DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1907-8

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1908

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

FOURTH SESSION OF THE TENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON THURSDAY, THE TWENTY-EIGHTH DAY OF NOVEMBER, IN THE SEVENTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII.

THE SENATE.

OTTAWA, Thursday, May 14, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (YY) An Act respecting the Crown Life Insurance Company.—(Hon. Mr. Lougheed.)

QUEBEC BRIDGE AND RAILWAY COMPANY.

Hon. Mr. LANDRY inquired:

Does the government intend to substitute itself for the Quebec Bridge and Railway Company, as it has reserved the right to do, in virtue of the contract entered into between it and the said company on the 19th October, 1903?

Is it true that in such event the Government would be then held to reimburse to each of the shareholders of the said company the whole amount of capital paid up by such shareholders, together with interest at five per cent upon all his payments from the date of each payment, and moreover a premium of ten per cent upon the capital paid by each shareholder into the capital of the company?

And in case of the government deciding to make thus a triple payment to each shareholder, of entire reimbursement of his capital, of payment of the interest accrued thereon, and of a premium of ten per cent, is it then the intention of the government to effect these payments without delay and without reserve, or does it propose to wait, before making them, until the courts of justice have established what are the responsibilities which may weigh upon the company, and what are the pecuniary damages which the company may be condemned to pay to the heirs of the unfortunate victims of the terrible collapse of the month of August last?

Hon. Mr. POWER—I wish to raise a question of order with respect to this notice. The first part of the notice, I think, is in order: 'Does the government intend to substitute itself for the Quebec Bridge and Railway Company, as it has reserved the right to do, in virtue of the contract entered into between it and the said company on October 19, 1903,' but I contend that the other two paragraphs are out of order, because they are hypothetical. The second one wants to know, if it is true, if such a thing happens, what will the government do? A question of that kind is clearly hypothetical.

Hon. Mr. LANDRY—No, no.

Hon. Mr. POWER—And the last paragraph is open to the same objection; in case the government does so and so, what is to happen. The authorities which I read yesterday included, among notices and questions, which were irregular and out of order, hypothetical questions, and I simply wish to add—it is a matter which does not require any argument—that at

page 116 of Blackmore's Speakers' Decisions, I find this statement: 'Hypothetical questions should not be put,' and he cites two cases, the Esquimalt Dockyard and the protection of British subjects in Mashonaland. It is not necessary to argue the case. It is perfectly clear.

Hon. Mr. LANDRY—The first question not being hypothetical, if the government reply that they intend to do the thing it asks for, then, as a consequence, the other questions cease to be hypothetical. If on the other hand the government declares that they have no intention to do what is asked by my first question, then there is no necessity to answer the other questions and the government will probably decline to answer them.

Hon. Mr. SCOTT—I have no objection to answer the first paragraph; no decision has been come to by the government on the subject.

Hon. Mr. LANDRY—That settles the other questions.

The SPEAKER—The form is somewhat altered, but is covered, I believe, by practice. The first question being in order, if it is answered in the affirmative, the others are in order although the form is not according to the general traditions.

PAYMENTS TO MR. PARENT.

Hon. Mr. LANDRY inquired:

Over and above the $24,250 already received by Mr. Parent for the payment of so-called services rendered to the Quebec Bridge and Railway Company; and besides the bonus of $3,000 which the company voted to Mr. Parent, the day after the collapse of the bridge, and which is not comprised in the $24,250 above mentioned, did the company on the first day of the present month owe any amount whatsoever to Mr. Parent?

What is that amount?

Is it also for the services rendered?

What services?

Hon. Mr. SCOTT—As to the first inquiry, the answer is, none, nor is the bonus claimable in any way. Mr. Parent refused it when the shareholders voted it to him at their annual meeting last year. The other inquiries are all answered by that.

Hon. Mr. LANDRY—The bonus is claimable for the simple reason that the motion giving it has not been cancelled. One day or another Mr. Parent will have it with the accrued interest.

CLAIM OF MR. ULRIC BARTHE.

INQUIRY.

Hon Mr. LANDRY inquired:

Over and above the $16,890 which as secretary of the Quebec Bridge and Railway Company he has drawn, and the $425 which he has received for his travelling expenses, has Mr. Ulric Barthe any other claim against the company for his services as secretary, for additional travelling expenses, or for any other object, up to the 1st of May instant?

To how much does such claim amount?

Has it been paid?

How much has he received and how much remains due to him?

Hon. Mr. POWER—It seems to me that inasmuch as this question deals with moneys which are not public funds, but moneys of a private corporation, the government cannot be expected to answer it.

Hon. Mr. LANDRY—But the government is responsible.

Hon. Mr. SCOTT—I should like the ruling of the Speaker on that point. I am prepared to answer it, if it were not to be taken as a precedent, because I think the government are only bound to answer questions where they are in a sense responsible that the money is properly expended. This money the government have no control over.

