very extraordinary Bill for some of the reasons which I pointed out the other day, and because some of the explanations which we have asked for have not been given to us. I asked this morning whether the result would be that two or three different jurisprudences might not arise under the operation of this Bill. We will have separate jurisprudence established by the provincial courts of nine different provinces. Before I give my sanction to a Bill of this kind, I want to know which of these jurisdictions is going to establish the jurisprudence for the Exchequer Court, a federal court. I have pleasure in seconding the motion that the committee rise.

The motion that the committee rise was carried on a division; yeas, 12; nays, 9; names not recorded.

DEBATES AND REPORTING OF SENATE.

REPORT OF COMMITTEE ADOPTED.

On the order of the day being called:

Consideration of the third report of the Committee on Debates and reporting of the Senate.

Hon. Mr. ELLIS—I beg leave to move concurrence in this report. I might say that we grant an extra allowance to Messrs. Holland Bros., making $6,500, which is about $200 over the contract price. The contract is a very old one and things have grown expensive since then. There is a provision for a payment of Mr. Cinq-Mars for his services as translator. This is practically the same as last year.

It also recommends that notice be served on Messrs. Holland of cancellation of the contract as arranged yesterday.

Hon. Mr. LANDRY—When was that report presented to this House?

Hon. Mr. ELLIS—At the last sitting. And a motion was made to allow it to come up at this sitting.

Hon. Mr. LANDRY—I suppose there is no objection to it.

The motion was agreed to.

RAILWAY SUBSIDIES ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 174) An Act to correct a clerical error in Chapter 63 of the Statutes of 1908, respecting railway subsidies. He said:—I may explain in one word what has occurred. If my hon. friends opposite will look at the Statutes for 1908 they will find at the bottom of item 2 that a grant is made to the Vancouver, Westminster and Yukon Railway Company towards the construction and completion of a railway across Burrard Inlet. By accident, the essential part of it $200,000 was left out in the printing of the Statutes, but it is found in the summary of the House of Commons and this merely corrects the omission that has been accidently made in the Statute.

Hon. Mr. LOUGHEED—Can my right hon. friend say whether this amendment appears in the Subsidy Bill as brought down to the House of Commons, or did the error occur there also?

Hon. Sir RICHARD CARTWRIGHT—No, it was corrected in the House of Commons, I am informed, but was accidently omitted in the Statute which I presume governed. The hon. gentleman will see, if he glances at this—

Hon. Mr. LOUGHEED—Yes, I have looked at it, but the only question in my mind is as to the original authority for the $200,000.

Hon. Sir RICHARD CARTWRIGHT—That I am advised was given, but it is omitted in the Statute.

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

The Bill was then read the third time and passed.

CANADIAN NORTHERN RAILWAY EXTENSION BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 186) An Act respecting certain aid for the extension of the Canadian Northern Railway. He said: The object of the Bill is simply to settle a question which has arisen, by making clearer the understanding at the time of the Dominion government's legislation last year, and allow the Manitoba government mortgage to rank ahead of the Dominion government in respect to that portion of the mileage not completed at the time of the passing of the Dominion Act and taking of the Dominion mortgage. The legislation is simplified by reason of the fact that the debenture stock under the Dominion mortgage has not been scattered about among third parties, but is in the hands of the bank, and the bank has given its consent to this change. The Bill will simply give effect to the intention of the Dominion parliament at the time the legislation was passed.

The motion was agreed to.

The Bill was read the second and third times and passed.

ADVANCES TO MONTREAL HARBOUR COMMISSIONERS' BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 192) An Act to provide for further advances to the Harbour Commissioners of Montreal. He said: This Bill permits interest on advances during the construction of works to be charged to the capital account.

Hon. Mr. LOUGHEED—Can my right hon. friend say how much this accumulated interest represents now?

Hon. Sir RICHARD CARTWRIGHT—I can only say in a general way. I think the amount is in the neighbourhood of $150,000.

Hon. Mr. LOUGHEED—How long have they been constructing those terminal facilities?

Hon. Sir RICHARD CARTWRIGHT—They have been constructing them during the last three or four years.

Hon. Mr. LOUGHEED—Has the entire advance of $3,000,000 been made?

Hon. Sir RICHARD CARTWRIGHT—Not yet. The provision is one which is reasonably usual in the case of works which are constructed from time to time under government guarantee, or by advances from the government. We generally allow interest as part of the advance to be charged on the work in process of construction.

Hon. Mr. LOUGHEED—I am a little at sea to understand the last three lines of subsection 2, providing that the said interest may be paid out of the sum of $3,000,000 which the government is authorized to advance.

Hon. Sir RICHARD CARTWRIGHT—The Governor in Council advanced them an amount for certain works—not to exceed $3,000,000. Those works may be contracted for at the rate of nominally two or two and half-million dollars. They extend over several years, and, in estimating the total cost, the commission asked to be allowed to be charged as part of this capital advanced, not merely the sums paid out, but interest on them, until the time of completion.

Hon. Mr. LOUGHEED—But it provides that interest may be paid out of the $3,000,000. If so, the government before advancing $3,000,000, holds out of it the interest or immediately receives it back from the Harbour Commissioners.

Hon. Sir RICHARD CARTWRIGHT—It simply amounts to this: supposing they have a contract for say two and a-half million dollars with certain contractors. They pay at the rate of five or six hundred thousand dollars a year. The interest on this amount, which, ordinarily speaking, they would have to pay to the government as

fast as it is advanced, is not computed until the whole work is completed, and then the sum and interest are put together as capital.

Hon. Mr. LOUGHEED—It seems to me if the object be as stated by my right hon. friend, that object is not effected by the Bill before us.

Hon. Sir RICHARD CARTWRIGHT—Every penny that is advanced by the government is debited to their account, and they are charged with interest in our books. Supposing they were to expend a smaller sum than $3,000,000, if they were only allowed what they could actually show had been expended, they would be short to that amount, and would have to borrow more money from the government. It is as broad as it is long when you come to work it out, because, practically, we are obliged to see them through with these works that we authorized.

Hon. Mr. LOUGHEED—The loan is surcharged with that amount.

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. SCOTT—If we charge them the interest before the tolls are available, before they have accomplished the work which is going to enable them to recoup the government, it seems only fair that until the works are finished the interest should be charged up to capital account.

Hon. Mr. LOUGHEED—The only point is this: That if their expenditure minus the interest should reach $3,000,000, then there is no fund out of which interest is to be paid.

Hon. Sir RICHARD CARTWRIGHT—They would have to pay it.

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. SCOTT—We are periodically lending them money.

Hon. Sir RICHARD CARTWRIGHT—They are always borrowers, I regret to say.

Hon. Mr. SCOTT—They are enlarging the works all the time.

Hon. Sir RICHARD CARTWRIGHT

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

INSURANCE BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (No. 197) An Act respecting Insurance. He said: With respect to this Bill, while I think we may very well give it a second reading in view of the complexity, and in view also of the fact that a great number of parties have requested to be heard before our committee if it goes on, I do not expect that the Bill will make any further progress during this session. If hon. gentlemen do not object, a more formal way to deal with it would be to pass the second reading, and then refer it to the Committee on Banking and Commerce at such time as you may deem expedient, possibly tomorrow or whenever the committee may choose to summon itself.

Hon. Sir MACKENZIE BOWELL—It is not my purpose to discuss the Bill, but merely to express regret that we have not had it before us at an earlier period so that we would have dealt with it this session. I want to throw out a suggestion to the hon. gentleman, that when this Bill comes up at the next session of parliament —because the intention is not to proceed with it this year—that it should be introduced into this House after having being so fully considered as it has been in the lower House, early after the opening of the session. During the first two or three weeks the Senate has very little to do, as my hon. friend knows, and if it is introduced by himself we will then have ample time to give it the fullest possible consideration without interfering with any other legislation that may be brought forward.

Hon. Sir RICHARD CARTWRIGHT—I think I can venture to say that the government will accept that suggestion. It is quite true, as my hon. friend has stated, that it has been considered very fully and at great length in the Commons. Under these circumstances, it will be decidedly convenient to introduce it in the Upper Chamber. As I have not consulted

the Finance Minister formally on the point, I would not care to be understood as making a formal pledge; but I think that such a request he will at once accede to.

Hon. Mr. LANDRY—Before the motion is carried, may I be permitted to raise an objection. The Bill is not printed in French.

Hon. Sir RICHARD CARTWRIGHT—That would, I have no doubt, interfere with its consideration by the Committee on Banking and Commerce. I am not sure, however, whether it is or is not printed in French.

Hon. Mr. LANDRY—I think not.

Hon. Sir RICHARD CARTWRIGHT—Then it will stand until such time as it is printed in French.

Hon. Mr. LOUGHEED—I would suggest to my hon. friend, if the objection of my hon. friend from Stadacona is good, and it apparently has not been printed in French, that the order of the day be discharged and it be placed on the order paper for to-morrow, it will then necessarily fall by the wayside, like other Bills.

Hon. Mr. POWER—Better say Friday.

Hon. Sir RICHARD CARTWRIGHT—No, we will give it its fair chance.

The order was discharged and directed to be placed on the order paper for to-morrow.

The Senate adjourned until eight p.m.

THIRD SITTING.

THE SENATE.

The SPEAKER took the Chair at 8 o'clock p.m.

Routine proceedings.

CRIMINAL CODE AMENDMENT BILL SECOND AND THIRD READINGS.

Hon. Mr. DANDURAND moved the second reading of Bill (148) An Act to amend the Criminal Code. He said: I suppose I may be allowed, in the temporary absence of the right hon. minister, to move the second reading of this Bill, which is somewhat of an omnibus character and contains amendments to various provisions of the Criminal Code. I need not go through them now nor dilate upon them. We may do so, I suppose, more intelligently in committee, when the clauses are under examination.

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

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

(In the Committee.)

Hon. Mr. LOUGHEED—May I ask my hon. friend if he has a brief of explanations as to the amendments which are proposed?

Hon. Mr. DANDURAND—No, nothing but the Bill before me.

On clause 2,

2. The Criminal Code, chapter 146 of the Revised Statutes, 1906, is hereby amended in the manner set forth in the following schedule:—

Section 2.—By repealing paragraph 31 thereof and substituting the following paragraph:—

"(31) 'prize fight' means an encounter or fight, with fists or hands, either with or without gloves, between two persons who have met for the purpose by previous arrangement made by or for them or for such encounter or fight."

Hon. Mr. LOUGHEED—Will my hon. friend tell me what way we are to arrive at a distinction between, say a veritable prize fight, and an exhibition with gloves? To whom am I to appeal on the part of the House to know what a prize fight is?

Hon. Mr. LANDRY—To the hon. gentleman from Portage La Prairie.

Hon. Mr. POWER—The amendment here is to insert 'With or without gloves'——

Hon. Mr. LOUGHEED—It is a matter much discussed in the courts, and I should have thought the Department of Justice would have armed my hon. friend with authority to make explanations upon the subject. Few subjects have been more prolific of prosecutions or of litigation in the courts, particularly prosecutions under the Criminal Code, than what is known as a prize fight. There is no declaration in this Bill to show what the distinction between a prize fight and a sparring exhibition with gloves may be.

Hon. Mr. ROSS (Middlesex)—Oh, yes.

Hon. Mr. POWER—I am not in sympathy with the clause.

Hon. Mr. LOUGHEED—This is a meaningless clause, in my judgment. It means nothing, and will only lead to any amount of trouble.

Hon. Mr. POWER—I do not think the clause is open to that objection. I do not see why a prize fight might not be sometimes a very proper sort of entertainment; but the point is simply this, that this amendment extends the definition to a case where the boxers wear gloves, and if they are fighting for money I do not suppose the fact that they wear gloves of a certain weight really makes very much difference in the objectionable nature of the encounter—that is to those who think that such encounters are objectionable.

Hon. Mr. LOUGHEED—It certainly would abolish the manly art of self defense with most justices who would seek to put an interpretation upon that clause. There is no good reason why what is ordinarily termed an exhibition fight with gloves should not take place. So far as the practice is concerned, I understand they determine it very largely by the weight of the gloves; but there should be something to indicate that it is not intended to cover an ordinary exhibition between two boxers with gloves. I should like some explanation.

Hon. Mr. DANDURAND—I confess that I thought I would have here some explanatory notes to each clause of this Bill. Perhaps we had better let it stand for the present. I see the right hon. gentleman is here now.

Hon. Mr. WATSON—I think the words 'prize fight' would probably determine what the meaning is, whether that fight takes place with or without gloves.

Hon. Mr. LOUGHEED—No, because it describes what is a prize fight.

Hon. Mr. WATSON—A prize fight is advertised as a prize fight, not an exhibition of the science of boxing at all.

Hon. Mr. LOUGHEED—It says: any encounter between two men, by previous arrangement, with gloves, and all boxing matches are encounters between two parties with gloves by previous arrangement, and would be a prize fight. Surely we have not arrived at that very sanctimonious state of life when if two men, by previous arrangement, put on gloves to have an encounter, it must be termed a prize fight and come within the criminal law.

Hon. Mr. ROSS (Middlesex)—Does it not mean a fight for gain or for some consideration? I do not understand the game at all. I never had the gloves on but once, when I was a lad; but would not it mean a contest or an encounter where there was some gain?

Hon. Mr. LOUGHEED—It does not say so.

Hon. Mr. ROSS (Middlesex)—I do not know anything about it.

Hon. Mr. LOUGHEED—If my hon. friend will look at clause 31, any encounter between two men, by previous arrangement, with gloves, is a prize fight. An ordinary boxing match under the terms of this clause would be a prize fight.

Hon. Mr. ROSS (Middlesex)—It is felt that these exhibitions of boxing to which the public are admitted are demoralizing—I am only surmising from some correspondence I had with the Humane Society—and that it is desirable to abolish all exhibitions of boxing, with or without gloves. The presumption is that if boxing is with gloves, it is harmless, and nobody gets hurt, and if it is without gloves it is more serious; but that it is bad and demoralizing in any case, and I apprehend the intent of this clause is to prohibit all exhibitions of anything like a prize fight between two persons, either with or without gloves. That is all I can say about it. It does not help anybody, I admit.

The clause was allowed to stand.

On clause 123.

"123. Every one who carries about his person any bowie-knife, dagger, dirk, metal knuckles, skull crackers, slung shot, or other offensive weapon of a like character, or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale, publicly or privately, any such weapon; or, being masked or disguised, carries or has in his possession any firearm or air gun, is

guilty of an offence and liable, on summary conviction before two justices, to a penalty not exceeding fifty dollars and not less than ten dollars, or to imprisonment for any term not exceeding three months, with or without hard labour, or to both, and in default of payment of such penalty, to a term or a further term of imprisonment not exceeding three months with or without hard labour.

Hon. Mr. DANDURAND—This increases the term of imprisonment.

Hon. Mr. LOUGHEED—It seems to me that three months is a very small maximum imprisonment for the committal of a crime which has become prevalent of late in Canada, namely the use of the knife.

Hon. Mr. DANDURAND—There is a possibility of the offender getting another three months. The clause for which this is substituted, provides a penalty not exceeding $50 and, in default, imprisonment for 30 days.

Hon. Mr. LOUGHEED—A man who uses a knife should be sent down for three years at least.

Hon. Mr. POWER—While I have the greatest sympathy with the leader of the opposition with respect to prize fighting, I cannot say that I agree with him as to this particular enactment. A man might have about his person a bowie-knife or slungshot, or instrument loaded at the end; it is a very objectionable thing, and he renders himself liable to a fine of $50 and to be imprisoned for three months.

The clause was adopted.

On clause 228a.

By inserting immediately after section 228 the following section:—

"228A. Every one is guilty of an indictable offence and liable to six months' imprisonment who is an inmate or habitual frequenter of a common bawdy house."

Hon. Mr. POWER.—There is a good deal of doubt as to the policy of such an enactment as this. As the law stands now, the keeper of a house is guilty of an indictable offence, but the woman who is an inmate of the House is not liable to any severe penalty. The effect of passing this enactment, if it is enforced, will be that the inmates of those places, instead of being gathered in houses of that character, will be spread through the community, and I think that is a highly objectionable thing. Further, if one who goes to a place of that kind is made liable to this penalty, the probabilities are that he would indulge his inclinations in some place where he would do much more mischief. I think we should eliminate this clause.

Hon. Mr. SCOTT.—I do not agree with my hon. friend. We cannot be too severe in punishing such offences. Take the city of Montreal for instance. There the bishops and priests have recently issued manifestoes endeavouring to suppress those houses; but the number of such places is increasing day by day. It is a terrible scandal in Montreal.

