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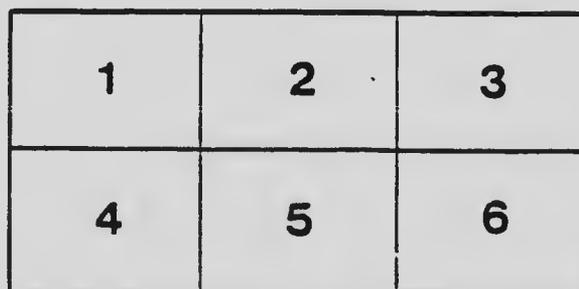
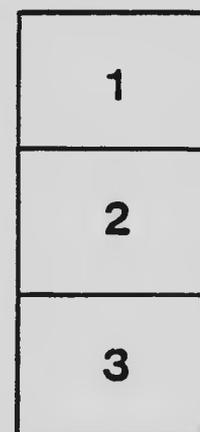
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ENGINEERING

ITS EXHIBIT (S)

Open Letter Regarding the Introduction Into the Provincial Legislature of a Bill of the Canadian Society of Civil Engineers Which Has Its Headquarters in the City of Montreal as Ordered by That Society's Council. For Making All Branches of Engineering Into a Close Corporation.



Open Letter Regarding the Introduction Into the Provincial Legislature of a Bill for the Incorporation of the Canadian Society of Civil Engineers Which Has Its Headquarters in the City of Montreal as Ordered by that Society's Council. (See Report of the Can. Soc. of Civil Engineers, January, 1907).

SHOWING REASONS AGAINST THE BILL

Dear Sir:

It is needless to say that the task of writing this letter is undertaken with reluctance. But when you have read the facts given in this and the other documents you will hardly fail to see the task was a necessity.

The Canadian Society of Civil Engineers has its headquarters in Montreal, Province of Quebec. Its quarters are fixed there by its Constitution under a Dominion Charter. It has just directed (see its report for January 1907) that its well known Bill for Close Incorporation (disqualifying every other engineer from practising except its own members) shall be introduced into the Legislature of the Province of this session.

What is going to be asked from you is a Law that no one can practise any kind of engineering in the Province without he is a member of that Society. To use a common expression a monopoly in engineering is asked from you for members of that Society.

There are many kinds of monopolies. The doctors and lawyers have monopolies in their professions.

QUOTATION FROM A PROMINENT LAWYER OF TORONTO.

A leading lawyer of Toronto wrote:—"Doctors and lawyers have to deal with many ignorant and unsophisticated persons who require to be protected, but engineers have to deal with corporations, municipalities, capitalists, companies and governments that are neither ignorant nor unsophisticated and need not be protected."

THE MONOPOLIES OF DOCTORS AND LAWYERS

It is not necessary to make much remark upon the Close Corporation privileges of doctors and lawyers. Their forms of monopoly are practically of an innocent character and principally consist in reserving the work in their professions in the Province for the benefit of the doctors and lawyers who live within the provincial boundaries. If any one passes the examinations which these Close Corporations may set up they do not dream of making a further requirement that the person shall further undergo the process of being elected into their Close Corporation with the further provision that if ten per cent. of the vote cast be negative the unfortunate candidate shall be excluded from practice after having passed all examinations set up. Such a machinery would carry its condemnation on its face if asked for by the doctors or lawyers of this province and the doctors and lawyers would not conceal such a provision under cover of their internal by-laws.

THERE ARE DIFFERENT KINDS OF INCORPORATION.

Common or open incorporation is a simple business matter that affects nobody except the individuals incorporated. It gives them no monopoly. Close corporation has many degrees of Closeness. In the case of doctors and lawyers we are fairly familiar with its external effects which may be summed up in two or three features. (1) It "protects" its men from competition. (2) It gives them the power to fix the fees that the public shall pay.

But here is a very different degree or kind of close incorporation. Here is the strong thing elaborated carefully by engineering skill and with its by-laws besides the bill itself skillfully welded into one whole although more than half hidder externally.