Hon. Mr. LANDRY—It is taken out of bonds guaranteed by the government.

Hon. Mr. SCOTT—Then under that, the government would be responsible for the expenditure of millions of money they guarantee. They have guaranteed the bonds of the Grand Trunk Railway, of the Canadian Northern, and various other enterprises, but no one will say that they should be held responsible for the expenditure of that money. That would not be sound doctrine.

Hon. Mr. LANDRY—The government has already answered those questions.

Hon. Mr. SCOTT—It is a matter of grace where the parties choose to give the information, but we cannot compel them to give the answer, and I do not think the House is entitled to it. I would ask the ruling of the Speaker.

Hon. Mr. LANDRY—I accept the answer of the government that the company refuses to give the information.

Hon. Mr. SCOTT—No, not on that ground at all. There are several of the hon. gentleman's questions that I think are not proper inquiries, because the government cannot control the expenditure of the money. He does not mean to say, surely, that when we guarantee the bonds of a railway we are responsible for the way the money is expended ?

Hon. Mr. LANDRY—I want to remind the House, that I asked a question some time ago as to the amount paid to Mr. Barthe, and the government gave me those figures themselves. I am asking does that amount comprise all that is due, or is there something more ? Now, as to the other questions, that the expenditure is not controllable by the government, one must not forget that, here is a company with a capital of $65,000 subscribed, and nevertheless they have paid their directors $112,000 merely for attending meetings of the company. The only revenue they have is what the country gives them. They are spending the people's money, and I want to know if there is more of the public money to go to Mr. Barthe for any claim he may have against the ocmpany.

Hon. Mr. SCOTT—As I said before, I do not want it quoted as a precedent in matters of this kind, and when his Honour the Speaker rules I will reply.

The SPEAKER—The Chair is not in possession of the facts and contracts which relate to the public expenditure, and I would rather leave the government to take their own position inasmuch as they have more information than the Chair can have. I am not sufficiently *au fait* as to the situation between the company and the government.

Hon. Mr. LANDRY—All those papers are before the House. The contract between the government and the country forms part of one of our statutes. They are before this House and the country. I am only asking about the expenditure of public money.

Hon. Mr. SCOTT—I am quite prepared to give the information if it is not to be regarded as a precedent, because hereafter it may be quoted, and it is a very improper thing to do. I am always anxious to give the fullest information I can to members of the House.

Hon. Mr. LANDRY—We shall not consider it as a precedent. I am willing to accept an answer and not regard it as a precedent.

Hon. Mr. SCOTT—If the hon. gentleman is willing not to accept it as a precedent, I will give him the answer. The answer is : 'Nothing outside of his monthly salary.' Then the other three questions are answered by No. 1. They made the inquiry from the Department of Railways and Canals and that is the answer they received.

Hon. Mr. LANDRY—Nothing outside of his monthly salary ?

Hon. Mr. SCOTT—No.

QUEBEC BRIDGE AND RAILWAY COMPANY.

Hon. Mr. LANDRY inquired :

What is the annual salary to which Mr. Barthe has at present a right as secretary to the Quebec Bridge and Railway Company?
Since when has Mr. Barthe received this salary?
What was his salary for the same employment previously?

Hon. Mr. SCOTT—The answers are as follows :

1. $2,400.
2. Since May 1, 1906.
3. $2,000 a year.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired of the government :

Over and above the $45,000 paid to Mr. Hoare as chief engineer of the company by the Quebec Bridge and Railway Company of which Mr. Parent is president, has he received any other sums of money from the Transcontinental Railway Commission, of which the same Mr. Parent is also president?
How much, in each year, for the years 1904-5, 1905-6, 1906-7 and 1907-8?
For what services?

Hon. Mr. SCOTT—This is a proper question, but I have not the information.

Hon. Mr. LANDRY—I suppose all the questions that are proper are unanswerable.

It is only the improper questions that the government are willing to answer. Let this one stand till Tuesday.

Hon. Mr. SCOTT—I cannot say when it will be ready.

The question was allowed to stand.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has there been at any time, and particularly during the period comprised between the 1st July, 1906 and the 1st May, 1908, at Quebec, a committe known under the name of the Quebec Terminus Committee?
2. From what company, association, or organization, did this committee proceed?
3. Who was its president?
4. Who acted as secretary?
5. Who were the members of it?
6. Where were its sittings held?
7. How many sittings has that committee held? On what dates?
8. Has the government paid anything whatsoever to the president or to the secretary of that committee?
9. How much to each?
10. And under what authority?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. Yes, the Quebec Terminal Committee.