Hon. Mr. LOUGHEED—We are indulging in a lot of maudlin sentiment, in reference to offences which certainly cannot be suppressed. In my judgment, the only way to do is to have proper police regulations to control houses of this kind. It is an easy matter to establish that a man is a habitual frequenter, to render him liable to six months' imprisonment if we impose the excessive penalty for the offence provided for in this section. The law goes sufficiently far as we find it, if it were only enforced. The difficulty is that it is not enforced, and when there is non-enforcement of a law, Parliament is deluged with petitions from all kinds of organizations, calling for the suppression of vice. The idea seems to be that by legislating we can put an end to these evils, and we are cultivating in the public mind the idea that by placing heavy penalties upon the statute book we can usher in the millenium. That is entirely wrong. I move to strike that out.

Hon. Mr. SCOTT—It will be a shock to the community that the Senate should oppose any legislation of this kind, when they know that disreputable houses are growing so bold that they bribe the police and are allowed to continue. In the last ten years, they increased very largely in all parts of Canada, simply because they are not punished.

Hon. Mr. McMILLAN—Instead of saying 'liable to six months,' should we not amend it and say, 'Not to exceed six months' imprisonment.'

Hon. Mr. POWER—That is what it means. That does not change the meaning at all.

Hon. Mr. LOUGHEED—I do not know whether any communication has been made to the department as to the law being insufficient as it is. Has my hon. friend any communication on that point to show that the law is defective ?

Hon. Sir RICHARD CARTWRIGHT—I am not aware that there have been any communications of that kind made. There have been no doubt representations made by certain organizations or societies calling for the suppression of these evils, but whether this penalty can be enforced or not, I should say would be a matter of grave doubt, and one thing I am perfectly certain of, is, that it may have the result of very considerable blackmail.

Hon. Mr. POWER—If I may be allowed to repeat myself, the difficulty is this; in a large city like Montreal, a seaport town, or in a place like Quebec, also a seaport town, and garrison towns like Halifax and Quebec, where you have a large number of single men gathered together, there will necessarily be, until the millenium comes, a considerable amount of this conduct. The question is whether that shall take place in houses of ill-fame and houses that are known to be of that character, or whether it shall take place in other places where it does much more mischief. I think it better not to undertake to legislate in a way that would simply spread the evil broadcast amongst many who are now respectable members of society. Section 3 goes far enough. The clause in the Bill reads:

By inserting immediately after section 228 the following section:—

"228A. Every one is guilty of an indictable offence and liable to six months' imprisonment who is an inmate or habitual frequenter of a common bawdy house."

This is sentimental. We are undertaking to legislate at the dictation of associations made up of unpractical and sentimental people. I do not think it is the right thing for the hon. gentleman to hold up the bishops and priests of my church in terrorem over me. They are very well in their own way, but they are not the most practical business men.

Hon. Mr. WATSON—They have not been around with the boys.

Hon. Mr. ROSS (Middlesex).—I think this clause should stand.

Hon. Mr. POWER.

What is to be gained by laxity of enforcement of law and laxity of standard of morals? Everybody admits the evil, which is a terrible one. The greater the city the greater the veil. If we draw the line more tightly, there is no doubt we shall restrain people from going to these places, and if we punish the inmates you will restrain them from inviting and soliciting people to improper conduct. I think the Senate would not do itself any credit by relaxing the lines by which morality is enforced, and this is one of the greatest evils that has to be contended with. This Bill passed the House of Commons, and it will be a reflection on us that we have less exalted ideas of the enforcement of law and of the punishment of criminals, for this is a criminal offence and an indictable offence, and of the maintenance of a high standard of morals than the Commons. I think the Senate should not repeal this clause.

The amendment was carried on a standing vote.

Yeas, 17. Nay, 13.

Hon. Mr. SCOTT.—We shall have the names on record on the third reading.

Hon. Mr. POWER.—The hon. gentleman should not make that statement.

The clause was struck out.

On section 292.

Section 292.—By adding thereto the following paragraph:—

"(c) assaults and beats his wife or any other female and thereby occasions her actual bodily harm:"

Hon. Mr. DANDURAND.—This clause provides that a party who beats his wife, under section 292, is held to be guilty of an indictable offence and two years' imprisonment, or to be fined.

Hon. Mr. DAVIS.—Anything about the woman who beats her husband?

Hon. Mr. POWER—Section 292 of the Criminal Code provides the penalties for certain very gross offences, 'Any one who indecently assaults any female' and so on. An indecent assault is a very serious offence; but this legislation, which I look upon as something of the same character as the last, provides that if a man assaults his wife and thereby occasions her actual bo-

dily harm, he is guilty of an indictable offence and is liable to two years' imprisonment and to be whipped. I think that is going too far. You can readily understand that sometimes husband and wife will quarrel; it just means, that if the husband gave his wife a slight blow on the cheek he is liable to two years' imprisonment and to be whipped. I believe men should treat their wives properly, and there are various enactments against a man maltreating his wife, but this is carrying things too far altogether, that for a mere trifling assault a man shall be made liable to such a penalty as is imposed here.

Hon. Mr. OWENS—I think the imprisonment is a little too long; but as for the whipping I would give it to him certainly. Whipping is a more effectual punishment than imprisonment in such a case.

Hon. Mr. DANDURAND—I think the clause should remain as it is. It will be a deterrent to wife-beaters who allow their passions to have full play and assault their wives viciously and beat them. It is proper to leave the discretion with the magistrate to apply the whip if the circumstances warrant it.

Hon. Mr. POWER—I would suggest that in order to establish some sort of equilibrium between the offence and the punishment, we should substitute the word 'grievous' for 'actual' bodily harm. The penalty is a most serious one, and it should be inflicted only for very serious crimes. If you insert 'Thereby occasions grievous bodily harm' I should not object, but as the clause stands now, I think it is very objectionable. I move that it be amended by substituting 'grievous' for 'actual.'

Hon. Mr. ELLIS—I do not think this Senate should encourage the disposition which is shown by some rather blood-thirsty individuals in the community for whipping. I think it is one of the very worst sorts of punishments you can inflict, and there is always behind it the question whether the man himself, having fallen through some temptation, is not ruined for ever by the whipping. It is a disgrace that follows him always. He may have a wife who in some way has offended him, yet they must live together, and for a woman to have to live with a man who has been whipped, seems to me would justify an increase in the divorce courts. I think the Senate ought to pause and consider the effect of a provision of that kind.

Hon. Mr. BEIQUE—I am not aware that public opinion has asked for anything of this kind. It is quite true that a man who assaults his wife deliberately may deserve to be whipped; on the other hand if you enact a provision of this kind, it may be a temptation for some woman to provoke her husband to such an extent that the husband may whip her.

The amendment was lost.

The clause was adopted.

On clause 424a,

"424A. Every one is guilty of an indictable offence and liable to two years' imprisonment who, having in his possession or on his premises with his knowledge any rock, ore, mineral, stone, quartz or other substance containing gold or silver, or any unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated or partly manufactured gold or silver, is unable to prove that he came lawfully by the same."

Hon. Mr. POWER—Why is the usual principle departed from in this case? Here is a man presumably lawfully in possession of quartz. He may be a miner himself, and you subject him to a serious penalty unless he can prove that he came lawfully by the same. He may have no evidence to offer but his own.

Hon. Mr. SCOTT—Experience has shown that some such legislation is absolutely necessary.

Hon. Mr. POWER—Because in a certain locality such legislation is required, it is proposed to enact it for the whole country where it is not needed. If you limit this to Cobalt, I have no objection to the clause; but I object to its being extended to the province from which I come.

Hon. Mr. LOUGHEED—It does violence to the well-established principle that a man is presumed to be innocent until he is proved guilty. Why do we make such a serious departure from the well-established principles of evidence? I notice that some

difficulties apparently have occurred of this nature in the Cobalt district. I quite agree with the hon. member from Halifax, that we should not extend a principle of this kind to the whole Dominion, because of some isolated instances having arisen in the Cobalt region. Because two or three crimes occurred, by coincidence in one part of Canada, does any one think we should change the whole criminal law and act as though that class of crime had become general?

Hon. Mr. CHOQUETTE.—Surely the government will take into consideration the remarks of the hon. members from Halifax and Calgary. I cannot support the clause at it stands. You put the onus probandi on the man in whose possession the mineral has been found. He is guilty by having it in his possession. I have at home some mineral samples that I got 12 years ago, some of it at Sudbury and some in British Columbia. It was given to me, and I cannot tell from which place I got it. If that law is placed on the statute book, the government could send a man to my place and ask where I got this ore, and I could not prove where it came from. I could only say that I got it from friends either in Sudbury or British Columbia.

Hon. Sir MACKENZIE BOWELL.—I have samples at home in the same way.

Hon. Mr. CHOQUETTE—The onus probandi should not be on the man who happens to have the mineral in his possession. I am supposed to have the complete title of movable property in my possession. It is for the party who thinks I am not legally and honestly in possession of it, to prove that I am not. As the clause stands, every one of us who happens to have some mineral, not manufactured, in his possession, is supposed to have obtained it in a dishonest way. I object most strenuously to this clause, unless we limit it to Cobalt.

Hon. Sir RICHARD CARTWRIGHT.—I will suspend this clause until some explanation is offered. I have not received a proper brief about this.

Hon. Mr. LOUGHEED.—I venture to say there are over one hundred offices in Ottawa in which you will find many specimens of mineralized rock, and it would be utterly impossible for those in whose possession it is to explain where it came from. Prima facie, all these people are guilty of theft and liable for two years' imprisonment.

Hon. Mr. POWER.—I move that the clause be struck out.

Hon. Mr. BEIQUE.—The provision might be limited to mining camps and vicinity.

Hon. Mr. GIBSON—If it is needed anywhere it is in the mining camp. I do not believe there is a member of this House who has not been presented with samples of minerals, and who could tell where he got the whole of them. I have in my mind's eye, manufacturers of jewellery, who have quartz under glass, exhibiting different samples of ores found in the Dominion. Take the case of the government of Ontario. They have a bureau of Mines, where all kinds of minerals are exhibited. Would you indict the government for having them in their possession? I think it is a most objectionable clause.

The motion was agreed to and the clause was struck out.

On clause 508-A, imposing a penalty for unlawful printing, selling or possession of plates for printing pirated copies of musical compositions.

Hon. Mr. LOUGHEED—What has led to this legislation?

Hon. Sir MACKENZIE BOWELL—Musical compositions are constantly being imported through the post office.

Hon. Mr. DANDURAND—This has come to be embodied in the Bill because some representation has been made that such a thing is constantly occurring, and authors being entitled to the protection of their rights needed this legislation.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman would make inquiry at the Customs Department, he would find that there are constant complaints made to that department of the smuggling of copyrighted music, and you cannot reach the offenders. All you can do is seize and confiscate the

imported article. How this provision is to be carried into effect, I am at a loss to know.

Hon. Mr. LOUGHEED—My hon. friend surely cannot be serious in giving to the Chamber such an extraordinary reason for this legislation, that because representations have been made to the Department of Justice, we must criminalize every act. Take subsection 3, which provides for the arrest of an offender against the written authority of the copyright owner, for having music in his possession.

If our copyright legislation is not sufficient to protect authors or those who publish musical productions of this kind, then we had better let them seek means other than invoking the criminal law for the purpose of prosecuting the public. It seems to me this is indefensible. No reason has been alleged for it in the world.

Hon. Mr. SCOTT—The crime is going on constantly.

Hon. Mr. LOUGHEED—I protest against making criminal law where some good reason is not shown for so doing. It is not only penalizing the subject, but it is criminalizing.

Hon. Mr. BEIQUE—For my part, I feel like dealing pretty freely with a law of this kind, which is brought up to this House at such a late stage of the session.

Hon. Mr. DANDURAND—It is for hon members to decide for themselves. If they think this is an action that should fall under the penal law, if they think that it is of such a class of offence against moral law that it should be embodied in our Criminal Code, it is for the Senate to say

Hon. Mr. ROSS (Middlesex)—Let the hon. minister read section 508 as it stands. It seems far fetched to apply it to musical prints without applying it to other prints, for they are often pirated. The offence may be more serious in regard to musical compositions.

Hon. Mr. DANDURAND—It was placed arbitrarily after 508. That is a clause well known to this Chamber. It affects trading stamps.

Hon. Mr. LOUGHEED—This is an age when printing processes are everywhere, and when agents are everywhere selling all kinds of musical literature as well as other literature, and it seems to me that it would be utterly impossible for the public to protect themselves in cases of this kind. I move that we strike out the whole section, and it will be for the government to point out to us next session wherein we should embody it in our Criminal Code.

Hon. Mr. DANDURAND—This offence is supposed to be a theft—a party stealing a composition of another person and surreptitiously turning it to his own advantage. It is for the Chamber to say that this is a sufficiently grave offence to be embodied in our Criminal Code.

Hon. Mr. BEIQUE—The section goes to this extent: not merely if he is guilty of pirating it himself, but if it is found in his possession, the onus of proving that he did not pirate it, is on him.

The motion was agreed to and the clause was struck out.

On clause (508b).

"508B. Every person who, after the registration of any dramatic work, publicly performs exhibits or represents, or who in any manner cause or aids or abets the public performance or representation in whole or in part of such dramatic work without the consent of the proprietor (unless he proves that he acted innocently), is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars and not exceeding five hundred dollars, or thirty days' imprisonment, or both, in the discretion of the court, and on the second or subsequent conviction imprisonment with or without hard labour for six months

Hon. Mr. LOUGHEED—This is very much of the same character as 508a.

Hon. Mr. POWER—This is a totally different thing. This is the case of a person who himself does the mischief, and I think that is not very objectionable.

Hon. Mr. LOUGHEED—The Act respecting copyright makes provision for this kind of thing. It inflicts a penalty, without our making it a criminal offence.

Hon. Mr. SPEAKER—And an injunction can be obtained.

Hon. Mr. LOUGHEED—A group of young people may get hold of some dramatic work, and be entirely ignorant of it being registered, and use it for some church festival ; they will then come within the pale of the criminal law .

Hon. Mr. SCOTT—They are not likely to be proceeded against.

Hon. Mr. LOUGHEED—My hon. friend opposite would make every act in life a criminal act. We would return to the days of the Mayflower.

Hon. Mr. SCOTT—Crime is increasing in Canada, owing to the laxity of our criminal code. Let me give you some statistics. In the last ten years, the ratio of crime per thousand of population has risen: In Manitoba, from 5:15 per cent up to 22 per cent; in British Columbia, from 12 to 18 per cent.

Hon. Mr. DAVIS—You are trying to make this a crime.

Hon. Mr. LANDRY—This will increase the proportion.

Hon. Mr. SCOTT—Taking all the provinces, the proportion has arisen from 6.23 to 11.3 per thousand.

Hon. Sir MACKENZIE BOWELL—If an amateur corps should reproduce a dramatic work in a private house, or in any place where they charge admission fees for charitable purposes, it is made a crime by this clause.

Hon. Mr. SCOTT—Innocent people are never prosecuted.

Hon. Mr. De BOUCHERVILLE—The clause says unless he acted innocently. People might take up a dramatic composition, not knowing it was registered, and play it, and it would be for them to show that they were perfectly innocent.

Hon. Mr. DAVIS—I move that the clause be struck out.

The motion to strike out the clause was adopted.

On clause (544a),

By inserting immediately after section 544 the following section:—

"544a. Upon the written request of the owner or person in charge of any cattle so carried, which written request shall be separate and apart from any printed or other bill of lading of other railroad or shipping form, the time of confinement of such cattle may be extended to thirty-six hours where such cattle are carried on cars fitted with the necessary appliances and are, during such time, fed and watered without being unloaded."

Hon. Sir RICHARD CARTWRIGHT—The present period is eight and twenty hours on our side of the line, but thirty-six on the American side of the line.

Hon. Mr. ELLIS—I do not propose to have this struck out, but humane societies do not like it. Cattle carried on trains a long time without water deteriorate very much. I have seen a great many come to St. John in the winter time, and where they have been a long time on the route, through any accident, confined in the car and unable to get water, or whether they are unable to get water or not, they are in a very bad condition. This amendment to the Act, I understand, is asked for by the people who are shipping the cattle, and by the railroads. Of course it is a very awkward thing to detrain the cattle and give them a rest, and there is a dislike to it. I do not, however, ask to have the clause stricken out. One very great difficulty is in carrying out the provisions of the law. It is provided that these cattle should be carried in a particular way, in cars fitted with certain conveniences; but the cars are rarely fitted up with those conveniences, and there is no way to enforce it. However, let it go.

Hon. Mr. POWER—I notice this extension to thirty-six hours is upon the consideration that the cattle are carried on cars fitted with necessary appliances, and are, during such time, fed and watered.

The clause was adopted.

On section 583,

Section 583.—By repealing paragraph (*e*) thereof and substituting the following paragraph:—

"(*e*) two hundred and sixty-three, murder; two hundred and sixty-five, threat to murder; two hundred and sixty-six, conspiracy to murder; two hundred and sixty-seven, accessory after the fact to murder; two hundred and sixty-eight, manslaughter: or,"

Hon. Mr. POWER—It means this. Section (582) of the code says:

"That every court of general or quarter sessions of the peace when presided over by a superior court judge or a county or district

court judge, or in the cities of Montreal and Quebec by a recorder or judge of the sessions of the peace, and in the province of New Brunswick, every county court judge has the power to try any indictable offence except as herineafter provided."