But the Close Incorporation Bill that the Council of the Canadian Society of Civil Engineers has just directed to be introduced into the Legislature this session has features which are best made clear in the accompanying explanations and therefore words need not be wasted upon it in this part of this letter.

HISTORY OF THE BILL IN QUEBEC PROVINCE.

This Bill was rejected in Quebec when it was first introduced. It was reintroduced in a following session then passed and is still in force there. The barbers of the Province of Quebec copied the bill and introduced a Close Incorporation Bill for themselves. It was defeated (it caused much amusement when defeated). But the Barbers Reintroduced Their Bill for close incorporation the following session and in the absence of its opponents the Barbers' Close Incorporation was passed and now in the Province of Quebec no one can cut hair for pay unless the barbers have admitted him into their Close Incorporated Society upon their own conditions.

HISTORY OF THIS BILL IN PROVINCE OF ONTARIO.

This bill has been four times rejected in the Legislature of the Province of Ontario. Its histories are very curious. They are printed in detail by the Dominion Institute of Amalgamated Engineers and it is not unlikely that these histories may be distributed before the session closes.

HISTORY OF THIS BILL IN NOVA SCOTIA.

It was killed on its introduction into Nova Scotia Legislature by the meeting men who naturally disliked to be disqualified by such a Society.

HISTORY OF THIS BILL IN MANITOBA.

It was passed at its first introduction into the Manitoba Legislature just as it would be passed in this Legislature, as people did not understand its nature. However, at a following session of the Manitoba Legislature they repealed its penalty clause, thus making the bill of no effect. It was reintroduced in 1902 in Manitoba and rejected. This fact is borne in mind because in the report of the Canadian Association of Civil Engineers for 1906, this Manitoba Bill is printed at length as if it were still in full force and no mention made of the facts which are as above stated.

SOME THINGS CONTAINED IN THE CLOSE INCORPORATION BILL THAT IS TO COME BEFORE THE LEGISLATURE.

The general features of this particular Close Incorporation Bill are as follows:

(1) Only the members of this Civil Engineering society would be allowed to do professional work of any kind of Engineering and as the Civil Engineers out of their field in Electrical or in Mechanical or in Mining or in Chemical Engineering it gives a kind of admiration for the boldness of this effort.

(2) The By-laws of the Can. Soc. of C. E. are to be made part of the Law. Indeed this could not be avoided because it is incorporated already under a Dominion Act and its Constitution, and By-laws, cannot be changed except by a two-thirds vote, this is a fact quite independent of any bill that might be passed in this Legislature and no matter what the external provisions of a Bill passed here the facts would remain. That no one could practice if he were not a member of this society and also the fact that the By-law to that effect could not be changed unless with a two-thirds vote which will never be voted in the direction of lessening its internal restrictions. Why should they vote to move restrictions if once they obtain the restrictions?

(3) This Bill thus defines itself in the By-laws of the Society as follows:—

The expression Civil Engineer means anyone who acts or practises as an Engineer in advising on, or in making measurements for or in laying out or designing or supervising the construction of Canals, Aqueducts Drains Harbours Docks River Improvements Lighthouses Dykes Dams Railways Bridges Power Plants Water Works Sewerage Works and all Hydraulic, Municipal Sanitary, Electrical, Mechanical or other Engineering Works or in the study and practice of Navigation by Water, or Air or in directing the great sources of power in nature for the use and convenience of man.

(4) From the foregoing quotation from the official claims of the Society it is clear enough that the powers sought from the Legislature amount to a PATENT RIGHT or a FRANCHISE for its members, over every application of modern Science for the use or convenience of man. Its Bills would reserve for its members the directing of applied science. The invariable course of its promoters has been to deny every assertion against the Bill. No doubt they will deny that this is in the By-Laws of their Society.

Every word of the above was attempted to be legally enacted in the latest failure, namely the Bill that was thrown out of the Ontario Legislature in Toronto in 1902. Indeed it is also in the Bill that you will be asked to make Law in this Legislature this session Denials are nothing to them, they are used to such.