2. It was called on the initiative of the National Transcontinental Railway Commission.

3. Mr. Rodolph Audette.

4. Mr. Ulric Barthe, on motion of the committee.

5. Representatives of the Allan Lines, representatives of the Canadian Pacific Railway Company, representatives of the Grand Trunk Railway, representatives of the Grand Trunk Pacific Railway, representatives of the Canadian Northern Railway, representatives of the Delaware and Hudson Railway, representatives of the Quebec Central Railway, representatives of the Quebec and Lake St. John Railway, representatives of the Quebec Railway, Light and Power Company, representatives of the Dominion Steamship Line and Lloyd's, &c., representatives of the Quebec Transport Company, representatives of the Intercolonial Railway, representatives of the City Council of Quebec, representatives of the Board of Trade, representatives of the Harbour Commissioners, representatives of the Quebec Bridge and Railway Company, and Messrs. A. E. Doucet, district engineer Transcontinental Railway Commission, E. A. Hoare, chief engineer, Quebec Bridge and Railway Company, St. George Boswell, engineer, Harbour Commissioners as engineers to the said committee.

6. At Quebec.

7. Seven meetings, including subcommittee meetings. On October 12, 1906, November 7, November 20, 1906.

8. Nothing was paid to anybody.

9. Answered by No. 8.

10. Answered by No. 8.

OPERATION OF MARITIME COAL AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. McSWEENEY inquired :

What were the revenues and expenses, as well as the costs of operation and the receipts of the company called the Maritime Coal and Railway Company (formerly Joggins) for the years 1906 and 1907?

Hon. Mr. SCOTT—The answers are as follows :

Canada Coal and Railway Company, formerly Joggins' Railway :

GROSS EARNINGS.

1906	$43,080 46
1907	38,448 48

OPERATING EXPENSES.

1906	$30,651 74
1907	22,272 53

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Over and above the sums which have been paid to Mr. Ulric Barthe as salary as secretary of the Quebec Bridge and Railway Company, or as reimbursement of his travelling expenses, have the commissioners of the Transcontinental Railway paid any other moneys to the same Mr. Barthe?
2. When, for what services and what amount?
3. Amongst these payments are there any whatsoever which have relation to his presence at meetings of a committee known under the name of the Quebec Terminus committee?
4. Under this head, how much has been paid to him, and at what date was each of such payments made?
5. What was the amount of each of such payments?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. The commissioners have nothing to do with the payment of the salary and disbursements referred to.

2. Answered by number one.

3. There are no such payments, and moreover answer to this has already been given under a previous question, order No. 19, of 6th May.

4. Answered by above.

5. Answered by above.

Hon. Mr. LANDRY—I want to call the attention of the hon. leader of the House to the fact that if we consult the Auditor's report, Part W of 1907, we find that Mr. Barthe has received $79.30 for attendance on that committee. That does not show that the answer that I have received is correct. Or perhaps the Auditor General's report is false.

Hon. Mr. SCOTT—I do not know whether that covers the Auditor's report or not. It is quite impossible to say. I think the hon. gentleman knows more about the answers to these questions than I do.

Hon. Mr. LANDRY—It is simply to test the good faith or the accuracy of the answers given.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

When the government, in 1903, concluded a financial arrangement with the Quebec Bridge and Railway Company, did it then require and has it made it one of the obligations of the contract that the company should forthwith subscribe additional shares to the amount of $200,000?

Has the company caused this additional sum to be subscribed?

By whom, giving the names?

Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 cent?

Hon. Mr. SCOTT—I obtained from the Department of Finance the following certificate, which they say is correct :

Copy.

THE QUEBEC BRIDGE AND RAILWAY COMPANY.

Quebec, February 26, 1904.

I hereby certiy that additional stock to the extent of $200,000, has been duly subscribed to the capital stock of the Quebec Bridge and Railway Company, and paid up in full, in compliance with clause 4 of the agreement made on the 19th October, 1903, between the Quebec Bridge and Railway Company and the Dominion Government.

(Sgd.) ULRIC BARTHE,
Treasurer.

Seal of the Company.
(Sgd.) S. N. PARENT,
President.

Hon. Mr. LANDRY—My question was as to the names.

Hon. Mr. SCOTT—That was all the information I could get on the subject.

Hon. Mr. LANDRY—My question is not yet answered. The additional subscribers are very few in number. There are the Allan line, Hon. M. Sharples, Rodolphe Audette, and a few others. I have not the complete list, but I know there are very few names. It is for that reason I wanted to know the names of the new subscribers, and then there is another question : did the government devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to wit, $118,721, in payment of the discount at which securities of the company had been issued and so on. I think this last question is only partially answered. I might allow it to stand till Tuesday.

Hon. Mr. SCOTT—I spent a good many hours trying to get the answer, and I failed to obtain it. It is very much involved, and it is reported in the Finance Department that the requirements of the Act of 1903 have been complied with as far as the $200,000 is concerned.