Section (583) says that no court mentioned in the last preceding section has power to try any offences under section (74); so that this is to add another offence:

"(e) two hundred and sixty-three, murder; two hundred and sixty-four, attempt to murder; two hundred and sixty-five, threat to murder; two hundred and sixty-six, conspiracy to murder, two hundred and sixty-seven, accessory after the fact to murder; two hundred and sixty-eight, manslaughter:'

These are added to the offences which the inferior court is not allowed to try.

Hon. Mr. DANDURAND—There is but the word 'manslaughter' added to this clause.

Hon. Mr. POWER—There is more than that. I should like to bring before the committee the last part of this proposed amendment:

"two hundred and sixty-eight, manslaughter."

It will be noticed that the other offences are all of a very serious character. Manslaughter is of a somewhat serious character too, but not always. My impression is that, on the whole, it is rather better that the county court judge should be allowed to try cases of manslaughter. I can give some reasons for that. The county court has jurisdiction in the other cases where the term of sentence, and the gravity of the offence is as great as manslaughter and it is often much more in the interest of justice that the offender should be tried by a judge alone than before a jury. The chances of a guilty man escaping where he is tried by a jury, are much greater than where he is tried before a judge, and, of course, if a man is innocent and he elects to be tried before the county judge, he is freed almost immediately. In the other case, he may have to spend six months in jail; I would move to strike out the last paragraph; two hundred and sixty eight, manslaughter.

Hon. Mr. DANDURAND—I find that it is only the word 'manslaughter' which is added to the list of offences. Any court of general or quarter sessions of the peace when presided over by a superior court judge, or a county or district court judge, or in the cities of Montreal and Quebec, by a recorder or judge of the sessions of the peace, and in the province of New Brunswick every county court judge, has the power to try such offences. So that no quarter sessions will be able henceforth to hear cases of murder, accessory murder, conspiracy to murder, accessory after the fact to murder—that is in the old law—or manslaughter.

Hon. Mr. LOUGHEED—I observe this statement has been made; in connection with this clause:

"Correspondence has been had with the attorney generals of the seven provinces, and all of them, except the Attorney General of Quebec, agree that it is desirable to take away the jurisdiction of these inferior courts in cases of manslaughter. There does not seem to be any special reason for excepting the province of Quebec from this provision, if it is enacted."

If all the provinces have asked for it, there is no reason why it should not be enacted.

The clause was adopted.

On clause 2,

Section 2.—By repealing paragraph 31 thereof and substituting the following paragraph:—

"(31) 'prize fight' means an encounter or fight, with fists or hands, either with or without gloves, between two persons who have met for the purpose by previous arrangement made by or for them or for such encounter or fight."

Hon. Mr. LOUGHEED—I hope my hon. friend will consent to have this clause stricken out. I remember that in the City of Toronto, a couple of years ago, a young man went over to England and I think brought back the light weight championship of England, and the great moral and religious city of Toronto gave him an ovation of which the whole of Canada was proud. To say that that young man would commit a criminal offence if he gave an exhibition in the city of Toronto of the prowess which won him the championship of England, would be a monstruous thing.

Hon. Mr. DOMVILLE—The hon. gentleman is quite right.

Hon. Mr. LOUGHEED—If there is anything in the way of athletics which is cultivated in England it is the science of self-defence, particularly by the use of the gloves, and there is scarcely

an athletic institution in Canada that has not those exhibitions from time to time, encounters made by previous arrangement, precisely within the language of the section.

Hon. Mr. DANDURAND—This clause is not a new one.

Hon. Mr. LOUGHEED—They have added ' with gloves '.

Hon. Mr. DANDURAND—The only words added are ' either with, or without gloves '. The Interpretation Act gave the definition of a prize fight; it was:

" Prize fight means an encounter or a fight with fists or hands."

Now it reads:

"With fists or hands, either with or without gloves, between two persons who have met for such purpose by previous arrangement and so on."

If there be any principle in the change it is that a prize fight is now, instead of being simply an encounter or fight with fists or hands, an encounter or fight either with or without gloves.

Hon. Mr. BEIQUE—By reason of the addition of these words ' With or without gloves.' I think it will be necessary to add after the word ' gloves,' the following :—

" Other than ordinary boxing matches.'

Hon. Mr. LOUGHEED—Has there been any abuse of the law as it exists ? There has not been a prize fight in Canada for years and years.

Hon. Mr. DANDURAND—The hon. gentleman is in error. There have beeen a good many prize fights, some clandestinely I will admit, and some openly, in and around Montreal.

Hon. Mr. DOMVILLE—I entirely agree with the hon. leader of the opposition ; it is a manly thing to fight, thoroughly English, and I was brought up to it myself. I cannot see why they should stop people from fighting with gloves.

Hon. Mr. DANDURAND—A fight may be a manly thing, but a prize fight is a disgusting exhibition.

Hon. Mr. LOUGHEED—Can the hon. gentleman mention any case which has been brought before the court of a prosecution for a prize fight in Canada?

Hon. Mr. LOUGHEED.

Hon. Mr. POWER—I do not see that there is anything more objectionable in a boxing match than there is in a Rugby football game. It is not nearly as dangerous.

Hon. Mr. ROSS (Middlesex)—It is not uncommon for roughs to cross at Fort Erie and hold fights right there, when they could not hold them in the State of New York, I know that is a fact.

Hon. Mr. LOUGHEED—Can my hon. friend point to any prosecution of that nature that has taken place in Ontario ? My attention has not been directed to it.

Hon. Mr. ROSS (Middlesex)—I know we had some difficulty in trying to break up these exhibitions.

Hon. Sir MACKENZIE BOWELL—It is a fact there have been arrangements made in Buffalo for prize fights to take place in Fort Erie; but in every instance the authorities have put a stop to it under the law as it stands.

Hon. Mr. ROSS (Middlesex)—I suppose what is wanted is to prevent these boxing exhibitions with or without gloves, which encourage prize fighting.

Hon. Mr. LOUGHEED moved to strike out the clause.

Hon. Mr. DANDURAND—Clause 2 is but an enlargement of the interpretation clause.

Hon. Mr. LOUGHEED—Then it will leave the law as it stands.

The motion was agreed to and the clause was struck out.

Hon. Mr. POWER—I move the following be inserted as clause 728 A:—

" It shall not hereafter be necessary that a jury shall be unanimous in a criminal case, and a verdict of guilty may be rendered notwithstanding the dissent of one juror."

I may say that a good many years ago I introduced a Bill to this effect, which secured the support of the Senate at that time. When the Criminal Code of 1892 was being considered by a joint committee of the two Houses, of which the hon. member from Richmond was chairman, the committee unanimously recommended a larger change in the law than my amendment involves. They recommended that the dissent of two jurors in the case of a

jury of 12, or of one in the case of a jury of six, should not prevent a verdict. I shall just read the argument I addressed at that time to the House in 1893:

"My proposition is that it simply shall not be necessary that the jury shall be unanimous but the verdict of guilty may be returned even though one member of the jury dissents. Hon. gentlemen are all perfectly aware that the ends of justice are continually defeated by some one juror who is either obstinate or a crank, or perhaps in sympathy with the criminal. A crime is committed, reasonable evidence is produced of the guilt of some particular person, and that person is brought before the magistrate; the magistrate finds there is sufficient prima facie evidence to commit him; he is committed and afterwards he is brought before the grand jury. The grand jury as a rule seem to think it their duty to find that the circumstances are very strongly in favour of the innocence of the accused. In fact, in a great many cases the grand jury refuse to find bills against a man of whose guilt there is very little doubt. So, justice as you see has to run this gauntlet. There is first the committal by the magistrate, then the case comes before the grand jury and then trial before the petit jury. The evidence may be so clear that the judge and eleven jurors and every one in the court are satisfied of the prisoner's guilt, but if there happen to be on that jury a man who may be a connection or a friend of the accused, a crank of some sort, or a man with peculiar views as to the capital punishment, or an anarchist, or an enemy of society, that one man can render all the expense and trouble that have been taken utterly useless, and defeat the ends of justice and turn the miscreant out to prey upon society."

I do not think that state of things should be allowed to continue. Those were my sentiments in 1893 and they are my sentiments still. At that time the hon. gentleman from Calgary agreed with me.

Hon. Sir RICHARD CARTWRIGHT—While I am not prepared either to assent or dissent, it is a very important change in the Criminal Law which the hon. gentleman proposes. He offers it near midnight, on the last day of this session. I do not think that the Senate should act in a matter of that kind, except on a special Bill brought in and adopted deliberately in due course and form. I must, therefore, on principle, oppose the motion on the ground that this is not the time nor the way to introduce an important change in the whole Criminal Law.

Hon. Mr. POWER—If we are in the dying hours of the session considering this Bill, who is responsible for that? The Senate have been here prepared to consider this measure at any time during the session. It is not as though it were an entirely new measure. It was approved by a joint committee of the Houses in 1892, and I think passed the Senate three times. It is a very simple thing; if it does not meet with the approval of the Minister of Justice in the other House, it will not be accepted. It is an amendment which must appeal to the common sense of every hon. gentleman present.

Hon. Mr. DANDURAND—Does not the hon. gentleman realize that this is an amendment which opens up a very wide horizon on our present institution, because the question may be taken as to obtaining a verdict by a simple majority, as in Scotland. Instead of reproaching the government for bringing down the measure somewhat late in the session, the hon. gentleman should himself have moved at the beginning of the session by a separate Bill.

Hon. Mr. POWER—I was waiting for the government to act.

Hon. Mr. DANDURAND—The hon. gentleman could well afford to wait until next autumn to make the change.

Hon. Mr. BEIQUE—It is a change of such a radical nature, that the opinion of the attorneys general of the provinces should be had before it is made.

Hon. Mr. LOUGHEED—As I appear to have agreed with the hon. member from Halifax in 1893, I cannot very well go back on him even at this late stage of the session; but I would suggest that inasmuch as the measure must necessarily be a very controversial one, and would raise such a discussion in the House of Commons as to preclude our agreeing upon it.

Hon. Mr. POWER—It would raise the Senate in public estimation.

Hon. Mr. LOUGHEED—I would suggest the propriety of dropping it this session, and the hon. gentleman can bring in a Bill early next session.

Hon. Mr. POWER—I accept the suggestion made by the right hon. leader of the House and concurred in by the leader of

the opposition, and ask leave under the circumstances to withdraw the amendment.

The amendment was withdrawn.

Hon. Mr. CAMPBELL, from the committee, reported the Bill with amendments which were concurred in.

The Bill was then read the 3rd time and passed.

CIVIL SERVICE INCREASE OF SALARY BILL.

SECOND AND THIRD READINGS.

Sir RICHARD CARTWRIGHT moved the second reading of Bill (187), An Act to authorize certain increases of salary to members of the Civil Service (inside service). He said: This Bill is for the purpose of giving a certain increase to the officers in the various departments.

Hon Mr. LANDRY—Is this simply to provide for the payment of an increase to those officers who do not benefit by the law of 1908?

Sir RICHARD CARTWRIGHT—Under the conditions therein specified.

Hon. Mr. LANDRY: If I understand section 37 of the Act of 1908, it means that all the officers that have been classified by our action have a right to their $50 increase. When does that annual increase commence? On the 1st of September, or with the financial year?

Sir RICHARD CARTWRIGHT—I understand it commences on the first of September.

Hon. Mr. LANDRY—From the 1st of September to this date, there would be a part of the year that would be covered by this law, but before the law came into force we had a resolution passed by this House granting some increase providing the clerk should make a report to the Senate that the officer was deserving. If the increase commences from the 1st of September, the necessary amount from the 1st of July to the 1st of September must be taken in accordance with the old resolution passed by this House.

At all events, if the right hon. gentleman states that he understands it is to commence on the first of September, that will settle the question.

Sir RICHARD CARTWRIGHT—If we go into committee, he will see that provision is made that certain increases shall be an offset against this grant of $150, otherwise annual increases will not be interfered with.

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

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

(In the Committee.)

On clause (4),

4. All increases granted hereunder shall take effect from the first day of September, one thousand nine hundred and eight.

Hon. Mr. LANDRY—That is just the exact date the Act came into force. I understand the annual increase will date from September to September.

Hon. Mr. POWER—Take our own case, in the third last column of the schedule you get the increase from September first, 1908, to March 31st, 1909, and then in the last column you get the increase from April first, 1909, to March 31st, 1910.

Hon. Mr. LANDRY—That is for the purpose of the appropriation to be voted.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will note that the classification had to be made on the salary which was payable to any individual clerk on the first of September last.

Hon. Mr. LANDRY—I do not concede that.

Hon. Sir RICHARD CARTWRIGHT—That was the law on which the classification was made.

Hon. Mr. LANDRY—That was the law applied to the Departments, not to the House of Commons nor to the Senate.

Hon. Sir RICHARD CARTWRIGHT—It had to be applied to every one.

Hon. Mr. LANDRY—Clause (5) reads:

5. All sums of money voted by parliament for the financial year ending on the thirty-first day of March, one thousand nine hun-

dred and nine, and applicable to the payment of salaries or increase of salaries of persons in the inside service, shall be applicable to the payment of increases of salary granted under this Act so far as such sums are not required for the specific purposes for which they were granted; and during the financial years ending on the thirty-first day of March, one thousand nine hundred and nine, and one thousand nine hundred and ten, respectively, there may be paid out of the Consolidated Revenue Fund of Canada such further moneys as may be required for the payment of increases of salaries hereunder as have not been voted by parliament, not to exceed the detailed amounts in each case as set forth in the schedule to this Act.

I understand by clauses four and five that although the increase commences from the first of September to the thirty-first of March that increase would be paid 'pro rata' for seven months, and then, afterwards, they will have the right to the twelve months, as the schedule indicates.

Hon. Sir RICHARD CARTWRIGHT—This $150 is simply for the present year.

Hon. Mr. LANDRY—From the first of September to the 31st of March, because the financial year commences on the 31st of March.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend will turn to the schedule, he will see what is due from first September to 31st of March, and in another column what is due from the first of April of the present year to the first of April, 1910.

The clause was adopted.

On clause 1,

1. The Governor in Council, upon the recommendation of the head of a department, based upon a report of the deputy head, may grant to any officer, clerk or employee under the deputy heads in the inside service, as defined by The Civil Service Amendment Act, 1908, who was in the public service at the time of the coming into force of that Act, an increase of salary of one hundred and fifty dollars a year, subject to the provisions hereinafter contained..

Hon. Sir RICHARD CARTWRIGHT—In regard to this first clause, although our Senate employees, and the House of Commons employees are specified in these schedules, strictly speaking we have no head of a department, and no deputy head either. The Minister of Justice has been consulted on the matter, and it is proposed to amend that clause by adding the following words:—

"In this Act the deputy head includes the clerks of both Houses and the librarians of parliament.

(*b*) The head of a department includes the Speaker of both Houses.

(*c*) Officer, clerk or employee includes permanent officers, clerks or employees of either House and of the Library of Parliament.

Hon. Mr. LANDRY—I call attention to the Civil Service law as it is now. Clause 2 of the Act reads:

(*b*) "Deputy head in addition to the officers mentioned in paragraph (*b*) of section 2 of the Civil Service Act, includes the clerks of both House and the librarians of Parliament;

(*c*) "head of a department," in addition to the ministers mentioned in paragraph (*a*) of section 2 of the Civil Service Act, includes the Speakers of both Houses;

So that the law as it now stands includes those officers.

Hon. Mr. DANDURAND—A doubt has arisen by the fact that this is a separate Bill.

Hon. Sir RICHARD CARTWRIGHT—It can do no harm.

Hon. Mr. DANDURAND—This is a separate Act. The Civil Service Act says

"In this Act, unless the context otherwise requires:—(*b*) deputy head in addition to the officers mentioned in paragraph (*b*) of section 2 of the Civil Service Act."

Hon. Mr. LANDRY—Clause 1 reads:

1. The Governor in Council, upon the recommendation of the head of a department, based upon a report of the deputy head, may grant to any officer, clerk or employee under the deputy heads in the inside service, as defined by The Civil Service Amendment Act, 1908.

Hon. Mr. CHOQUETTE—I think the amendment is useless.

Hon. Mr. LANDRY—How is it defined in the Act of 1908?

Hon. Sir RICHARD CARTWRIGHT—It can do no harm, even if my hon friend is correct in his view.

Hon. Mr. LANDRY—It does no harm; but the doctrine is, we cannot amend a money Bill.