(5) Unlike the Laws for the lawyers and doctors this bill gives no "PROTECTION" to residents of this Province. The only "Protection" it desires to give is to the Members of its own Society who are to be free to come and go independent of Provincial Limits so long as they pay their annual fees to the Secretary at Dorchester Street, Montreal.

(6) Apprenticeships are enacted of two years service for Graduates of Engineering Colleges to members of the Society and of five years service to members of the Society for all other persons except practising Engineers.

(7) Fees of \$60 are established before you can have permission to be examined to pass as a member and after paying these fees you may never be a member if you are not then elected by a vote and if ten per cent of the vote cast be negative you are then excluded.

(8) This bill debars all other engineers except its members. Incidentally this means that the Dominion Institute of Amalgamated Engineering is to be abolished and the Electrical Association is to be abolished and the Mining Institute is to be abolished and every other Engineering Society for ever in the Province (or Dominion if possible) is rendered impossible for as long as the Canadian Society possess such powers as the Bill gives.

What kind of wisdom will be shown by giving such power to the Canadian Society of Civil Engineers whose head quarters are in Montreal fixed there by its Constitution.

(9) Incidentally (but not accidentally) the Bills are such that you can not gain admission to the Society without complying with its internal by-laws. This makes it practically impossible for this Society to carry out, even if it would accept it, a liberal Bill because such a Bill would inoperative for any person until he was admitted into the Society and the internal By-laws are practically unchangeable as they require a two-thirds vote and the whole spirit of the Society and of its attempted Bills is restrictive and no by-law removing restrictions to entrance internally could have the least chance of a two-thirds vote. On the contrary if further restrictions upon the number of practitioners were put to a vote in the Society there is little doubt that a unanimous vote would be given for such further limitation of the numbers allowed to compete for employment.

This peculiarity in the Bill that you must comply with the by-laws REGULATING ENTRANCE into the Society in addition to the conditions of the Bill itself renders it possible for the Society at any time after passage of a bill to put up any kind of by-laws it chooses. What might this mean? And the Legislatures have been regularly asked to give such powers.

It is true that the Quebec Bill provides that any FUTURE change in by-laws "Shall not have the effect of Law until it receives the signature of the Lieutenant Governor." Thus without notice to those Interested and Without Publicity and Without any Chance of Those Affected having a hearing and without the knowledge or consent of the Legislature the leaders of this Society are to be able to propose a technical regulation (TO HAVE THE EFFECT OF LAW) to a non-technical Lieutenant Governor and ask for his signature upon their (shall we say) representations.

The local promotors will deny all these matters but these denials have been discredited by every Legislature except that of the Province of Quebec. Also the local promotors will assert all the

gags in their power against any one who opposes this bill but we are used to it now.

THE USUAL MEASURES WILL BE FOLLOWED

The methods used by the promotors of this Bill are as follows:—

1. They appoint a Local Committee on Close Incorporation to work for the Bill.
2. They obtain an M. P. P. to introduce the Bill.

The last attempt in Ontario was under the garb of an EDUCATIONAL Bill handed down under their skill by the minister of Education to the House through Mr. John Gross M. P. P. The Government detected it before too late and the Premier moved that the bill be thrown out.

The next measure on the program is to make the boldest assertions as follows :

That the Canadian Society of Civil Engineers contains about all the Engineers in the Dominion.

This is absurd. Very few of the Electrical Engineers or the Mining Engineers or the Steam Engineers or the Mechanical Engineers belong to the Can. Soc. of C. E. In fact a number of the members of the Can. Soc. of C. E. belong to the Dominion Institute of Amalgamated Engineering, notably Sir Sandford Fleming K.C.M.G

Another assertion, a favorite one, is that "we want to elevate the Profession." They say "we want to give educational facilities to young Engineers" They assert that "we want to protect the public." Another assertion is "All other societies of Engineers are insignificant." Another assertion is "Civil Engineering includes all other kinds of Engineering" Another measure usually taken is to deny every fact that is stated in opposition to their wishes.