Hon. Mr. LANDRY—That is an assertion of the Finance Department. That assertion must be based on facts. And it is precisely those facts that I am asking for. If they are sure that the provisions of the Act of 1903 have been complied with, they must have that assurance from the facts they have gathered. I want to know what the facts are.

Hon. Mr. SCOTT—I am quite unable to obtain any more facts about it. I have made several fruitless inquiries, and have looked over a variety of papers, and I was told that this should answer the question.

Hon. Mr. LANDRY—I would suggest to the hon. leader that if he would give me his authority for ten days—I will not take the salary—but I will fill the position as minister without salary for ten days—I would get the answer.

Hon. Mr. SCOTT—Let the other motions stand for about ten days, and if I receive the information, I will bring it down.

Hon. Mr. LANDRY—Let the other questions stand till Wednesday next, and the last question may stand till Tuesday of the following week, at the eve of prorogation.

Hon. Mr. SCOTT—In regard to that last question, I have given the hon. gentleman all the information I propose to give. I have exhausted more time on it than the whole thing is worth.

Hon. Mr. LANDRY—We must not lose our patience; but we must get the information, and we must keep cool.

Hon. Mr. POWER—I rise to a question of order. There is no rule more decided and clear than that there shall be no discussion of the ministerial answer to a question. The hon. gentleman is a great stickler for order, but every day he discussses nearly every answer which is given to him.

Hon. Mr. LANDRY—I have not discussed the answers at all. If the hon. gentleman had given another answer, I would have accepted it. When there is no answer, I have a right to ask that an answer shall be given.

The SPEAKER—Do I understand the Secretary of State to declare that he has answered the last question No. 15 of the list?

Hon. Mr. SCOTT—I have answered that fully. I am told by the Finance Department that that matter has been satisfied, that they were satisfied with the way the matter was decided and accounted for.

Hon. Mr. LANDRY—I do not discuss that part of it. That is quite correct; but I want the names.

Hon. Mr. SCOTT—I cannot get the names.

Hon. Mr. LANDRY—We shall get the names.

Hon. Mr. SCOTT.

GRAND TRUNK PENSION SCHEME.

INQUIRY POSTPONED.

The order of the day being called:

Hon. Mr. FERGUSON rose to call the attention of the Senate to the following clipping from the 'Montreal Daily Star' of the 15th April last:

> Grand Trunk pension scheme a success.
>
> In an interview this morning with the 'Star,' Mr. William Wainwright, assistant to the general manager and comptroller of the Grand Trunk railway, expressed his complete satisfaction with the new pension scheme as placed in operation by the company on January 1st. The three months trial, he declared, had convinced the officials that the inauguration of a pension fund was a wise move and the money was well spent. He believed that the company would save in the damages account alone enough to meet the cost of carrying the fund along.

And will inquire if the government will procure and lay on the table of this House, authenticated copies of all rules, by-laws and regulations made by the Grand Trunk Railway company under sections 5, 6, 7 and 8 of chapter 89 of the Acts of Canada of the year 1907.

Hon. Mr. SCOTT—I wrote Mr. Wainwright, and I have had no answer from him, and I understand the Department of Railways and Canals have also written him but have not received any reply. Of course we have no record of it, and this is a pure matter of courtesy. I thought that he would have sent the information.

Hon. Mr. FERGUSON—We shall let it stand till Tuesday. I desire the question to stand, because I want to make a very brief statement with regard to it, in order that the scope of the question may be thoroughly understood.

The question was allowed to stand.

QUEBEC HARBOUR COMMISSIONERS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

> Who are the persons that have been appointed by the government, since 1896, to form part of the Quebec Harbour Commission, with the date of each of the appointments in question?

Hon. Mr. SCOTT—The answer is as follows:

Jean Baptiste Laliberté, October 3, 1896; Narcisse Rioux, October 3, 1896; Dosithée Arcand, October 3, 1896; Harold Kennedy, October 3, 1896; Wm. M. McPherson, October 3, 1896; Roger Larue (vice N. Rioux,

deceased), January 19, 1907 J. S. Thom, (vice H. Kennedy, resigned), August 31, 1907.

REPAIRS TO DUFFERIN TERRACE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government :

Does the government intend to cause the works of repair of Dufferin Terrace and of the lands which serve to support the said terrace, which works are going on at present, to be completed before the celebration of the Third Tercentenary of Quebec?

Hon. Mr. SCOTT—Orders have been given to expedite the repairs to the walls. It is expected that this will be done sufficiently early to enable the corporation to complete the terrace before the celebration.

LEASED GOVERNMENT LANDS IN THE CITY OF QUEBEC.

MOTION.

Hon. Mr. LANDRY moved :

That an order of this House do issue for the production of the correspondence exchanged, since 1896, between the government, or the military authorities, and the person or persons who asked for and obtained the lease of the land belonging to the government and contained in the land comprised between des Callières street, Mount Carmel street, Haldimand street, and St. Louis street, in Quebec.