Hon. Mr. SCOTT—In looking over the schedules, I find a very regrettable thing as far as the Senate is concerned. I think it is extremely unfair and not in any way defensible. In every part of the government service the messengers and packers get an increase. This increase was given

by parliament because the cost of living had considerably increased in the past five or six years, and there is no justification for the Senate messengers and packers being shut out. In the House of Commons, they are all mentioned. Our messengers are worthy men and good men and some of them have been here for twenty-five years, and they have reached the limit and cannot go any higher, and with the increased cost of living they should have shared in the advantage given by this Act. It was intended to be shared in by all.

The CHAIRMAN—The clerk informs me that the reason why the packers in the House of Commons got an increase, was because they were below the maximum, and all our packers and messengers are up to the maximum.

Hon. Sir RICHARD CARTWRIGHT—I call attention to the fact that no portion of this applies to the parties who have reached the maximum salary. Here is the clause :

3. No increase under this Act to any officer, clerk or employee shall exceed the difference between his present salary and the maximum salary of the subdivision in which he has been placed upon organization and classification under the said Act.

Hon. Sir MACKENZIE BOWELL—That being the law, could we, in our classification, grant an additional sum to those who have attained the maximum? It seems to me we cannot. Have the messengers who are serving in the Senate arrived at the maximum according to law ?

Hon. Mr. POWER—By the next session I think there will be a means found to provide for the cases of these messengers, but we had to base our classification on the condition of things on September 1st, and we did so, in fact, the committee recommended increases for two or three messengers, and they could not get it because the law did not allow them; but we hope to be able to make some arrangement next session. In the report which is now on the table, we did provide for the case of one disappointed individual.

Hon. Mr. LANDRY—I do not agree with the hon. gentleman when he says we were bound to take the salaries of the 1st September. If we are bound to take them on the 1st September, let him show me the clause that makes that provision. He cannot find any clause in the Act. On the contrary, the law provides that as soon as practicable after the coming into force of the Act, the head of each department shall cause the organization of each department to be determined and defined by order in council. That is, on a resolution of the Senate, and how is that to be done? It has to be done according to clause 5 and clause 5 says :

"The first division shall be divided into: subdivision A, consisting of officers having the rank of deputy heads, not being deputy heads, administering department, assistant deputy ministers, and the principal technical and administrative and executive officers."

And so in subdivision B. We are always bound by the law to make the classification as the law provides; but if we fail to do so, then the House of Commons fails to vote the money for that class, and the increase given will be based on the salary fixed on the 1st of September last; but it is only in case we do not act, because we are empowered to act, and I think it is an obligation on our part, in justice to our employees, to make the subdivision as the law indicates. We did not do that. That clause, which does not apply here, enacts that our employees should have the salaries they received on the 1st September last, and this is not fair to them.

Hon. Mr. WATSON—The Internal Economy Committee, when they fixed the salaries of our employees for the present session, properly anticipated the provisions of section 2—at least I did—what might be contained in this Act, section 2, that in the case of a messenger who was at the maximum, we could not exceed it. We have said that the maximum salary to be paid to a Senate messenger is $800. We anticipated what has taken place and fixed the salaries we thought ought to be fair, and we moved all our officials who were only receiving $700 up to $800 and all the messengers of the Senate staff to-day have reached the maximum, with the exception of one who was only appointed as a permanent messenger this year with a salary of $700. It would not be right to anticipate that because somebody else was receiving an increase in some other class a messenger who was placed in that parti-

cular class, the maximum being $800, should have any additional increase. I do not think it is right to say they are unfairly treated, because messengers in other places, mentioned here, who were not receiving the maximum, get it under this Bill. They get the $150 as the case might be, up to the maximum of that class: I cannot see the unfairness. We have one rather peculiar case on our staff, where one of the permanent messengers was only in the Senate for about 2 years and he is in the $900 class; but I suppose that messenger will get the benefit of the increase, because he has not reached the maximum of the class he is in. That is McLeod Wood. He is in the Speaker's department, and was taken on two years ago at $75 a month. He was in charge of the restaurant last year, and was appointed as a messenger at $900 a year.

Hon. Mr. DANDURAND—The messengers are not classified.

Hon. Mr. WATSON—We have classified them by the report adopted here a few days ago. We were asked, under the Act, to classify them and we did so, and that particular messenger, although only a messenger in the House, is in a class that runs from $900 to $1,200, and the others are at the maximum of $800, with the exception of one appointed this year.

Hon. Mr. LANDRY—We have put one at $900.

Hon. Mr. WATSON—We did it last year.

Hon. Mr. LANDRY—Take it at $900; that does not give him a right to be classified in the subdivision of $900. If he is nothing else but a messenger, he remains with the messengers.

Hon. Mr. WATSON—The Act says that in no case shall you reduce the person's salary by placing him in a different class, and we felt that as that gentleman was receiving $900, we had to place him in that particular class.

Hon. Mr. LANDRY—That we had no right to do. The law says nothing in this Act shall reduce the status of a clerk or employee in the service. It does not speak of a messenger at all.

Hon. Mr. WATSON—Or his pay.

Hon. Mr. LANDRY—And if his salary is less than the minimum salary of his subdivision in this class, his salary may be increased to the maximum. The section reads:

"Any person whether permanent or temporary who is in receipt of a salary at or above the maximum as heretofore established of the class, permanent or temporary, in which he is then serving shall on the expiry of one year after his having been in receipt of such salary be eligible for the increase of salary provided by this Act.'

I suppose it will be understood that the gentleman who is the deputy head shall make a report to the head, so that the $150, which is provided by this law, shall be paid this year. If the Senate does not adopt the report, nothing could be done.

Hon. Mr. POWER—As I understand, this recommendation has already been drawn up.

Hon. Mr. GIBSON, from the committee, reported the Bill with amendments.

Hon. Sir RICHARD CARTWRIGHT moved that the amendments be concurred in.

Hon. Sir MACKENZIE BOWELL—Is not this a money Bill? If it is, what right have we to amend it?

Hon. Sir RICHARD CARTWRIGHT—We certainly have not a right to amend a money Bill.

Hon. Mr. LANDRY—We could find some precedents for amending a money Bill in this House. I remember one occasion when the hon. member from De Lorimier (Hon. Mr. Dandurand) moved to strike out a clause in a money Bill, and although the Speaker decided that it was not in order, his decision was reversed by the House.

Hon. Mr. DANDURAND—In that case, there was no increase of charges on the treasury. This is a similar case. We were in order then and we are in order now.

Hon. Sir MACKENZIE BOWELL—The Bill provided for an increase, and the clause which provided for that increase was struck out. That was clearly amending a money Bill.

Hon. Mr. DANDURAND—But it was not imposing an increased burden on the people.

The motion was agreed to.

Hon. Sir RICHARD CARTWRIGHT moved the Third Reading of the Bill.

Hon. Sir MACKENZIE BOWELL—There is one advantage in having the action of the Senate confirmed by the Commons. It concedes to the Senate powers that we have never exercised before.

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

LOAN BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (191) An Act to authorize the raising by loan of certain sums of money for the public service.

Hon. Mr. LOUGHEED—Can my right hon. friend say to what extent the sums authorized to be borrowed and referred to in the first two lines of clause 1, have not been borrowed? It would imply that the authority given to the government has not yet been exhausted.

Hon. Sir RICHARD CARTWRIGHT—It has not been entirely exhausted. The $50,000,000, of course. will be chiefly required for the purposes of the National Transcontinental railway.

Hon. Mr. LOUGHEED—I am not referring to the $50,000,000. My right hon. friend will observe that the power to borrow $50,000,000 is in addition to the unexhausted power, so to speak, yet enjoyed by the government. What margin would that borrowing power represent?

Hon. Sir RICHARD CARTWRIGHT—To the best of my recollection, there is about ten or twelve millions unexhausted. We may or may not require to use a part of this in paying off a certain loan which is optional with us on the 1st of January next, but it is advisable to have a liberal allowance in hand in view of large expenditures we are going on with, and the great sum of money that is to be revoted.

Hon. Mr. LOUGHEED—What is the amount of that loan?

Hon. Sir RICHARD CARTWRIGHT—There is twenty million dollars falling due on the 1st of January, which is optional with us to pay.

Hon. Mr. LOUGHEED—At what per cent?

Hon. Sir RICHARD CARTWRIGHT—Four per cent. The option is from the 1st of January, 1910, up to 1935. We can pay at any time, on giving a certain number of months' notice.

Hon. Mr. LANDRY—Is there any sinking fund for that?

Hon. Sir RICHARD CARTWRIGHT—I think not for that particular one.

Hon. Mr. LOUGHEED—How is it proposed to apply this fifty million dollars, if this authority be exercised?

Hon. Sir RICHARD CARTWRIGHT—There is another sum besides that which falls due and must be paid, less what is available from the sinking fund pertaining to it. That loan is for thirty million dollars. A portion of it is provided for by the sinking fund. Then there is a large sum for the Grand Trunk Pacific Railway, and another large sum for the National Transcontinental Railway, and there are miscellaneous sums to a considerable extent for bounties, for militia expenditure, for capital, surveys' account, and for minor public works.

Hon. Mr. LOUGHEED—We have an unexhausted power, so to speak, under the old Act, of ten million dollars, and we have here fifty million dollars. That would make sixty million dollars altogether. Then we have a sinking fund to meet certain maturing loans. What would that amount to?

Hon. Sir RICHARD CARTWRIGHT—Available for the particular loan which matures on the 1st of January, we have, I think, about six or seven million dollars.

Hon. Mr. LOUGHEED—That would be practically sixty-six or sixty-seven million dollars?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. LOUGHEED—What would be the application of that?

Hon. Sir RICHARD CARTWRIGHT—I have endeavoured to give that. There are twenty million dollars for the National Transcontinental Railway and twenty million dollars to meet the optional loan.

Hon. Mr. LOUGHEED—Will that be retired from this money?

Hon. Sir RICHARD CARTWRIGHT—It might or it might not. There will be twenty million dollars for the National Transcontinental Railway, and there would be a matter of about ten million dollars for the various minor charges I have spoken of—bounties, militia, capital account for the Intercolonial Railway, &c., quite ten millions.

Hon. Mr. LANDRY—And ten millions of a loan to the Grand Trunk Pacific Railway.

Hon. Sir RICHARD CARTWRIGHT—Yes, and a sum which must be paid positively for the debt which matures, independently of the other. There is one which has absolutely to be paid, and there is one optional.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman to say that part of the money which it is proposed to borrow is to pay the bounties which we have voted?

Hon. Sir RICHARD CARTWRIGHT—If we have not surplus enough in other quarters, it must be paid out of moneys borrowed, clearly.

Hon. Sir MACKENZIE BOWELL—But the bounties are to be charged to capital account—that is the effect of it, is it not?

Hon. Sir RICHARD CARTWRIGHT—That has been done. The bounties have been added to capital account.

Hon. Sir MACKENZIE BOWELL—In the past, it strikes me that bounties were paid out of current account.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is quite right. That was done up to 1896. After 1896, the practice was altered.

Hon. Sir MACKENZIE BOWELL—Then, in fact, every statement we get of the annual expenditure cannot be used for comparison with the current expenditure now and the expenditure previous to 1896. In other words, if half a million was paid in bounties, that would be added to current account formerly. Now it is added to capital.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is quite right. That is what is being done.

Hon. Sir MACKENZIE BOWELL—Why not add to capital account other expenditures that might be considered of a similar character. It seems to me that the building of a post office, for instance, costing seventy-five thousand dollars, would be more properly carried to capital account than to current account, and yet it is paid out of current revenue.

Hon. Sir RICHARD CARTWRIGHT—To state the candid truth, we have too many capital accounts, and, as a matter of book-keeping, I think we ought to have but one. It would be better for us to revise our form of book-keeping.

Hon. Sir MACKENZIE BOWELL—So far as book-keeping is concerned, my impression is there should be but one capital account; but whether current expenditures should be charged to capital account in order to keep down the apparent expenditure of the year is another thing.

Hon. Sir RICHARD CARTWRIGHT—Quite so.

Hon. Sir MACKENZIE BOWELL—You might present an account at the end of every financial year showing that the running expenses of the government were not within 50 per cent of what they actually

are, for the reason that amounts are charged to capital account which should be charged to current account, so that the public, in reading the statement of the Finance Minister, under those circumstances, would be misled as to what it really costs to run the country.

Hon. Sir RICHARD CARTWRIGHT—There is a very great deal of force in what my hon. friend says, and I think that the accounts should be revised.

Hon. Sir MACKENZIE BOWELL—It is altogether an incorrect and improper mode of presenting the actual cost of running the government of the country.

Hon. Mr. LANDRY—Is there anything in this last loan to meet the expenses of the Quebec bridge?

Hon. Sir RICHARD CARTWRIGHT—The Quebec bridge at present is not costing us much, whatever it may cost in the future. If we are going on with the construction, no doubt it would be a charge against this amount, that is for the current year, whatever we may expend.

The motion was agreed to, and the Bill passed through its final stages.

JUDGES' ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (193), An Act to amend the Judges' Act.

Hon. Mr. LOUGHEED—What are those judges in Ontario receiving now?

Hon. Sir RICHARD CARTWRIGHT—They were receiving $2,400 and then they were increased to $2,800 You will see they are fixed here at a certain sum beginning at $2,500 and going up to $3,000, with the exception of the judge of the county of York.

Hon. Mr. LANDRY—In the counties of Gaspé and Chicoutimi, we have two judges who are receiving less than the other judges in the province of Quebec. By section 8 of chapter 138, Revised Statutes, there are six teen judges of the Superior Court who receive $5,999, and there are two puisne judges each of whom receives $4,500. In 190, those salaries were readjusted. A resolution was passed by the House of Commons putting those two judges on the same footing as the others. The Bill based on that resolution was passed, but a mistake was made and the old figures were retained. The mistake was admitted by the Acting Chief Justice of the Supreme Court, who was then Minister of Justice, and in a letter dated 27th February, 1908, addressed to one of those judges, he says:

> My Dear Judge,—In answer to your letter of the 26th of February last, I have no hesitation in saying that the intention of the Department of Justice (and I believe I had the approbation of the government at that time) was to put all the judges in the rural districts on the same footing in so far as their salaries are concerned and when the resolutions were settled that the salaries of the judges of Gaspé and Chicoutimi should be $5,000, like the others. Subsequently a change took place for which I cannot account. I was decidedly under the impression that I had given effect to my intention until my attention was directed to the legislation as sanctioned by the Governor in Council.
>
> I have not had an opportunity to see the Minister of Justice, but you are authorized to tell him that I never deliberately made any change in the item in question, and that my intention has always been to keep the promise that I made to Justice Carroll, when he accepted the position of judge at Gaspé, that is to say to raise the salary of the judge of that district to the same figure as that given to other judges in rural districts.
>
> So far as your district is concerned, the difference which exists in the salaries certainly should not exist. I know of few judges who have, in their districts, as many important cases as you have in yours.
>
> Yours very truly,
>
> C. FITZPATRICK.

This error that took place between the adoption of the resolutions by the House of Commons and the passing of the Bill, was brought to the notice of the government in this House by myself last year. Later we repeated our observations to the government, and when my hon. friend from Grandeville (Mr. Choquette) was a member of the House of Commons he also called attention to the matter, and I do not understand why occasion was not taken, when this Bill was prepared, to correct the error of 1905. I know we have no right to amend this Bill, because it is a money Bill, but I

hope the right hon. member will take note of the observations we are making in this House, and that next year the error will be corrected by the proper authority, by passing a resolution in the House of Commons to give effect to the resolution adopted in 1905.

Hon. Mr. LOUGHEED—This Bill is not to increase salaries, but to increase the number of judges.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is quite correct. The salaries had been increased, and I see this is merely to increase the number of judges.

Hon. Mr. CHOQUETTE—I quite agree with the remarks of the hon. member from Stadacona. I remember myself that Sir Charles Fitzpatrick when he was Minister of Justice, told the judges interested that it was a mistake that their salaries were not on the same basis as the salaries of the other rural judges, that the mistake was not his fault and that he would see that it was corrected. Really those judges are most reliable men, and there is no reason why their salaries should be $500 less than the salaries of the other judges. Here is an opportunity to remedy that injustice. I hope that next session no time will be lost in doing justice to these judges. This Bill is for the purpose of increasing the number of judges in Ontario. I suppose the demand has been made by the local legislature. Why has not the demand of the Quebec legislature, made two or three years ago, to add two judges in Montreal and one in Quebec, not been acceded to before this? Some time ago there was a delegation from the Montreal bar, and a representation from the Attorney General for Quebec, asking in the interests of the better administration of justice, that three more judges should be appointed. I think a promise was made at the time that they should be appointed, but so far we have heard nothing more about it, and there are many complaints. It would give satisfaction to the people of Quebec if the government would yield to the demands of the Quebec legislature. I do not see why, when the government have deemed it proper to grant the request of the Ontario legislature, they have not done the same thing for the Quebec legislature.