THESE MEN MUST BE EXCUSED TO A GREAT EXTENT

There are several reasons why these promotors should be excused for their measures. In the course of the ten years struggle that has so far resulted in maintaining the profession of the scientific services of Canada open for the benefit of the public and for permission to our young men to follow these pursuits in their own country, I may accurately state that I have not found one man among the promotors who understands the Bill or who was acquainted with the By-laws of his own Society with the exception of the small group of persons in Montreal who drafted the Bill and to whose ceaseless activity and persistence of character the long continued re-introductions of this Bill are due.

The promotors always trust that their assertions and their denials will satisfy the M. P. Ps. as the subject is so technical and little information is abroad about it.

In these calculations they are not far astray for there is little doubt the Bill will be passed with very little delay unless the M.P. Ps. take the trouble to carefully exercise their judgement upon the facts presented to their notice.

There are Several Different Methods for Regulating Engineering Which May be Called Inferior, Most Inferior and Fair

The best way with the mathematical technical callings is to let them alone. It is better for the public interest to let them be free. But if these pursuits must be subjected to rules owing to the clamour of Promotors there are three courses which may be compared with each other always bearing in mind that the objects are to be as follows: (a) To ensure a good standard of competence and (b) to give the public some means of discriminating between the men of superior and inferior powers of service in Engineering work.

1. The first method that can be adopted is to trust the regulating of both (a) and (b) to the control of a Closely Incorporated Society under reasonable rules and limited to residents of the Province and subjected to the control of the Provincial Legislature or at least accountable to the Provincial Legislature by the fact that the members of the said Closely Incorporated Society are necessarily residents of the Province and thus under the Legislature such as would be the case with a closely Incorporated Provincial Association for the doctors or the lawyers of this Province.

2. By trusting to a closely Incorporated society under unreasonable and condemned rules such as are now sought by the Canadian Society of Civil Engineers bill, an organization whose head quarters are in a very distant Province and of whose Members not 3 per cent. in number are residents of your Province and which works under a charter not granted by your Province and whose rules and spirit have been so frequently condemned by their continual rejection by so many other Legislatures.

(3) Or by controlling the profession by a system of fair Government licensing easily modified and improved as circumstances shall give additional light upon the subject in the Province, and granted only to residents within the boundaries of your Province but at the same time interposing no serious obstacles to men becoming residents, these licenses to be granted by a Board of Representative technical impartial men who shall represent not only one Society (making extravagant claims for itself and with the quite openly avowed intention of disqualifying every other organization except its own members) but also all the technical Societies or organizations which can be secured to add their judgment to aid in the matter.

How much more common sense there is in forming such a Representative technical Board representing many scientific organizations than to give over the control to one Society which quite openly with amazing simplicity states that its avowed intention is to disqualify and extinguish every other organization except itself and to forbid any other engineer to work except its own members in such a vast field of progress as **'All the Great Sources of Power in Nature for the Use and Convenience of Man'** This little quotation is only a small extract from the extravagant recital of its claims in its By-laws. This Society governed practically by three or four persons (its officials) resident permanently in Montreal, has declared its intention to "obtain these powers over every Province in the Dominion" that means over every portion of British North America and under its beautifully manipulated & adjusted By-laws (so often condemned by Legislatures). As most of its members are level head-

ed men it renders evident the truth of my previous remark "That excepting a small group of the promoters in Montreal I have not yet met one man among the Society who knew his own By-laws or understood his own bill" or how it is capable of being applied.

INCIDENTS THAT HAPPENED TO THE BILL WHEN IT WAS BEFORE THE ONTARIO GOVERNMENT PRIVATE BILLS COMMITTEE IN TORONTO

In all the previous attempts to pass this Bill the promoters have engaged a lawyer of high standing to conduct it through the Legislature and their lawyer has appeared before the Legislative Committee on Bills and addressed the Committee in favour of the Bill.