The motion was agreed to.

BILL INTRODUCED.

Bill (ZZ) An Act to amend the Manitoba Grain Act.—(Hon. Sir Richard Cartwright.)

THE MILITIA AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY—Before the orders of the day are proceeded with, I would ask the leader of the government if he has any supplementary answer to give respecting the calling of the militia in Quebec. I directed the attention of the hon. minister yesterday to the fact and he said he would get supplementary information for us today.

Hon. Mr. SCOTT—That question was put to the Minister of Militia in the other chamber and answered.

Hon. Mr. LANDRY—It was put in the other chamber, but the Prime Minister said in the absence of the Minister of Militia he could not give a reply.

Hon. Mr. SCOTT—I noticed in the 'Hansard' of yesterday that Sir Frederick Borden made the following statement :

Hon. Sir FREDERICK BORDEN (Minister of Militia and Defence). It is not correct to say that the troops are not going to the tercentenary. It is a fact, however, that the annual camps of instruction will be held as usual throughout the Dominion this year, instead of being held at one common point at or near the city of Quebec, as was proposed. The annual drill of the city regiments will also take place as usual this year. The reason of the change in the programme, which programme I announced briefly to the House three or four weeks ago, is chiefly due to the difficulty of transportation. It will be understood, I am sure, that one of the principal things to keep in mind in connection with this tercentenary celebration is to bring together the largest number possible of people to Quebec to witness the ceremonies. Some time ago the chairman of the commission called my attention to the fact that the transportation lines, the railways and steamboats, must be left free as far as possible to bring the people to Quebec and take them home again, and he thought it proper to ask the Militia department to agree not to move any troops on a certain number of days before the celebration began and a certain number of days afterwards. It will be readily understood that such an arrangement would hamper the railway transportation lines very much. An earnest effort was made to see whether the difficulty could be overcome, but it was found it could only be partially overcome. It was therefore thought better that the camps should be held at the usual places of holding camps. As to the statement that has been made that the headquarters of the militia were unable to cope with the mobilization of 25,000 or 30,000 troops at a central point like Quebec, the story is absolutely without foundation, and is entirely absurd. The Militia department is quite able to mobilize 40,000 troops at a central point like Quebec, within a few days, if not within a few hours, if the necessity arose. But at a time when tens and hundreds of thousands of people from all over the northern part of this continent will be looking towards Quebec, and have got to be taken there over the railways and steamboat lines, every one will agree that a serious problem is presented; and owing to the fact that the companies cannot give the necessary accommodation such as we think the militia should have, this part of the programme has been given up. As to what will be done to bring troops to Quebec to take part in the celebration, I am not prepared at this moment to take any announcement. But the Militia department will be prepared to co-operate with the commission in every way in its power.

He adds, however, that a considerable force would assemble, those who are most available. I have forgotten the number now, but he said that a considerable force would be assembled at Quebec, though not as large as was originally intended, owing to the difficulty of obtaining transportation.

HOISTING THE UNION JACK.

Hon. Mr. DOMVILLE—I wish to call attention to the following despatch in the 'Star' of Tuesday :

WILL NOT HOIST UNION JACK.

London, May 12.—In the House of Commons, Premier Asquith stated he did not think it advisable to order the hoisting of Union Jacks on government buildings on Empire Day.

I want to bring this to the attention of the House and of the country, to see how we stand on the question of hoisting the Union Jack. Will it be hoisted at Quebec at the Tercentenary celebration, or shall we follow the course pursued in England ? There is a good deal of talk about loyalty in this country, and I want to know how this decision of the Premier of England is going to affect us in Canada ?

Hon. Mr. SCOTT—I think it will rather stimulate this country to have more Union Jacks hoisted on Empire Day. I am quite sure it will not reduce the number.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that the Premier of England has given instructions that the Union Jack shall not be raised on public buildings in England on Empire Day ?

Hon. Mr. DOMVILLE—No, it does not say that. But he stated in the House of Commons that he did not think it advisable to order the hoisting of the Union Jack on government buildings on Empire Day.

Hon. Sir MACKENZIE BOWELL—If that be the declaration of the Premier of England, it is about time we let him know that we propose to raise the Union Jack whenever we please. If you refer to correspondence which took place a very short time ago, in which the question arose as to the propriety of raising the Union Jack with the Canadian emblem or something to indicate that it was a Canadian flag, the Lords of the Admiralty took objection to it ; but the answer made by the Secretary to Canada at that time was that we were at liberty to hoist the Union Jack whenever we pleased, and an expression of opinion from this House and also the House of Commons to that effect would not be out of place. It should be in such terms that it could not be misunderstood.

Hon. Mr. SCOTT.