Hon. Sir RICHARD CARTWRIGHT—I am not aware what the reasons may be. There has been, as perhaps the hon. gentleman knows, owing to the mineral discoveries made in Ontario, a great rush of people to some districts in the northern part of the province within the last couple of years, and I understand it has been found necessary in consequence to appoint additional judges. In the older portions of the province there has been no increase in the number of judges, but I shall call the attention of the Minister of Justice to the remarks made by the hon. members from Stadacona and Grandville.

The motion was agreed to.

RENOVATION OF THE WALLS OF THF SENATE CHAMBER.

Hon. Mr. DANDURAND—Before we adjourn it has been suggested that some representation should be made by the Senate to the Department of Public Works for the renovation of the walls of this Chamber. I do not know if there is any necessity for a resolution. If there be a necessity, I will ask the Clerk of the Senate to draft a resolution to read something like this:

That in the opinion of the Senate the lower walls of the Senate Chamber should be renovated, and, with that end in view, that his honour the Speaker and the chairman of committees be appointed a committee of two to call upon the government in connection therewith.

The motion was agreed to.

WATER-CARRIAGE OF GOODS BILL.

Hon. Mr. POWER—I hope that amongst the Bills the Commons are sending up to us to-morrow will be the measure respecting the water-carriage of goods.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend knows more about that than I do, probably.

Hon. Mr. GIBSON—It was removed from the Private Bills, and is now a public Bill before the House.

The Senate adjourned until 11 o'clock to-morrow.

THE SENATE.

OTTAWA, Wednesday, May 19, 1909.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

HUDSON BAY RAILWAY.

INQUIRY.

Hon. Mr. PERLEY inquired:

Have the government received any returns from the Hudson's bay survey staff, as to the route that the government is likely to build the railway to Hudson's bay, and will any work on construction be started this summer?

Hon. Sir RICHARD CARTWRIGHT—The government have not received full returns yet.

Hon. Mr. PERLEY—And there will likely be no work done this summer?

Hon. Sir RICHARD CARTWRIGHT—As to the remaining part of the question they cannot say.

GRAND TRUNK PACIFIC BRIDGE AT QUEBEC.

INQUIRY.

Hon. Mr. PERLEY inquired of the government:

When do they intend to start building the Grand Trunk Pacific Railway Bridge at Quebec, and when do they propose to have said bridge open for traffic?

Hon. Sir RICHARD CARTWRIGHT—I am advised by the department, that they have not yet received the report of the commission of engineers who are preparing plans for the bridge. They have not yet completed their work, and, consequently, there is no possibility of saying when they are likely to have the bridge opened for traffic.

WATER-CARRIAGE GOODS BILL.

Hon. Mr. McMULLEN—Before proceeding with the orders of to-day, I wish to refer to a matter that has transpired in the House of Commons in connection with an important measure sent down to them by this House.

Hon. Mr. POWER—I do not think that is in order here.

Hon. Mr. GIBSON.

Hon. Mr. McMULLEN—A Bill passed this House on two separate occasions, the Water-carriage of Goods Bill, a very important measure. There is not a shipping community which has not suffered for years under the shipping regulations that exist in this country. Shippers are handicapped, owing to the fact that the regulations do not afford them that protection and relief which they afford to shippers on the other side. That Bill passed this House twice and was sent to the Commons, and I understand it has been allowed to die, as it were, a natural death there. I cannot understand what influence has been brought to bear upon the government to permit that Bill to drop. I have had an intimation that there are a few shippers in the province of Nova Scotia who are deeply interested in the matter, and that they have exercised their influence to prevent the Bill from going through. It would rather indicate that one man in Nova Scotia is worth ten in any other province. If we are going to have cross-firing of this kind between this Chamber and the House of Commons, and a Bill that received such extended consideration at the hands of our committee, and adopted as unanimously as the Water-carriage Bill was adopted in this House, is to be ignored in the other, in my humble opinion the Senate will at least be justified in adopting a very independent attitude in dealing with Bills coming from the Commons. I regret exceedingly, in the interest of shippers of goods in this country, that that Bill should have been rejected. There was no more important Bill before parliament for years. Relief was asked for by our shippers. They expressed a strong desire that that Bill should become law. They were only asking what is accorded United States shippers. Why should not Canadian shippers be placed on as good a basis as foreign shippers? Why should United States shippers be allowed to ship from Portland or Boston on better terms than are granted Canadian shippers from the same port? Simply because our shipping regulations are in an unsatisfactory condition. I very much regret that that Bill has for the second time been rejected by the House of Commons.

Hon. Mr. BEIQUE—The House of Commons is responsible to the people of this country, and not to the Senate, for the action they may choose to take on any Bill. We freely exercise our judgment on any measures that come to us from the House of Commons, and I do not think it pertains to us to criticise the action of the House of Commons on any Bills submitted by this House to them for their consideration.

CONTINGENT ACCOUNTS OF THE SENATE.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. WATSON moved that the House concur in the sixth report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. LANDRY—What is the meaning of the first paragraph of this report:

1. Your committee recommend that all increases reported to the Senate, and the classification of the staffs, be regarded as increases under the Civil Service Act, and to date from and after September 1st, 1908.

I do not see the necessity for such a recommendation. The Bill that we passed yesterday settles the whole question.

Hon. Mr. POWER—It does not do any harm.

Hon. Mr. LANDRY—Yes, it does harm.

Hon. Mr. POWER—I think the object of it was to provide that the right of the officers of this House to a further increase of $150 should not be prejudiced by the fact that they have not been given an increase under our classification.

Hon. Mr. LANDRY—I think it means quite the contrary, that we are acting against our employees in this way. It recommends that 'All increases reported to the Senate and the classification of the staffs be regarded as increases.'

Hon. Mr. YOUNG—Is it not so regarded by the Act?

Hon. Mr. LANDRY—Then why make that recommendation?

Hon. Mr. WATSON—As the hon. gentleman is aware, we increased the salaries of two of our messengers from $700 to $800. There was a doubt as to whether they were not placed in a worse position by our increasing their pay, because automatically they had an increase from September last, and by increasing the pay to $800 of course it only dates from the time of the passing of that report. So the reason the committee put that in was that these two gentlemen should not be prejudiced on account of the apparent good-will of the committee in recommending an increase, because they would lose $70 or $80.

Hon. Mr. LANDRY—I am not against the increase, but it might work the other way, that persons entitled to increases under the law may be deprived of their rights. We passed a Bill yesterday giving to any person who has obtained an increase by the classification a right to the bonus of $150. That is an increase enacted by the law, with or without recommendation; but we give our recommendation to that law by the report that was presented yesterday. That is good for those persons mentioned; but outside that there is an increase under the law of $50 for those who have performed their duties subject to the approval of the clerk and of the Speaker. Do you think those will not be deprived if you count such increase as an increase under the classification? It will be an offset against the $150.

Hon. Mr. YOUNG—Does my hon. friend argue that the report of this committee will supersede a solemn Act of parliament?

Hon. Mr. LANDRY—No, I do not regard it as that, but if the wording of it is not intended to do that, as a matter of fact it does.

Hon. Mr. YOUNG—It cannot; the Act is supreme.

Hon. Mr. LANDRY—If it does not hurt anybody, I am willing to accept it.

The SPEAKER—The understanding is that these increases have reference to increases reported by the committee itself.

Hon. Mr. YOUNG—Yes.

The motion was agreed to.

Hon. Mr. LOUGHEED—Before that is adopted, there is some information I should like to obtain. It seems to me this schedule does not correspond with the classification which we adopted a few days ago. I find under the Civil Service Bill, which we considered yesterday, it is provided that:

In the case of any officer, clerk or employee who has received an increase of salary upon organization and classification under the said Act, such increase shall be offset against the increase which such person might otherwise receive under this Act.

All others are entitled to the increase. In the schedule now under consideration, under second division subdivision B, there are only five of the employees of the Senate recommended for this increase. Now, upon reference to the classification which this Chamber adopted a few days ago, we find there are six employees of the Senate in that particular subdivision of division A; that is six employees in subdivision B of the second division. I understand that the housekeeper and superintendent of messengers has been omitted from this class, although he has been classified in the Senate classification and that he is not entitled to the increase. I would point out that that officer has not received an increase in salary, because on reference to the classification it will be found that he is in a class running from $800 to $1,600. His salary is stated in the classification of $1,300 which he has been receiving for some time, and there has been no increase of that salary. He, therefore, has been cut out of that particular class, and the other five have been recommended for the increase.

Hon. Mr. WATSON—If the hon. gentleman will look at the list he will find that a stenographer was recently appointed at $1,000 a year, Mr. Hinds, and he will not come under the increase.

Hon. Mr. LOUGHEED—He has been put in it.

Hon. Mr. WATSON—The hon. member is speaking of only five and there are six in that class, so that Mr. Hinds will not be counted. There are five without him.

Hon. Mr. LOUGHEED—If it appears in the minutes that the five excludes Mr. Hinds, and includes Mr. Carleton, I have no more to say.

Hon. Mr. YOUNG.

Hon. Mr. WATSON—I think there is no doubt about it.

Hon. Mr. YOUNG—There should be in the report the names of those who are included in the various classifications.

Hon. Mr. POWER—I think the hon. gentleman is losing sight of the fact that the housekeeper, in addition to his salary of $1,300, occupies rooms which are worth something additional.

Hon. Mr. LOUGHEED—Not in the classification.

Hon. Mr. POWER—In the other House that is the case, and that is the case with Carleton. His rooms are worth $600, I should say.

Hon. Mr. LOUGHEED—That is not the point. He has always had $1,300 and those rooms; consequently, under the classification, he stands to-day where he stood previous to the classification, and he has not received an increase; therefore, he would be entitled to that increase. I will accept the suggestion made by the hon. gentleman from Portage la Prairie, that the names be added, and that it appears in the minutes that Hinds is not one of the five mentioned. I am told it was intended to place him there.

Hon. Mr. WATSON—He is engaged this session as a stenographer at $1,000 a year. He was not employed on the 1st of September, and I do not suppose for a moment that he would be considered entitled to the increase.

Hon. Mr. LANDRY—If he was not there on the 1st September, Mr. Nicholson was not there either.

Hon. Mr. WATSON—Nicholson does not get an increase.

Hon. Mr. LOUGHEED—To shorten it up, is it to appear in the minutes that Hinds is not one of the five mentioned in this class?

Hon. Mr. BEIQUE—I think we should have the names mentioned. I ask that his honour the Speaker be pleased to give us the names.

The SPEAKER—The report of the Internal Economy Committee will be found at page 655 of the minutes and the schedule attached to it. In the second division of subdivision A we have the law clerk. Then there are five names in the second subdivision, Garneau, Choquette, Caron, O'Neil, Hinds—his name is here, but I understood it was to be Mr. Carleton. In the first division of subdivision B there are four, Messrs. Chambers, Young, Gibbs and Lelievre. In the second division, subdivision A, Mr. Lemoine. Mr. Soutter goes by the resolution of the Senate into a class which gives him an increase, up to $2,400, at the rate of $50 a year.

Hon. Mr. LOUGHEED—Is he included in the three?

Hon. Mr. POWER—No.

The SPEAKER—The three names are, Lemoine, Bouchard and Chapman. Subdivision B, Garneau, Choquette, Caron, O'Neil and Carleton. Hinds does not come within the subdivision.

Hon. Mr. LOUGHEED—I move that the report be amended by attaching the names as read by his honour the Speaker. Then no misunderstanding can arise.

Hon. Mr. POWER—I think the Speaker might read the third division, subdivision (a). There are other officers to be considered besides the housekeeper. We want to see how the employees in that subdivision fare.

Hon. Mr. LOUGHEED—Will his honour be good enough to mention the names under the division of messenger—only one name?

Hon. Mr. POWER—That is Dallaire.

Hon. Mr. BEIQUE—I suggest that we suspend this order until the report of the Clerk of the House is made.

Hon. Mr. LOUGHEED—Do I understand the motion has been carried, that the names mentioned by his honour the Speaker be appended to the report?

The SPEAKER—I understood the motion to be carried.

Hon. Mr. YOUNG—If the report of the clerk were put in writing, it would be more convenient to consider it now and deal with it.

Hon. Mr. LOUGHEED—I am quite satisfied if the clerk has taken down the names mentioned by his honour the Speaker, and if those names are attached as a schedule to the report, it would be quite satisfactory.

Hon. Mr. WATSON—Third division subdivision (a). There is one increase to a messenger.

The SPEAKER—Dallaire was appointed at $700.

Hon. Mr. WATSON—He is not in that class at all. He comes in the next class. The names in that class are Ralph, LaRose, Ashe and Wood.

INSURANCE BILL.

ORDER POSTPONED.

The order of the day being called:

May 18—second reading (Bill 27) An Act respecting Insurance—Rt. Hon. Sir Richard Cartwright.

Hon. Mr. LANDRY—I would ask the leader of the House if this Bill is printed in French? I have looked for it and cannot find a French copy.

Hon. Mr. CHOQUETTE—It is not printed in French.

Hon. Mr. LANDRY—Then I object to proceeding with the Bill.

The order was postponed.

INCORPORATION OF RAILWAY COMPANIES BILL.

ORDER POSTPONED.

The order of the day being called:

Resuming the adjourned debate on the motion for the second reading (Bill QQ) An Act to provide for the incorporation of Railway Companies.—Hon. Mr. Davis.

Hon. Mr. LANDRY (in the absence of Hon. Mr. Davis) moved that the order be discharged and placed on the orders of the day for Saturday next.

The motion was agreed to.

The House was adjourned during pleasure

After some time the House resumed.

THE SUPPLY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (No. 195) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively the 31st of March, 1909, and 31st of March, 1910.

The Bill was read a first time.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of the Bill.

Hon. Mr. LANDRY—I hope the hon. gentleman will give a little explanation. We want to know how many millions we are going to swallow before lunch.

Hon. Sir RICHARD CARTWRIGHT—$38,853,555.72 for the purposes herein referred to.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain what the 72 cents is for?

Hon. Sir RICHARD CARTWRIGHT—I should be inclined to think it was for the purpose of supplementing the senatorial indemnity; but I will look further.

Hon. Sir MACKENZIE BOWELL—I hope it will be equally divided.

Hon. Sir RICHARD CARTWRIGHT—There are certain provisions for indemnity to senators who, through absence caused by illness or public business, have been unable to attend, to make good the full sessional indemnity. I mention the case of our esteemed and hon. friend Dr. Sullivan.

Hon. Mr. DOMVILLE—I did hope my hon. friend was going to call attention to the fact that the Bill is not printed in French in order that I might have an opportunity to have it amended. I see they are paying senators who have been absent this session through illness or whatever it may be. I came all the way from England to attend parliament last session, and broke my leg, a compound fracture; I was attended by a doctor in Montreal; confined to my bed, ordered not to come up here, and I memorialized the government, but they turned me down. Now they are paying others. I am no better paid than other hon. gentleman, and if they can pay others they can pay me.

Hon. Mr. LANDRY—The hon. gentleman is quite right, and if he has suffered a compound fracture of the leg and was thereby unable to attend parliament he should be paid his indemnity with compound interest.

Hon. Mr. DOMVILLE—I assure hon. gentlemen I am not joking, and I call the attention of the leader of the House to it. I do not mean to say that the matter has been overlooked purposely, but it might be considered. Nothing can be done this session, but it could be arranged next session. I wish to place the fact on record.

Hon. Sir RICHARD CARTWRIGHT—Bearing in mind the fact that my hon. friend met with this accident, as I understand, while he was actually on his way from his own residence to Ottawa, I am bound to say the case is one calling for consideration. I cannot do anything with it this session, but I shall call the attention of the minister to the fact, and what he has done this year certainly appears to cover my hon. friend's case. I do not think there is any member of this House in the same position. Certainly no other member that I have heard of has broken a leg.

Hon. Mr. LOUGHEED—Has the government given consideration to the claim of my hon. friend?

Hon. Sir RICHARD CARTWRIGHT—This item refers to cases during the present session, and is confined strictly to this year.

Hon. Mr. LOUGHEED—Or has any reason been stated why my hon. friend's claim should not be considered?

Hon. Sir RICHARD CARTWRIGHT—I do not think so.

Hon. Mr. LANDRY—It was called attention to last year.

Hon. Mr. DOMVILLE—Yes, and I memorialized Council, and they would not pay me.

Hon. Sir MACKENZIE BOWELL— Did I understand the hon. minister to say that there was an item in the supplementary estimates for the senators who have not attended this session?

Hon. Sir RICHARD CARTWRIGHT—Yes.

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

CIVIL SERVICE CLASSIFICATION.

The SPEAKER—I beg to lay on the table a list of the names asked for of those who are receiving the increase pursuant to the report which was presented.

Hon. Mr. LOUGHEED—I move that this list be attached to the schedule.

Hon. Mr. POWER—I was going to ask how it is that the increase given to the sergeant-at-arms is only $58.38, while all the other officers receive $87.50?

The CLERK OF THE HOUSE—He has $2,000 now, and his maximum is $2,100.