Here is an extract from a printed narrative referring to the rejection of the Bill by the Ontario Legislature in 1899 when the lawyer for the bill had spoken to the Private Bills Committee in favour of the bill. The large committee room of the Private Bills Committee of the Toronto Parliament Buildings was on this occasion crowded with the persons interested and the Chairman of Committee, the Hon. Atty. General had been interviewed and the promoters stated freely that he was very favourable to their bill. This was probably incorrect but even if it were true at that time the same Atty. General was found extremely unfavourable to their bill on its next introduction in 1902.

In the address of the lawyer to the committee introducing the bill in 1899 he said:—"This bill is for the purpose of granting educational facilities to young engineers and this bill is intended to raise the standard of education in the Province and this bill is in order to protect the public and this bill is not going to interfere with practising engineers and this bill is intended to elevate the standard of engineering. Here is the extract :

Ontario Close Incorporation Bill of 1899

This bill was introduced in the Legislature, February 22nd near the close of the session. Two previous Legislatures had refused this bill. Before its opponents even had notice of its existence it had passed its second reading in the house. It was then stopped in Committee.

It contained the usual "smart" clauses and ambiguous meanings. It is characterised by the Globe as "indeed atrocious". If passed it would have left nothing more for the Canadian Society of Civil Engineers to desire.

After the promoters of the bill had addressed the Committee for 25 minutes in its favour the Secretary of the D.I.A.E. rose and said to the Committee. "Every clause of this bill has been misinterpreted to the members of this Committee." Everything that this Bill contains has been stated not to be contained in it and it has been asserted that everything that this Bill does not contain is contained in it."

This assertion of the Secretary of the D.I.A.E. to the Committee was not attempted to be refuted. It was too true. With the bill on the table in front of the Members of Committee, the Committee threw out the bill unanimously by show of hands.

Ontario Close Incorporation Bill of 1902

This was introduced and read a first time on 19th February near the end of the session without any previous warning or notice in the Gazette. We can only surmise why this Bill was not properly introduced at the outset of the session, in time for the Engineers of Ontario from Cornwall to Port Arthur to examine and to take warning.

This Bill reduced its apparent claims on its face so as to only apply to men who did not hold a diploma of graduation from some Engineering College "qualified to do so," and it exempted members of the Canadian Mining Institute, but "validated" the by-laws of the Canadian Society of Civil Engineers, and would have made them the "Law of the Country." As these by-laws not only contained all the excessive restrictions of the former bills, but were also capable of amendments by the Society at any future time, it is plain that the apparent "simplicity" of this bill merely amount-

ed to an attempt to lead the Legislature to suppose the Bill was simply its face meaning.

Let it be noted by those practicing Engineers who think the Canadian Society of Civil Engineers wants to "protect them." that this Bill made no concessions to any persons except the persons holding diplomas from colleges "entitled to grant Engineering diplomas" and to the Canadian Mining Institute, and the Land Surveyors. Its framers offered no mercy to such insignificant persons as practical Engineers or even students from such Institutions as the Toronto Technical School with about eight hundred students and its well equipped class rooms, and courses of instruction in Electrical, Mechanical and Chemical Engineering.

Thus the plan of action of the Canadian Society of Civil Engineers for this season in Ontario appears to have been as follows :

1. Bring in the bill late in the session.
2. Try and get it made a "Government" Bill on the plea of it being "simply and purely an educational measure"
3. Lull the Engineering Faculty (Professors) of Queen's University and the students of the Engineering Universities of Canada and the members of Canadian Mining Institute into inaction by apparently exempting them for a time—this failed.
4. And at a future session of the Legislature the Canadian Society of Civil Engineers might bring up a bill to amend the bill of 1902 somewhat, for instance, as follows:

"And in order to secure the needed uniformity in Engineering standards of education, be it hereby enacted that the graduates of Queen's University shall not have their diplomas of graduation recognized by the said Canadian Society until such time as the course of study and the Professors of the said Queen's University shall have been made satisfactory to the said Canadian Society of Civil Engineers, &c. &c.

5. Make such representation to a Cabinet Minister as should induce him to introduce the bill as a Government measure "purely for educational purposes." This failed. At its third reading the Premier rose and moved that the bill be thrown out.