Hon. Mr. CLORAN—I suppose an expression of opinion from the parliament of Canada on the propriety of hoisting the Union Jack in England will have a great effect upon the imperial government. If there is any man in the empire who ought to know when to hoist the Union Jack, it should be the Premier of England, who is the adviser of the Sovereign, and it is not for us to give a lesson to the Premier of England. I find it extraordinary on the part of this honourable House to dictate a line of policy, in regard to loyalty to the Crown, to the Prime Minister of England.

Hon. Mr. SULLIVAN—Who is the Prime Minister of England ?

Hon. Mr. CLORAN—The hon. gentleman ought to know that Mr. Asquith is the premier, and that he is responsible to the entire empire for the maintenance of loyalty to the British Crown. He has stated on the floor of the House of Commons that it is not necessary or even advisable to instruct the authorities to hoist the flag on the public buildings of that country on Empire Day. Why should, we, in our capacity as colonists, undertake to dictate to the Premier of England what he should do towards the empire or His Majesty ? I fail to see that a lesson from us in that respect would be well accepted in England. They are in a better position to judge what is necessary in regard to that matter than we are.

Hon. Mr. SULLIVAN—I rise to a point of order. How does the hon. gentleman know that they understand their duty so well ?

Hon. Mr. POWER—There is nothing before the chair.

The SPEAKER—There is no question before the chair. Call the first order.

Hon. Mr. CLORAN—There is the question raised by the hon. senator from Rothesay.

The SPEAKER—That question has been answered.

Hon. Mr. CLORAN—There is no question which has been answered.

The SPEAKER—It has been answered by the hon. Secretary of State.

Hon. Mr. CLORAN—I question the ruling of the chair. After the hon. senator from Rothesay has raised the question, and the hon. Secretary of State and the hon. senator from Hastings had expressed their opinions, am I to be told that I have no right to express mine? Is that the decision of the chair?

The SPEAKER—I allowed the hon. gentleman to speak and to sit down before declaring that there was nothing before the chair. I might have stated it before the hon. gentleman sat down.

Hon. Mr. CLORAN—Then I shall appeal from the decision of the chair.

The SPEAKER—Call the first order.

The CLERK—First order of the day—

Hon. Mr. CLORAN—To put myself in order before the House, I move that the House do now adjourn.

The SPEAKER—I am informed that the hon. gentleman from Victoria had not closed his remarks when he sat down; that a point of order was raised by the hon. senator from Kingston. I would not have interrupted the hon. gentleman while he was on his feet, but I thought he was making a second speech and as there was nothing before the chair, I called attention to the fact.

Hon. Mr. CLORAN—I am sorry that the ears of the chair are deaf. The hon. senator from Kingston raised a point of order, and I sat down at once. The hon. senator from Kingston rising said 'I rise to a point of order,' and my duty was to sit down while he stated the point of order. That point of order has been raised and the chair has not yet decided it.

Hon. Mr. SULLIVAN—I rose only to put the hon. gentleman right.

Hon. Mr. CLORAN—The hon. gentleman from Kingston in rising said, 'I rise to a point of order,' and stated his point of order. I waited for the decision of the chair on the point of order and got none, except to be told that I had no right to speak as there was nothing before the House. That did not decide the point of order raised by the hon. senator from Kingston.

The SPEAKER—When the hon. senator from Kingston rises to a point of order, he should address the chair. Instead of doing so he turned and addressed the hon. senator from Victoria, and I did not hear what he said.

Hon. Mr. CLORAN—That is why I remarked that the ears of the chair are deaf. I am between the devil and the deep sea—between the hon. senator from Kingston and the chair—what am I to do?

Hon. Sir MACKENZIE BOWELL—Sit down.

Hon. Mr. CLORAN—I will sit down when my opinions have been expressed. I have been five years in this House trying to gain its ear, and this is not the first time I have been told by the ex-leader of the the government and by the present leader of the government in the House to sit down. I have not sat down at anybody's dictation, and I will not sit down now. I stand here on my right as a man who knows his business, and as a man who is not tied down by traditions of servility; as a man who wants to speak the sentiments of young Canada in spite of the Methuselahs who would prevent him. Let it be the last time that such an expression should come from any venerable octogenarian or nonogenarian. Let it be the last time. We have stood it long enough, members like myself who have come in as young patriotic members—as patriotic as any old man in the House, wanting to defend the interests of this House and of the country. Yet we are told to sit down; but you do not get an Irishman of my stamp to sit down under such circumstances any more than the Irish did on the fields of Waterloo and the fields of South Africa. We have produced generals who have won victories for the British empire. It took Irishmen to do it, and it does not become an Irishman to sit down when he is told, even by an ex-Prime Minister. We are here to defend our opinions. We may be wrong; often I am wrong——

Hon. Mr. POWER—Hear, hear.