Hon. Mr. POWER—I understand from the clerk that the sergeant-at-arms can only receive $100 increase for the whole year. That would bring him up to the maximum of the class.

Hon. Mr. LANDRY—I hope so, because we have a right to amend it next year and give the proper classification.

Hon. Mr. YOUNG—This $87.50 is only from the 1st September to the 31st March, a portion of the year.

The report with the schedule was adopted.

The Senate adjourned until three o'clock.

THE PROROGATION.

OTTAWA, Wednesday, May 19, 1909.

This day at 3.30 o'clock P.M., His Excellency the Governor General proceeded in state to the Senate Chamber, in the Parliament Buildings, and took his seat upon the Throne. The Members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons, and that House being present, the following Bills were assented to, in His Majesty's name, by His Excellency the Governor General, viz.:—

An Act to incorporate the Canadian, Liverpool and Western Railway Company.

An Act respecting the Niagara-Welland Power Company.

An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.

An Act to incorporate the British Colonial Fire Insurance Company.

An Act for the relief of Victor Eccles Blackhall.

An Act for the relief of Annie Louisa Coltman.

An Act respecting the Ottawa Fire Insurance Company, and to change its name to Ottawa Assurance Company.

An Act respecting the Anglo-Canadian Bank.

An Act to incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.

An Act respecting the Subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway.

An Act to prevent the payment or acceptance of illicit or secret commissions, and other like practices.

An Act to incorporate the Victoria and Barkley Sound Railway Company.

An Act to incorporate the Prince Albert and Hudson Bay Railway Company.

An Act to incorporate the Fort Erie and Buffalo Bridge Company.

An Act respecting a patent of Thomas L. Smith.

An Act respecting the Cedar Rapids Manufacturing and Power Company.

An Act for the relief of Isaac Moore.

An Act for the relief of Charles Bowerbank Lowndes.

An Act for the relief of Mildred Gwendolyn Platt Patterson.

An Act for the relief of Frank Parsons.

An Act for the relief of Evelyn Martha Keller.

An Act to incorporate the Canadian Medical Association.

An Act respecting the Joliette and Lake Manuan Colonization Railway Company.

An Act for the relief of John Grant Ridout.

An Act to incorporate the Kootenay and Alberta Railway Company.

An Act respecting certain letters patent of Franklin Montgomery Gray.

An Act respecting the Quinze and Blanche River Railway Company.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.

An Act respecting the Cobalt Range Railway Company.

An Act respecting the Canadian Northern Ontario Railway Company.

An Act respecting the Kettle River Valley Railway Company.

An Act respecting the British Columbia Southern Railway Company.

An Act to create a Department of External Affairs.

An Act respecting the Athabaska Northern Railway Company.

An Act respecting the Canadian Northern Quebec Railway Company.

An Act respecting the Ottawa, Northern and Western Railway Company.

An Act to incorporate 'La Compagnie du Chemin de fer International de Rimouski.'

An Act to incorporate the Great West Permanent Loan Company.

An Act respecting the Ontario, Hudson Bay and Western Railway Company.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

An Act respecting certain Letters Patent of the American Bar Lock Company.

An Act respecting the Manitoba Radial Railway Company.

An Act respecting the Quebec Oriental Railway Company.

An Act respecting the Grand Trunk Pacific Branch Lines Company.

An Act to incorporate the Commercial Casualty and Surety Company of Canada.

An Act to incorporate the London and North Western Railway Company.

An Act to incorporate the Arnprior and Pontiac Railway Company.

An Act to incorporate the Cabano Railway Company.

An Act to amend the Canada Shipping Act.

An Act to amend the Act relating to Ocean Steamship Subsidies.

An Act respecting the National Transcontinental Railway.

An Act to amend the Yukon Act.

An Act to incorporate The Governing Council of the Salvation Army in Canada.

An Act for the relief of Hannah Ella Tomkins.

An Act for the relief of John Denison Smith.

An Act to incorporate the Superior and Western Ontario Railway Company.

An Act respecting the Kootenay and Arrowhead Railway Company.

An Act to amend the Extradition Act.

An Act to amend the Customs Tariff, 1907.

An Act to incorporate the Canadian Red Cross Society.

An Act respecting the Manitoba and Northwestern Railway Company of Canada.

An Act respecting a patent of the Submarine Company.

An Act to authorize a loan to the Grand Trunk Pacific Railway Company.

An Act to incorporate the Prudential Trust Company, Limited.

An Act respecting the Canada Life Assurance Company.

An Act respecting the Thessalon and Northern Railway Company.

An Act respecting the Bank of Winnipeg.

An Act respecting the Royal Victoria Life Insurance Company, and to change its name to the Royal Victoria Life Insurance Company of Canada.

An Act respecting the Patents of Washington McCloy.

An Act for the relief of Fleetwood Howard Ward.

An Act for the relief of Aaron William Morley Campbell.

An Act for the relief of John C. Cowan.

An Act for the relief of Laura McQuoid.

An Act respecting Mexican Transportation Company, Limited, and to change its name to Mexico Northwestern Railway Company.

An Act respecting the Quebec and New Brunswick Railway Company.

An Act respecting the Brockville, Westport and Northwestern Railway Company.

An Act for the relief of John Wake.

An Act respecting the Monarch Fire Insurance Company.

An Act to incorporate the Ontario and Michigan Power Company.

An Act to amend the Post Office Act.

An Act to amend the Civil Service Act.

An Act to establish a Commission for the Conservation of Natural Resources.

An Act to incorporate The Prairie Provinces Trust Company.

An Act to incorporate the Equity Fire Insurance Company of Canada.

An Act respecting the Central Railway Company of Canada.

An Act to incorporate The Board of Elders of the Canadian District of the Moravian Church of America.

An Act to incorporate the Catholic Church Extension Society of Canada.

An Act respecting Agricultural Fertilizers.

An Act respecting Commercial Feeding Stuffs.

An Act to incorporate the British Canadian Accident Insurance Company.

An Act respecting the Prudential Life Insurance Company of Canada, and to change its name to The Security Life Insurance Company of Canada.

An Act further to amend chapter 92 of the Statutes of 1901, respecting the Canadian Patriotic Fund Association.

An Act to amend the Government Annuities Act, 1908.

An Act to incorporate the St. Maurice and Eastern Railway Company.

An Act to amend the Government Harbours and Piers Act.

An Act respecting the Harbour Commissioners of Montreal.

An Act to amend the Cold Storage Act.

An Act respecting the Fidelity Life Insurance Company of Canada.

An Act to incorporate Commerce Insurance Company.

An Act respecting the National Accident and Guarantee Company of Canada.

An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.

An Act to amend the Navigable Waters Protection Act.

An Act respecting the Montreal Bridge and Terminal Company, and to change its name to 'The Montreal Central Terminal Company.'

An Act respecting the Department of Labour.

An Act to amend the Exchequer Court Act.

An Act to correct a clerical error in chapter 63 of the Statutes of 1908, respecting railway subsidies.

An Act respecting certain aid for the extension of the Canadian Northern Railway.

An Act to provide for further advances to the Harbour Commissioners of Montreal.

An Act to authorize the raising, by way of loan, of certain sums of money for the public service.

An Act to amend the Judges' Act.
An Act for the relief of Annie Bowden.
An Act to amend the Railway Act.
An Act to authorize certain increases of salary to members of the Civil Service, Inside Service.
An Act to amend the Criminal Code.

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 years ending respectively the 31st March, 1909, and the 31st March, 1910.

to which Bill I humbly request Your Excellency's assent.

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say :

In His Majesty's name, His Excellency the Governor General thanks His Loyal Subjects, accepts their benevolence, and assents to this Bill.

After which His Excellency the Governor General was pleased to close the First Session of the Eleventh Parliament of the Dominion with the following

SPEECH :

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In relieving you from further attendance on this session, I thank you for the assiduity and diligence which you have given to the discharge of the duties entrusted to your care, and it must be a source of satisfaction to yourselves that you have been able to perform your labours in a comparatively brief space of time.

I am pleased to notice that your attention has been engaged in some measures of great importance.

In the first rank of such measures is to be noted the amendment of the Railway Act, under which by the joint action of the national government, provincial and municipal authorities, together with the railway companies, level railway crossings are to be gradually removed, and a constant menace to life and property thereby effectually done away with.

The loan of ten million dollars to the Grand Trunk Pacific Railway Company, will no doubt ensure the completion, during the coming season, of the prairie section of the National Transcontinental Railway, and will secure to the fast developing western provinces for this year's crop, a new and competitive outlet towards the sea.

The Act to place the Department of Labour, which has been in existence for some years, under the direct responsibility of a minister of the Crown, exclusively entrusted with its management, is in accordance with the oft-expressed wishes of labour organizations, and is a further step in a field of legislation wherein Canada has already taken a not unimportant place.

The Act charging the Secretary of State with special responsibility in regard to the External Affairs of Canada will facilitate the transaction of business in connection with that most important branch of the public service.

The resolution adopted by the House of Commons for the organization of a Canadian naval service, in co-operation with and in close relation to the imperial navy, is a proper acknowledgment of the duties now appertaining to Canada as a nation, and as a member of the British empire.

The financial conditions throughout the world seem to be more hopeful than they were four months ago when I opened this session, and whilst in Canada we have undoubtedly suffered less than other countries during this period of universal depression, it will still be the part of prudence to exercise care and economy in all branches of the service.

Gentlemen of the House of Commons:

I thank you for the provisions which you have made for the public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I sincerely hope and pray that Almighty God will continue to pour His blessings upon our country and let us now offer Him the fervent expression of our gratitude for the signal favours which we have received from Him.

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 Monday, the 28th day of June next, to be here holden, and this parliament is accordingly prorogued until the 28th day of June next.

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The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *, without remark or debate; Accts., Accounts; Adjn., Adjourned; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Com., Committee; Co., Company; Consdn., Consideration; Cor., Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry; Man., Manitoba; Mess. Message; M., Motion; *m.*, moved; N.B., New Brunswick; N.W.T., North West Territories; N.S., Nova Scotia; Ont., Ontario; Parlt., Parliament; P.E.I., Prince Edward Island; P. O., Post Office; Ques., Question: R.A., Royal Assent; Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m h., 6 months hoist; Withdn., Withdrawn.

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RILEY, Hon. G.—*Con.*

Vancouver, Fraser Valley and Southern Ry. Co. B. (57): Int., 176; 2nd R.*, 239; 3rd R.*, 306.
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Athabaska Ry. Co. B. (68): Int., 228; 2nd R.*, 259; 3rd R.*, 306.

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Prince Albert and Hudson Bay Ry. Co. B. (62): Int., 176; 2nd R., 213; 3rd R., 327.

TESSIER, Hon. Jules.

Canadian Northern Quebec Ry. Co. B. (38): Int., 69; 2nd R.*, 268; 3rd R.*, 327.

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(F) An Act to incorporate the Governing Council of the Salvation Army of Canada (Mr. Ross, Middlesex). Int., 69; 2nd R.*, 106; 3rd R.*, 332; R.A., 700 (c. 132).

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(P) An Act to incorporate the Kootenay and Alberta Ry. Co. (Mr. DeVeber). Int., 146; 2nd R.*, 167; amts. of Com. concurred in, 3166; 3rd R.*, 327; R.A., 699 (c. 96).

(Q) An Act respecting the Quinze and Blanche River Ry. Co. (Mr. Belcourt). Int. 146; 2nd R.*, 167; 3rd R.*, 275; Commons amts. concurred in, 382; R.A., 699 (c. 127).

(R) An Act respecting the Ottawa Fire Insurance Co. and to change its name to the Ottawa Assurance Co. (Mr. Belcourt). Int., 146; 2nd R.*, 167; 3rd R.*, 334; R.A., 699 (c. 117).

(S) An Act respecting the Grand Trunk Pacific Branch Lines Co. (Mr. Watson). Int., 157; 2nd R.*, 316; Rules suspended, 317; 3rd R.*, 334; Commons amts. concurred in (Mr. Watson), 422; R.A., 700 (c. 86).

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(Z) An Act respecting the Bank of Winnipeg (Mr. Chevrier). Int., 248; 2nd R.*, 277; 3rd R.*, 352; R.A., 700 (c. 153).

(AA) An Act to incorporate the Prairie Provinces Trust Co. (Mr. Coffey). Int., 248; 2nd R.*, 277; M. to concur in amts (Mr. Thompson), M. agreed to, 353; 3rd R.*, 356; R.A., 700 (c. 121).

(BB) An Act to incorporate the Board of Elders of the Canadian District of the Northern Province of the Moravian Church in America (Mr. DeVeber). Int., 248; 2nd R.*, 316; 3rd R.*, 402; R.A., 700 (c. 112).

(CC) An Act to incorporate the Canadian Medical Association (Mr. McMillan). Int., 260; 2nd R.*, 305; 3rd R., 332; R.A., 699 (c. 62).

(DD) An Act respecting the Manitoba Radial Ry. Co. (Mr. Watson). Int., 274; 2nd R.*, 305; 3rd R.*, 334; R.A., 700 (c. 103).

(EE) An Act for the relief of Evelyn Martha Keller (Mr. Perley). Int., 274; 2nd R.*, 316; 3rd R.*, 327; R.A., 699 (c. 94).

(FF) An Act for the relief of Frank Parsons (Mr. Derbyshire). Int., 274; 2nd R.*, 316; 3rd R.*, 327; R.A., 699 (c. 119).

(GG) An Act for the relief of Hannah Ella Tompkins (Mr. Mitchell). Int., 287; 2nd R.*, 331; 3rd R.*, 332; R.A., 700 (c. 142).

(HH) An Act to incorporate the Canadian Red Cross Society (Mr. Ross, Middlesex). Int., 326; 2nd R.*, 335; B. rep. from Com. (Mr. McHugh), 3rd R.*, 354; R.A., 700 (c. 68).

(II) An Act to incorporate the Equity Fire Insurance Company (Mr. Ross, Middlesex). Int., 327; 2nd R.*, 335; B. rep. from Com. (Mr. Thompson), 353; 3rd R.*, 354; R.A., 700 (c. 81).

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(KK) An Act for the relief of Mildred Gwendolyn Platt Patterson (Mr. Jones). Int., 332; 2nd R.*, 335; 3rd R.*, 335; R.A., 699 (c. 120).

(LL) An Act for the relief of Charles Bowerbank Lowndes (Mr. Young). Int., 332; 2nd R.*, 335; 3rd R.*, 335; R.A., 699 (c. 101).

(MM) An Act for the relief of Isaac Moore (Mr. Campbell). Int., 332; 2nd R.*, 335; 3rd R.*, 335; R.A., 699 (c. 111).

(NN) An Act to confer on the Commissioner of Patents certain powers for the relief of Washington R. McCloy (Mr. McHugh). Int., 332; 2nd R., 335; 3rd R.*, 402; R.A., 700 (c. 104).

(OO) An Act for the relief of John Dennison Smith (Mr. Mitchell). Int., 335; 2nd R.*, 343; 3rd R.*, 344; R.A., 700 (c. 133).

(PP) An Act respecting the Royal Victoria Life Insurance Co., and to change its name to Royal Victoria Life Insurance Co. of Canada (Mr. David). Int., 337; 2nd R., 361; amts. concurred in, 415; 3rd R.*, 422; R.A., 700 (c. 130).

(QQ) An Act to provide for the incorporation of Ry. Cos. (Mr. Davis). Int., 337; M. 2nd R. (Mr. Davis), 450, 516; Debate adjourned, 519; B. dropped, 697.

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(SS) An Act respecting the Quebec and New Brunswick Ry. Co. (Mr. Costigan). Int., 354; 2nd R.*, 382; 3rd R.*, 402; R.A., 700 (c. 125).

(TT) An Act respecting the Montreal Bridge and Terminal Co., and to change its name to 'The Montreal Central Terminal Co.' (Mr. Choquette). Int., 354; 2nd R.*, 382; 3rd R.*, 450; on mess. from H. of C., rem., Mr. Landry, Mr. Lougheed, Mr. Speaker, 666; M. (Mr. Campbell) to grant request, 666; debated, 666 to 670; M. agreed to, M. (Mr. Campbell) to concur in Commons amts., 670; M. agreed to, 671; R.A., 700 (c. 109).

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(VV) An Act to further amend chap. 92 of the Statutes of 1901 respecting the Canadian Patriotic Fund Association (Sir R. Cartwright). Int., 356; 2nd R.*, 401; in Com., 405; B. rep. from Com. (Mr. Bostock), 3rd R.*, 406; R.A., 700 (c. 67).

(WW) An Act to incorporate the St. Maurice and Eastern Ry. Co. (Mr. Tessier). Int., 356; 2nd R.*, 401; 3rd R., 407; R.A., 700 (c. 137).