DRAFT OF A REASONABLE BILL FOR LICENSING RESIDENTS OF THE PROVINCE UNDER THE AUTHORITY OF A REPRESENTATIVE TECHNICAL BOARD APPOINTED BY THE LEGISLATURE

A draft of this Bill is forwarded to you in another place. It is a method which will enable the public to discriminate as to the holders of the first and second and third class Licenses and will also do much to raise the standard among Engineers because natur-

ally the holders of third and second class Licenses will certainly aim at gaining first class Licenses.

EVERY CLAUSE IN THE LICENSE BILL REPRESENTS THE REALITIES OF THE PROFESSION OF ENGINEERING.

The clauses of the Bill are analyzed in detail at another place in these exhibits and need not be gone into here except as an illustration of its realities. For instance the department of Mining which is more important than Civil Engineering would have three representatives against one representative for the Can. Soc. of Civil Engineers and the Dominion Institute of AMAGAMATED ENGINEERING would have three representatives being an Institute composed of an amalgamation of a number of different branches of engineering and not confined to Civil Engineering which the Can. Soc. of Civil Engineering has resolved by a recent vote to do for itself. Practically speaking the Dominion Institute might have five representatives corresponding to its five branches of engineering namely, mining, civil, electrical, mechanical and steam engineering.

KIND WORDS FOR THE ENGINEERS

Engineering is a rough profession and the men who follow it may be excused for desiring to be more liberally rewarded for their services. In many cases they are men past middle age who have not had a regular education in scientific knowledge. They see with dismay the crowd of highly educated college graduates from the Engineering colleges pressing them harder year by year. The idea of subjecting these college graduates to apprenticeships and to premiums for "serving" them is fascinating and the idea of "Power by Law" to fix their own fees upon the public by their by-laws like the Doctors do is equally attractive. The idea of disqualifying the members of all other societies except their own society and also of getting a law legalising their own by-laws is a thing worth working hard to obtain. Hence this Canadian Society of Civil Engineers states in one of its reports or proceedings that eleven thousand dollars has been set aside "for the purpose of obtaining Close Incorporation Laws in all the Provincial Legislatures"

But while we can sympathise with the hardships and desires of these men who desire to be so strongly "protected" we can better help them in a wiser way than the method which they have so frequently attempted in Ontario and elsewhere. Let us give them a Licensir bill under control of the Legislature which will really help them better than by a close incorporation bill with all its faults

In Truth There is no Need for any Bill

The truth is that no law is needed about Engineering. To quote the words of the late Principal Grant written regarding this Can. Soc. Close Incorporation Bill—"I believe that free competition is better."

This country is year by year receiving hosts of highly educated graduates in Engineering, Mining and Civil and Mechanical and Chemical and Electrical. These are the real engineers of Canada and the promoters of the Close Incorporation bills are only the pebbles on the shores of advancing tides of science. The reality of the case is that these bills are being so persistently pushed in the interests of the inferior class of Engineers. If they succeed it will have the effect of lowering the standard of ability for it is quite evident that the best graduates and men will go elsewhere and leave the field clear for the protected men.

The Result Upon the Township and County Engineering Work and Expenses

If this bill passes then the only men who can do the local municipalities work must all be members of the Can. Soc. of Civil Engineers and the ratepayers must pay well for them. Also the city engineers of the Province must be selected from the ranks of the close corporation and at the standard of professional fees which the Society can and would establish.

The whole engineering development of this Province (civil and mining and mechanical and electrical and sanitary and drainage) will be saddled by the powers of this close corporation. And for what reason? Not even to "protect" the residents of this province but for the benefit of a corporation whose headquarters are fixed permanently in Montreal and 97 per cent. of its members outside this Province and the benefits are to be for its members and the fees for its officials.

I have placed this subject before you. The promoters will deny it all, if I were present they should not deny it. The bill will probably pass in your Legislature because its lines of approach will be carefully laid and a clever Lawyer of course will be engaged and there will be found quite a push behind it. What is everybody's business is said to be no nobody's business and unless an organized resistance is ready to oppose the bill it may be looked upon as passed.