Hon. Mr. CLORAN—It is human to err, and there is no one who knows that better than the hon. senator from Halifax. The question raised here to-day is of more importance than you imagine. Why? Because the Liberal party of this country by and through the means of the hon. gentle-

man from Hastings who was Prime Minister of this country, and who was Minister of Customs under his leader, Sir John Macdonald, denounced the Liberal party as disloyal men who wanted to disrupt the empire. That was the cry which kept these people in power for over twelve years. They won their first victory in 1878 through the protection cry, and again partially in 1882; but when Sir John Macdonald made an appeal to this country that he was 'born under the flag and under the flag would die,' that was the only cry that kept the Tories in power. He was a great old statesman, I admire and respect his memory, because he did great things for this country; but I say that cry kept the Tories in power from 1891 to 1896, and the hon. senator from Hastings benefited by it during the two years he held the premiership, until he was swallowed up by a nest of traitors. The flag did not cover him then.

Hon. Sir MACKENZIE BOWELL—We shall have it increased in size.

Hon. Mr. CLORAN—The hon. gentleman would not require it to be greatly increased to cover him now. To-day the party whom he and his colleagues denounced as being disloyal, have done more in the past twelve years to build up the solidarity of the empire, to make it solid and strong than his government did in the 18 years they were in power. We have not waited for England to ask us for help. We have gone and offered our help to England, and have given our help on the battlefields of South Africa even against our traditions and sentiments, because we Canadians believe in home rule for ourselves for which we fought in 1837, and home rule which we are prepared to give to the people of Ireland. In the unfortunate war in South Africa we, against our sentiments, but as a manifestation of loyalty to the empire, sent our sons of all classes, creeds and nationalities to uphold that flag which the Prime Minister of England, on account of what consideration I cannot tell, but, in his wisdom and judgment, thinks it is unnecessary and inadvisable to hoist on our public buildings on Empire Day. The lessons I draw from that statement is this, that we are not to be called upon to display more imperialistic sentiments than the mother country itself. If I, or any one like me, dared to rise on the floor of parliament or any platform in the country and say: 'Canadians, it is inadvisable to raise the Union Jack on Empire Day,' I would be denounced immediately as a traitor, as the disloyal man who wanted to disrupt the empire. But when the Prime Minister of Great Britain and of the empire states on the floor of the British House of Commons, that it is inadvisable to hoist the flag on Empire Day, what is the spectacle? A young colony like Canada stands up and says that the British Prime Minister is disloyal; is not true to the empire; is false to his duty and to his King. Is that the message we are to send from this honourable Senate and parliament to the imperial government? Why we are presuming on our youthful strength and on a thing which we do not possess. We are presuming on a thing which is not necessary for the building up of this country, and that is this intense imperialistic sentiment that Canada can never prosper and go ahead without being bound up to the apron strings of the mother country. That feeling does not exist in England; but we have a certain class of citizens in Canada who wish to impose it on the people. We have in this despatch an object lesson coming from the Prime Minister of the empire, saying that this flag flying is simply a burlesque and he wants nothing of the kind. He does not believe that loyalty to the empire is bound up in a flag that waves in the breeze. He does not want the English people to believe that their loyalty depends on the flag flying over a public building. He wants his people to understand that the solidity of the empire remains in the policy of the government which will do best and most for the people. He wants the people to understand that the solidity and prosperity of the empire depends on its internal policy, and he does not look for flag shows. He appeals to the people of England to support his policy for the building up of the empire and not to simply say we are Englishmen because we hoist the flag. That is the position he has taken, and why should we here in Canada be

called upon to do more? We are aiding to build up the empire more than the people at home can imagine; we are spending millions upon millions on the construction of public works which will redound to the advantage of the empire. We are building up transcontinental railways and opening up great water routes to the advantage of the empire at large. We are doing all that without any show. The Liberal party has done it, and our good Conservative friends have lost their great battle cry. They can never now go to England and before the world and say that the Liberals are disloyal. They did that effectually during ten or twelve long years, but to-day the policy of the Liberal party has shown that no more truly loyal people exist than the Liberals of Canada. We made our late sovereign, Queen Victoria, feel that Canada possessed one of the greatest statesmen in her empire in the person of Sir Wilfrid Laurier. We have made King Edward feel that he has no more truthful, loyal and more courageous allies in the building up of his empire than the same Canadian people. We have offered to the British empire, the last link to make this one solid empire, and that is the All-Red line between the empire through the waters just the same as we have established it through the land. We have bound it through the waters by the cable, and we want to bind this empire over the land and over the seas. There is the work of the Liberal party without appealing to the flag. We have not heard our premier say: 'An Englishman I was born and an Englishman I want to die,' but we have heard him say: 'A Canadian I was born and a Canadian I will die, bound as a loyal subject to the empire, because the empire has protected our interests and given us all we want.' There is the history of the Liberal party, and when an hon. gentleman like the hon. member for Hastings, ex-Prime Minister, says to me, 'sit down, express not your opinion.' I feel now that he was afraid of the truth, afraid to know that young Canada does not believe in the false cry of his old leaders and of himself, that we are loyal because we are faithful to our duties and faithful to the traditions of the past. We are not loyal through any false pride of caste, and hoisting the flag here or there; we are loyal because our interests are bound up with those of the empire at present, and I say to-day let not he or any other nonogenarian senator say to me, 'sit down.' The time has gone by for sitting down and looking wise and saying nothing. We are here to discuss the interests of the country. We are here to see what young Canada wants, and I for one will ever be prepared to stand by what is just and fair and honourable in building up the Dominion, in standing by the empire, not with any false cry of loyalty, and when I or any other young member like me may so desire to discuss a question of this kind, we shall not be put down as traitors; as disloyalists. I criticised the affairs of the Militia Department of Canada, that it is not fair that six or seven million dollars should be spent on brass buttons and gold braid for men who are of no use to the country, generals and so on. Let it be spent on canals, let it be spent on our farmers and on our water routes.