(XX) An Act to incorporate the Fundy Power Co. (Mr. McSweeney). Int., 376; M. 2nd R. (Mr. Ellis), rem., Sir R. Cartwright, Mr. Lougheed, 407; Mr. Wood, 408; Mr. Ferguson, 409; M. postponed, 411; M. 2nd R. (Mr. Ellis), rem., Sir R. Cartwright, Mr. Ferguson, Mr. Béique, 424; Mr. Edwards, Mr. Wood, 426; Mr. David, 427; M. lost (c. 10; n.c. 11), B. rejected, 429.

(YY) An Act to incorporate the Catholic Church Extension Society of Canada (Mr. Bostock). Int., 386; 2nd R.*, 411; 3rd R.*, 458; R.A., 700 (c. 70).

(ZZ) An Act to incorporate the Commerce Insurance Co. (Mr. Belcourt). Int., 386; 2nd R.*, 405; 3rd R.*, 502; R.A., 700 (c. 76).

(AAA) An Act respecting the Fidelity Life Insurance Co. of Canada (Mr. Jaffray). Int., 407; 2nd R., 438; 3rd R.*, 502; R.A., 700 (c. 82).

(BBB) An Act for the relief of John Wake (Mr. Watson). Int., 2nd R.*, 3rd R.*, 418; R.A., 700 (c. 148).

(CCC) An Act for the relief of Laura McQuoid (Mr. Ross, Middlesex). Int., 2nd R.*, 3rd R.*, 438; R.A., 700 (c. 105).

(DDD) An Act for the relief of Fleetwood Howard Ward (Mr. Owens). Int., 2nd R.*, 3rd R.*, 438; R.A., 700 (c. 150).

(EEE) An Act for the relief of Aaron William Morley Campbell (Mr. Watson). Int., 2nd R.*, 3rd R.*, 438; R.A., 700 (c. 58).

(FFF) An Act for the relief of John Christopher Cowan (Mr. Watson). Int., 2nd R.*, 3rd R.*, 438; R.A., 700 (c. 78).

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(GGG) An Act for the relief of Annie Bowden (Mr. Campbell). Int., 2nd R.*, 3rd R.*, 609; R.A., 701 (c. 48).

(6) An Act to amend the Railway Act (Mr. Ellis). Int., 49; M. 2nd R. (Mr. Ellis), 70; rem., Mr. McMullen, 71; Mr. Wilson, Mr. Ferguson, 73; Mr. Béique, Mr. Gibson, 75; Sir R. Cartwright, 78; Mr. Ellis, Mr. Dandurand, 80; M. agreed to, 81; M. to refer (Mr. Ellis), M. in amt. (Sir R. Cartwright), rem., Mr. Ferguson, 81; amt. carried (c. 40; n.c. 15), 82; M. to concur (Mr. Béique), rem., Mr. Landry, 289; Mr. Ferguson, 290; Mr. Power, 291; Mr. Speaker, 292; Mr. Casgrain, 293; Mr. Wilson, Sir M. Bowell, 294; Mr. Béique, 295; Mr. Ferguson, 300; amt. (Mr. Ellis), 317; Mr. Cloran, 320; Mr. Dandurand, 323; Mr. David, 325; amt. lost (c. 16; n.c. 30), M. (Mr. Béique) agreed to, 326; M. 3rd R. (Mr. Béique), rem., Mr. Wilson, 327; M. agreed to, 330.

(8) An Act to amend the Dominion Lands Act (Sir R. Cartwright). Int., 49; 2nd R., 82; in Com., rem., Sir R. Cartwright, Mr. Lougheed, Mr. Dandurand, 142; B. rep. from Com. (Mr. Landry), 144; 3rd R.*, 173; R.A., 336 (c. 11).

(9) An Act respecting the Brandon Transfer Railway Company (Mr. Young). Int., 49; 2nd R.*, 57; 3rd R.*, 109; R.A., 336 (c. 49).

(10) An Act respecting the Brazilian Electro Steel and Smelting Company, Limited (Mr. Kirchhoffer). Int., 49; M. 2nd R. (Mr. Kirchhoffer), 57; rem., Mr. Lougheed, Mr. Scott, 58; M. 2nd R. (Mr. Kirchhoffer), 151; rem., Mr. Lougheed, Sir R. Cartwright, 152; M. agreed to, 153; referred to Ry. Com., 155; 3rd R.*, 306; R.A., 336 (c. 50).

(11) An Act to incorporate the Canadian Western Ry. Company (Mr. Watson). Int., 49; M. 2nd R. (Mr. Watson), rem., Mr. Wilson, Mr. Power, 60; Sir M. Bowell, 61; Sir R. Cartwright, Mr. Wilson, Mr. Ferguson, Mr. Watson, M. agreed to, 62; 3rd R.*, 132; R.A., 336 (c. 69).

(12) An Act respecting the Collingwood Southern Ry. Company (Mr. McMullen). Int., 49; M. 2nd R. (Mr. Ross, Middlesex), 62; rem., Mr. Wilson, Mr. Dandurand, Mr. Gibson, 63; Sir M. Bowell, 64; Mr. Wilson, Mr. Power, Mr. Ross (Middlesex), M. agreed to, 65; 3rd R.*, 109; R.A., 336 (c. 74).

(13) An Act respecting the Grand Trunk Ry. Company of Canada (Mr. Gibson). Int., 49; M. 2nd R. (Mr. Gibson), 65; M. agreed to, 66; 3rd R.*, 109; R.A., 336 (c. 87).

(14) An Act respecting the Huron and Ontario Ry. Company (Mr. Ratz). Int., 49; 2nd R., 66; B. referred to Ry. Com., 131; 3rd R.*, 160; R.A., 336 (c. 92).

(15) An Act respecting the Mexican Land and Irrigation Company, Limited (Mr. Kirchhoffer). Int., 49; 2nd R., 155; 3rd R.*, 306; R.A., 336 (c. 106).

(18) An Act to amend the Animal Contagious Diseases Act (Sir R. Cartwright). Int., 49; M. 2nd R. (Sir R. Cartwright), 66; rem., Mr. Ferguson, Mr. Power, M. agreed to, 67, 100; in Com., B. rep. from Com. (Mr. Ellis), 109; 3rd R.*, 132; R.A., 336 (c. 3).

(19) An Act to amend the Post Office Act (Sir R. Cartwright). Int., 49; M. 2nd R. (Sir R. Cartwright), 67; rem., Sir M. Bowell, Mr. Lougheed, M. agreed to, 68; rem., Sir R. Cartwright, Mr. Lougheed, 101; in Com., rem., Sir R. Cartwright, Mr. Lougheed, 110; Mr. Power, Mr. Dandurand, B. rep. from Com. (Mr. Ellis), 111; 3rd R., 150; R. A., 336 (c. 29).

(20) An Act to amend the Government Railways Act (Sir R. Cartwright). Int., 49; 2nd R., 106; in Com., rem., Sir R. Cartwright, Mr. Lougheed, 144; Mr. Power, Mr. Dandurand, 145; Mr. Ellis, B. rep. from Com. (Mr. Landry), 146; 3rd R.*, 151; R. A., 336 (c. 18).

(21) An Act to amend the Railway Act (Sir R. Cartwright). Int., 49; 2nd R., 68; in Com., rem., Sir R. Cartwright, Mr. Lougheed, 132; Mr. Ferguson, 134; Sir R. Cartwright, 136; Mr. Ferguson, 199; B. rep. from Com. (Mr. Ellis), 200; 3rd R.*, 208; R.A., 336 (c. 31).

(23) An Act respecting the Alberta Central Ry. Co. (Mr. Talbot). Int., 107; 2nd R.*, 141; 3rd R.*, 160; R.A., 336 (c. 39).

(24) An Act respecting the Edmonton and Slave Lake Ry. Company (Mr. Young). Int., 50; 2nd R.*, 83; 3rd R.*, 132; R.A., 336 (c. 80).

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(25) An Act respecting the joint section of the Canadian Pacific Ry. Co. and the Grand Trunk Pacific Ry. Co. at Fort William, Ont. (Mr. Watson). Int., 107; 2nd R.*, 159; 3rd R.*, 198; R.A., 336 (c. 66).

(26) An Act respecting the Kootenay Central Ry. Company (Mr. Perley). Int., 50; 2nd R.*, 69; 3rd R.*, 109; R.A., 336 (c. 98).

(27) An Act to incorporate the London and Lancaster Plate Glass and Indemnity Co. of Canada (Mr. Kirchhoffer). Int., 146; 2nd R.*, 159; 3rd R.*, 332; R.A., 699 (c. 99).

(28) An Act repecting the Union Station and other joint facilities of the Grand Trunk Pacific Ry. Co. and the Midland Ry. Co. of Manitoba at Portage la Prairie (Mr. Watson). Int., 83; 2nd R.*, 106; 3rd R.*, 160; R.A., 336 (c. 85).

(29) An Act respecting the Winnipeg and Northwestern Ry. Co. (Mr. Power). Int., 175; 2nd R.*, 212; 3rd R.*, 255; R.A., 336 (c. 154).

(30) An Act respecting the subsidy from the Ontario Government to the Lake Superior branch of the Grand Trunk Pacific Ry. (Mr. Watson). Int., 284; 2nd R.*, 316; 3rd R.*, 334; R.A., 699 (c. 84).

(31) An Act to prevent the payment or acceptance of illicit or secret commissions and other like practices (Sir R. Cartwright). Int., 69; 2nd R., 102; in Com., rem., Mr. Lougheed, Sir M. Bowell, Sir R. Cartwright, 156; in Com., rem., Sir M. Bowell, Sir R. Cartwright, 230; amt. (Mr. Béique), 231; rem., Mr. Ferguson, amt. agreed to, B. rep. from Com. (Mr. Wood), 233; 3rd R.*, 288; R.A., 699 (c. 33).

(33) An Act repecting the Niagara-Welland Power Co. (Mr. McMullen). Int., 175; 2nd R.*, 247; 3rd R.*, 334; R. A., 699 (c. 114).

(34) An Act to incorporate the Ontario and Michigan Power Co. (Mr. Watson). Int., 464; M. to suspend rules (Mr. Watson), rem., Mr. Landry, 507; Sir M. Bowell, 508; Mr. Lougheed, 509; M. agreed to, 510; M. 2nd R. (Mr. Watson), rem., Mr. Lougheed, 545; Sir M. Bowell, Mr. Dandurand, Mr. Lougheed, 546; Sir M. Bowell, 548; M. agreed to, 551; M. 3rd R. (Mr. Watson), 580; amt. (Mr. Lougheed), 580; pt. of order (Mr. Power), 583; pt withdn., 584; rem., Sir M. Bowell, 584; Mr. Ross(Middlesex), 589; amt. lost (c. 8; n.c. 25), 593; amt. (Sir M. Bowell), rem., Mr. Lougheed, 594; Mr. Ross (Middlesex), 597 ; Sir M. Bowell, 601; Mr. Watson, 602; Mr. Baird, 605; amt. lost (c. 8; n.c. 25), M. 3rd R. carried, 606; R.A., 700 (c. 115).

(35) An Act to incorporate the Salisbury and Albert Ry. Co. (Mr. Domville). Int., 69; 2nd R., 136; 3rd R.*, 160; R.A., 336 (c. 131).

(36) An Act respecting the Southern Central Pacific Ry. Co. (Mr. Young). Int., 109; 2nd R.*, 151; 3rd R.*, 191; R. A., 336 (c. 135).

(37) An Act to incorporate the Western Canadian Life Assurance Co. (Mr. Bostock). Int., 175; 2nd R.*, 212; 3rd R.*, 275; R.A., 336 (c. 151).

(38) An Act respecting the Canadian Northern Quebec Ry. Co. (Mr. Tessier). Int., 69; 2nd R.*, 268; Amts. of Com. concurred in, 316; 3rd R.*, 327; R.A., 699 (c. 64).

(40) An Act to incorporate the Great West Permanent Loan Co. (Mr. Chevrier). Int., 175; 2nd R.*, 213; M. 3rd R. (Mr. Chevrier), rem., Mr. Béique, M. withdn., B. referred back to Com., 277; B. rep. from Com. (Mr. Thompson), 3rd R.*, 353; R.A., 700 (c. 89).

(41) An Act respecting the Tilsonburg, Lake Erie and Pacific Ry. Co. (Mr. Wilson). Int., 83; 2nd R.*, 106; M. 3rd R. (Mr. Wilson), M. to refer back (Mr. Béique), 191; rem., Mr. Davis, Mr. Dandurand, 192; Mr. Wilson, 193; Mr. Power, 196; Mr. Owens, 197; M. (Mr. Béique) agreed to, 198; 3rd R.*, 334; R.A., 699 (c. 141).

(42) An Act respecting the Toronto, Niagara and Western Ry. Co. (Mr. Béique). Int., 109; 2nd R.*, 151; 3rd R.*, 198; R.A., 336 (c. 143).

(43) An Act respecting the Hudson Bay and Pacific Ry. Co. (Mr. Watson). Int., 109; 2nd R.*, 151; 3rd R., 198; R.A., 336 (c. 91).

(44) An Act to incorporate the Canadian, Liverpool and Western Ry. Co. (Mr. Mitchell). Int., 150; 2nd R., 199; M. 3rd R. (Mr. Mitchell), amt. (Mr. Landry), amt. lost, M. agreed to, 275; R.A., 699 (c. 61).

(46) An Act respecting the Crawford Bay and St. Mary's Ry. Co., and to change its name to the British Columbia and Mani-

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toba Ry. Co. (Mr. DeVeber). Int., 84; 2nd R.*, 141; 3rd R.*, 160; R.A., 336 (c. 79).

(47) An Act respecting the Guelph and Goderich Ry. Co. (Mr. McMullen). Int., 109; 2nd R.*, 151; 3rd R., 199; R.A., 336 (c. 90).

(48) An Act respecting the Montreal Terminal Ry. Co. (Mr. Casgrain). Int., 228; 2nd R., 259; 3rd R.*, 306; R.A., 336 (c. 110).

(49) An Act respecting the Ottawa, Northern and Western Ry. Co. (Mr. Derbyshire). Int., 175; 2nd R.*, 213; 3rd R.*, 327; R.A., 699 (c. 118).

(50) An Act to incorporate La Compagnie du chemin de fer International de Rimouski (Mr. Fiset). Int., 175; 2nd R.*, 239; 3rd R.*, 327; R.A., 700 (c. 129).

(51) An Act to incorporate the Commercial Casualty and Surety Co. of Canada (Mr. Ellis). Int., 175; 2nd R.*, 268; 3rd R.*, 402; R.A., 700 (c. 77).

(52) An Act respecting the Bank of Vancouver (Mr. Bostock). Int., 150; 2nd R.*, 167; 3rd R.*, 213; R.A., 336 (c. 144).

(53) An Act respecting the Walkerton and Lucknow Ry. Co. (Mr. McMullen). Int., 109; 2nd R.*, 151; 3rd R.*, 198; R.A., 336 (c. 149).

(55) An Act to incorporate the British Columbia Life Assurance Co. (Mr. Riley). Int., 175; 2nd R.*, 213; 3rd R.*, 275; R.A., 336 (c. 53).

(56) An Act respecting the Canada Life Insurance Co. (Mr. Young). Int., 464; Rules suspended, 507; M. 2nd R. (Mr. Young), rem., Mr. Bolduc, 551; amt. (Mr. Bolduc), amt. lost, M. agreed to, 558; B. rep. from Com., M. 3rd R. (Mr. Young), on pt. of order (Mr. Landry), 559; rem., Mr. Béique, ruling (Mr. Speaker), 560; amt. for 6 m. h. (Mr. Landry), 560; amt. lost (c. 1; n.c. 34), 561; M. 3rd R. agreed to, 562; R.A., 700 (c. 59).

(57) An Act respecting the Vancouver, Fraser Valley and Southern Ry. Co. (Mr. Riley). Int., 176; 2nd R.*, 239; 3rd R.*, 306; R.A., 336 (c. 145).

(58) An Act respecting the Vancouver, Westminster and Yukon Ry. Co. (Mr. Bostock). Int., 146; 2nd R.*, 159; 3rd R.*, 198; R.A., 336 (c. 146).

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(59) An Act to incorporate the Victoria and Barkley Sound Ry. Co. (Mr. Riley). Int., 176; 2nd R.*, 255; 3rd R.*, 327; R.A., 699 (c. 147).

(61) An Act respecting the Burrard, Westminster Boundary Ry. and Navigation Coy. (Mr. Bostock). Int., 176; 2nd R.*, 213; 3rd R.*, 255; R.A., 336 (c. 56).

(62) An Act to incorporate the Prince Albert and Hudson Bay Ry. Co. (Mr. Talbot). Int., 176; 2nd R., 213; 3rd R.*, 327; R.A., 699 (c. 122).

(63) An Act to incorporate the British Canadian Accident Insurance Co. (Mr. Casgrain). Int., 208; 2nd R., 271; 3rd R.*, 558; R.A., 700 (c. 51).

(66) An Act respecting the Abitibi and Hudson Bay Ry. Co. (Mr. Watson). Int., 228; 2nd R.*, 259; 3rd R.*, 306; R.A., 336 (c. 38).

(67) An Act respecting the Alsek and Yukon Ry. Co. (Mr. DeVeber). Int., 228; 2nd R.*, 259; 3rd R.*, 306; R.A., 336 (c. 41).

(68) An Act respecting the Athabaska Ry. Co. (Mr. Talbot). Int., 228; 2nd R.*, 259; 3rd R.*, 306; R.A., 336 (c. 45).

(69) An Act to incorporate the Fort Erie and Buffalo Bridge Co. (Mr. Domville). Int., Co. (Mr. Talbot). Int., 228; 2nd R.*, 259; (c. 83).

(70) An Act respecting the St. Mary's and Western Ontario Ry. Co. (Mr. Ratz). Int., 228; 2nd R.*, 259; 3rd R.*, 306; R.A., 336 (c. 136).

(71) An Act respecting a patent of Thomas L. Smith (Mr. Watson). Int., 176; 1st R., 228; M. 2nd R. (Mr. Watson), rem., Mr. Wilson, 255; Sir M. Bowell, Mr. Campbell, 256; Mr. Jones, 257; Mr. Cloran, 258; Sir R. Cartwright, M. agreed to, 259; 3rd R.*, 332; R.A., 699 (c. 134).

(75) An Act respecting the Canadian Northern Ontario Ry. Co. (Mr. Jones). Int., 332; 2nd R.*, 344; 3rd R.*, 394; R.A., 699 (c. 63).

(76) An Act to incorporate the Canada National Fire Insurance Co. (Mr. Chevrier), Int., 176; 2nd R.*, 213; 3rd R.*, 275; R.A., 336 (c. 60).

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(77) An Act respecting a Patent of the Submarine Co. (Mr. Wilson). Int., 361; M. 2nd R. (Mr. Watson), rem., Sir M. Bowell, 411; Mr. Lougheed, 413; Mr. Wilson, Mr. Campbell, 414; M. agreed to, 415; M. 3rd R. (Mr. Watson), rem., Mr. Lougheed, 568; Mr. Béique, Mr. Bostock, Sir M. Bowell, 569; Mr. Campbell, 570; M. agreed to, 573; R.A., 700 (c. 138).

(78) An Act to incorporate the Superior and Western Ontario Ry. Co. (Mr. Young). Int., 332; 2nd R.*, 344; 3rd R.*, 394; R.A., 700 (c. 139).

(79) An Act respecting the Canadian Pacific Ry. Co. (Mr. Young). Int., 247; 2nd R.*, 268; 3rd R.*, 333; R.A., 336 (c. 65).

(80) An Act respecting the Kootenay and Arrowhead Ry. Co. (Mr. Bostock). Int., 305; 2nd R.*, 332; 3rd R.*, 394; R.A., 700 (c. 97).

(81) An Act respecting the Manitoba and Northwestern Ry. Co. (Mr. Watson). Int., 333; 2nd R.*, 344; M. 3rd R. (Mr. Watson), amt. (Mr. Davis), 386; rem., Mr. Douglas, 390; Mr. Watson, 391; Mr. Davis, 393; amt. (Mr. Davis) carried (c. 26; n.c. 22); M. 3rd R. carried as amended, 394; correction in amt. agreed to, 450; M. not to insist on amts. (Mr. Watson), 513; rem., Mr. Davis, 514; M. agreed to, 516; R.A., 700 (c. 102).

(82) An Act respecting the Monarch Fire Insurance Co. (Mr. Coffey). Int., 352; 2nd R., 382; 3rd R.*, 502; R.A., 700 (c. 108).

(84) An Act respecting the Athabaska Northern Ry. Co. (Mr. DeVeber). Int., 333; 2nd R.*, 382; 3rd R.*, 407; R.A., 699 (c. 46).

(85) An Act respecting the British Columbia Southern Ry. Co. (Mr. Bostock). Int., 333; 2nd R.*, 344; 3rd R.*, 402; R.A., 699 (c. 54).

(86) An Act respecting the Cobalt Range Ry. Co. (Mr. Belcourt). Int., 333; 2nd R.*, 344; 3rd R.*, 386; R.A., 699 (c. 73).

(87) An Act to incorporate the Arnprior and Pontiac Ry. Co. (Mr. Watson). Int., 361; 2nd R.*, 401; 3rd R.*, 438; R.A., 700 (c. 44).

(89) An Act to amend the Government Harbours and Piers Act (Sir R. Cartwright). Int., 493; M. 2nd R. (Sir R. Cartwright), 574; rem., Mr. Lougheed, 575; M. agreed to, 576; in Com., 628; B. rep. from Com. (Mr. Thompson), 3rd R.*, 628; R.A., 700 (c. 17).

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(90) An Act to create a Department of External Affairs (Sir R. Cartwright). Int., 337; M. 2nd R. (Sir R. Cartwright), 356; rem., Mr. Lougheed, 357; Mr. Ferguson, 358; M. agreed to, 360; in Com., on cl. 1, rem., Sir M. Bowell, 394; Sir R. Cartwright, 396; Mr. Ferguson, 398; Mr. Dandurand, 399; Mr. Lougheed, 400; cl. adopted, 401; cl. 4 adopted, 401; M. 3rd R. (Sir R. Cartwright), 403; rem., Mr. Ferguson, 404; M. agreed to, 405; R.A., 699 (c. 13).

(91) An Act to incorporate the Prudential Trust Co., Limited (Mr. Young). Int., 2nd R.*, 464; 3rd R.*, 558; R.A., 700 (c. 124).

(94) An Act respecting the Cedar Rapids Manufacturing and Power Co. (Mr. Belcourt). Int., 287; 2nd R.*, 331; 3rd R.*, 352; R.A., 699 (c. 71).

(95) An Act to incorporate the Royal Guardians (Mr. Casgrain). Int., 352; 2nd R.*, 382; M. to concur in amts. (Mr. Gibson), rem., Mr. Casgrain, 576; Mr. Scott, 577; Mr. Lougheed, Mr. Gibson, 578; Sir M. Bowell, M. agreed to, 579; 3rd R.*, 627.

(96) An Act respecting the Kettle River Valley Ry. Co. (Mr. Ross, Middlesex). Int., 333; 2nd R.*,344; 3rd R.*, 394; R.A., 699 (c. 95).

(97) An Act respecting Insurance (Sir R. Cartwright). Int., 639; M. 2nd R. (Sir R. Cartwright), rem., Sir M. Bowell, 674; B. dropped, 697.

(98) An Act to amend the Exchequer Court Act (Sir R. Cartwright). Int., 418; M. 2nd R. (Sir R. Cartwright), 439; rem., Mr. Casgrain, Mr. Belcourt, 440; M. agreed to, 441; in Com., 458; rem., Mr. Choquette, Mr. Cloran, 460; Mr. Poirier, B. rep. from Com. (Mr. Wood), 461; M. 3rd R. (Sir R. Cartwright), M. in amt. (Mr. Choquette), 494, 495; rem., Mr. Landry, Mr. Béique, 497; amt. withdn., 498; M. in amt. (Mr. Belcourt), 498; on pt. of order (Mr. Lougheed), 613; rem., Mr. Belcourt, 614; Mr. Landry, Sir M. Bowell, Mr. Cloran, 615; Ruling (Mr. Speaker), 616; Debate adjn., 618; rem., Sir R. Cartwright, Mr. Choquette, 664; amt. withdn., M. 3rd R. carried, 665; R.A., 700 (c. 12).

(102) An Act to incorporate the London and Northwestern Ry. Co. (Mr. McMullen). Int., 333; M. 2nd R. (Mr. Ross, Middlesex), rem., Mr. Wilson, 344; Mr. Power, Sir M.

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(103) An Act respecting the National Accident and Guarantee Co. of Canada (Mr. Ratz). Int., 610; 2nd R.*, 3rd R.*, 650; R.A., 700 (c. 113).

(104) An Act respecting the Thessalon and Northern Ry. Co. (Mr. McMullen). Int., 483; 2nd R.*, 558; 3rd R.*, 568; R.A., 700 (c. 140).

(106) An Act to amend the Railway Act (Mr. Dandurand). Int., 558; M. 2nd R. (Sir R. Cartwright), M. agreed to, 618; in Com., rem., Mr. Lougheed, 619; on cl. 13, rem., Sir M. Bowell, 620; Mr. Ellis, Mr. Béique, 621; cl. adopted, 622; B. rep. from Com. (Mr. Perley), 623; M. 3rd R. (Sir R. Cartwright), amt. (Mr. Young), 651; amt. carried, 653; rem., Mr. Béique, M. 3rd R. agreed to, 653; R.A., 701 (c. 32).

(110) An Act respecting Agricultural Fertilizers (Sir R. Cartwright). Int., 418; 2nd R., 441; in Com., 512; B. rep. from Com. Baker), 3rd R.*, 513; R.A., 700 (c. 16).

(117) An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1909, and the 31st March, 1910 (Sir R. Cartwright). 1st R.*, M. to suspend rules (Sir R. Cartwright), M. agreed to, 2nd R.*, 3rd R., 333; R.A., 336 (c. 1).

(122) An Act to incorporate the Cabano Ry. Co. (Mr. McSweeney). Int., 361; 2nd R.*, 401; 3rd R., 438; R.A., 700 (c. 57).

(127) An Act respecting Commercial Feeding Stuffs (Sir R. Cartwright). Int., 418; 2nd R., 442; B. rep. from Com. (Mr. Bostock), 3rd R.*, 513; R.A., 700 (c. 15).

(128) An Act to authorize a loan to the Grand Trunk Pacific Ry. Co. (Sir R. Cartwright). Int., 438; M. 2nd R. (Sir R. Cartwright), 468; rem., Mr. Lougheed, 469; Mr. Casgrain, 476; M. agreed to, 573; 3rd R.*, 573; R.A., 700 (c. 19).

(131) An Act to amend the Canada Shipping Act (Sir R. Cartwright). Int., 418; 2nd R., 443; B. rep. from Com., 462; 3rd R.*, 467; R.A., 700 (c 34).

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(136) An Act to amend the Post Office Act (Sir R. Cartwright). Int., 511; 2nd R., 3rd R.*, 607; R.A., 700 (c. 30).

(137) An Act to amend the Civil Service Act (Sir R. Cartwright). Int., 511; 2nd R., 3rd R.*, 607; R.A., 700 (c. 6).

(146) An Act to amend the Act relating to Ocean Steamship Subsidies (Sir R. Cartwright). Int., 418; M. 2nd R. (Sir R. Cartwright), rem., Mr. Lougheed, 443; M. agreed to, 445; in Com., B. rep. from Com. (Mr. Baird), 462; 3rd R.*, 467; R.A., 700 (c. 36).

(147) An Act to amend the Cold Storage Act (Sir R. Cartwright). Int., 626; 2nd R.*, 3rd R.*, 639; R.A., 700 (c. 8).

(148) An Act to amend the Criminal Code (Sir R. Cartwright). Int., 671; 2nd R., 675; in Com., on cl. 2, rem., Mr. Lougheed, Mr. Power, cl. agreed to, 676; on cl. 228a, amt. (Mr. Lougheed) to strike cl. out, 677; rem., Mr. Power, Mr. Scott, amt. carried (c. 17; n.c. 13), 678; on cl. 292, amt. (Mr. Power) lost, 679; on cl. 424a, rem., Mr. Lougheed, Mr. Choquette, Mr. Gibson, amt. (Mr. Power) to strike cl. out, amt. carried, 680; on cl. 508a, amt. (Mr. Lougheed) to strike cl. out carried, 681; cl. 508b struck out, 682; cl. 2 struck out, 684; on cl. 728a, amt. (Mr. Power) withdn., B. rep. from Com. (Mr. Campbell), 3rd R.*, 686; R.A., 701 (c. 9).

(149) An Act to amend the Extradition Act (Sir R. Cartwright). Int., 418; M. 2nd R. (Sir R. Cartwright), rem., Mr. Lougheed, 445; Mr. Ferguson, M. agreed to, 446; in Com., 467; B. rep. from Com. (Mr. Gibson), 468; 3rd R.*, 502; R.A., 700 (c. 14).

(151) An Act to amend the Exchequer Court Act (Sir R. Cartwright). Int., 626; M. 2nd R. (Mr. Dandurand), rem., Mr. Power, Mr. Belcourt, 639; Mr. Cloran, 640; Mr. Béique, 641; Mr. Ross (Middlesex), 642; Mr. Lougheed, 643; Mr. Choquette, 644; Mr. Cloran, 645; Mr. Power, 646; Mr. Dandurand, 647; Mr. Landry, 649; M. agreed to, 650; in Com., rem., Mr. Bostock, Sir R. Cartwright, Mr. Belcourt, Progress reported, 654; amt. (Mr. Choquette), amt. lost, 671; M. (Mr. Power) that Com. rise, M. carried, 672.

(152) An Act to amend the Navigable Waters Protection Act (Sir R. Cart-

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wright). Int., 493; 2nd R.*, 576; in Com., rem., Sir M. Bowell, 609; B. rep. from Com. (Mr. Bostock), 3rd R.*, 610; R.A., 700 (c. 28).

(153) An Act respecting the National Transcontinental Ry. (Sir R. Cartwright). Int., 418; 2nd R., 447; B. rep. from Com., 462; 3rd R.*, 467; R.A., 700 (c. 26).

(154) An Act respecting the Harbour Commissions of Montreal (Sir R. Cartwright). Int., 610; 2nd R.*, 633; B. rep. from Com. (Mr. Thompson), 3rd R.*, 633; R.A., 700 (c. 24).

(156) An Act to amend the Yukon Act (Sir R. Cartwright). Int., 418; 2nd R.*, 447; B. rep. from Com., 462; 3rd R.*, 467; R.A., 700 (c. 37).

(159) An Act to establish a Commission for the Conservation of Natural Resources (Sir R. Cartwright). Int., M. 2nd R. postponed, 511; M. 2nd R. (Sir R. Cartwright), 607; rem., Sir M. Bowell, M. agreed to, 608; B. rep. from Com. (Mr. Campbell), 3rd R.*, 609; R.A., 700 (c. 27).

(162) An Act to amend the Customs Tariff, 1907 (Sir R. Cartwright). Int., 418; M. 2nd R. (Sir R. Cartwright), rem., Sir M. Bowell, 448; M. agreed to, 450; 3rd R.*, 502; R.A., 700 (c. 10).

(164) An Act to amend the Intercolonial and Prince Edward Island Ry. Employees' Provident Fund Act (Sir R. Cartwright), Int., 2nd R.*, 3rd R.*, 626; R.A., 700 (c. 20).

(165) An Act respecting the Department of Labour (Sir R. Cartwright). Int., 626; M. 2nd R. (Sir R. Cartwright), 655; rem., Mr. Lougheed, 656; Mr. Dandurand, 658; Mr. Ross (Middlesex), 659; Sir M. Bowell, 660; Sir R. Cartwright, 663; M. agreed to, 3rd R.*, 664; R.A., 700 (c. 22).

(174) An Act to correct a clerical error in Chapter 63 of the Statutes of 1908 respecting Ry. Subsidies (Sir R. Cartwright). Int., 626; M. 2nd R. (Sir R. Cartwright), rem., Mr. Lougheed, 672; M. agreed to, 3rd R.*, 673; R.A., 700 (c. 35).

(186) An Act respecting certain aid for the extension of the Canadian Northern Ry. (Sir R. Cartwright). Int., 626; 2nd R., 3rd R.*, 673; R.A., 700 (c. 5).

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(187) An Act to authorize certain increases of salary to members of the Civil Service; Inside Service (Sir R. Cartwright). Int., 671; 2nd R., 686; in Com., rem., Mr. Landry, Mr. Scott, 687; Mr. Landry, Mr. Watson, 688; B. rep. from Com. (Mr. Gibson), 689; 3rd R., 690; R.A., 701 (c. 7).

(191) An Act to authorize the raising by way of loan of certain sums of money for the public service (Sir R. Cartwright). Int., 671; M. 2nd R. (Sir R. Cartwright), 690; rem., Mr. Lougheed, Sir M. Bowell, 691; M. agreed to, 3rd R.*, 692; R.A., 700 (c. 23).

(192) An Act to provide for further advances to the Harbour Commissioners of Montreal (Sir R Cartwright). Int., 626; M. 2nd R. (Sir R. Cartwright), rem., Mr. Lougheed, 673; M. agreed to, 3rd R.*, 674; R.A., 700 (c. 25).

(193) An Act to amend the Judges Act (Sir R. Cartwright). Int., 671; M. 2nd R. (Sir R. Cartwright), rem., Mr. Landry, 692; Mr. Choquette, 693; M. agreed to, 3rd R.*, 693; R.A., 701 (c. 21).

(195) An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 31st March, 1909, and the 31st March, 1910 (Sir R. Cartwright). 1st R.*, 2nd R., 698; 3rd R.*, 699; R.A., 701 (c. 2).

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