An hon. MEMBER—How many generals?

Hon. Mr. CLORAN—I question not the number, but the number is there. I have said more than I intended; but when the lion is pricked, when the lion is pierced he has got to rebound; he has to fight the man who dared to condemn him into silence, who dared to say he had no right to growl or groan or roar. I have done probably more than I should have done. My sentiments are there, and I stand for them before the people of Canada. I stand for them before the people of the British empire. I stand for them before the members of the British government, and I ask them to pass judgment upon what I have said and what the others have said and not said, if I am not in a fair way to do more for the building up and consolidating of the British empire than the threats and commands of these octogenarians who are out of touch with the people to-day, who were probably good sixty years ago, but are no longer in the line with the march of civilization—civilization of politics, I mean—and other subjects. Let it be understood that when any young

member rises on the floor of this House it shall never be said to him again 'Sit down.' The word belongs to Russia, and we are not a part of Russia. We are a part of the British empire, which I am proud to belong to, and to which I would like to see the policy of the present Prime Minister developed, so that it could be one, united and indivisible, and that is, that Premier Asquith and his government, and Lloyd George, and Winston Churchill, combining with the others, should give to the little Emerald Isle that measure of home rule which we have here to-day and under the aegis of which I speak my sentiments and feelings so freely to-day. Let that government give to Ireland what we have here, and the empire will be all at one, all at peace, all in harmony, and then these forces united with the good will of Canada, with the good will of the South African colonies and Australia, we can afford to stand and look on at the rest of the world carrying on its battles of war one against the other. England then can say to itself 'I am safe at home and I am just as safe abroad.' There is the expression of opinion that I give vent to to-day on behalf of the Canadian people, of ourselves, and on behalf of the British government.

Hon. Mr. ROSS (Halifax)—As an octogenarian, I have the sense to speak when I think I should speak, and I have the sense to be silent when I know I should be silent. This question has expanded to a much larger degree than it should have. The question of the flag is a very simple thing. If the Governor General order the flag to be put up, or if the Premier of Canada orders it to be put up, it will be put up, and if it is not put up I do not think there is a great deal of harm done. We are just as loyal without the flag being put up as we are with it, and I have often said that there has been too much stated about what Canada did in regard to assistance in the South African war. The little colony of New Zealand with about 800,000 inhabitants did more than the whole Dominion of Canada in that war, and they have never made a boast of it. I do not think we have done too much. Perhaps if we examine ourselves more closely we might come to the conclusion that we have done too little. The question is, what is before the House ?

Hon. Mr. DERBYSHIRE—That is what we would like to know.

Hon. Mr. ROSS (Halifax)—If we have business we should proceed with it in the right way, and if we have no business, then we have no right to be here.

Hon. Mr. DOMVILLE—I should like to say a word, and I am really serious in this matter. I am speaking to the motion of my hon. friend. I hold in my hand the King's regulations, which states on what occasions the Union Jack is to be hoisted.

Hon. Mr. POWER—We do not want to know that.

Hon. Mr. DOMVILLE—The hon. gentleman is not the whole House. I am speaking to the motion for adjournment, and I desire to call attention to the King's regulations which states on what occasions the Union Jack is to be hoisted, and Empire Day is one of those occasions on which that flag should be put up ; therefore I take it that Mr. Asquith is not to be congratulated upon the fact that he does not think it proper that the Union Jack should be raised. For my part, with regard to our part in the South African war, I entirely disagree with the statement made by the hon. senior member from Halifax. We sent men from Canada to South Africa and they shed their blood, and all the nobility and the sons of nobility served in Africa, and I do not think that their serviecs should be lightly referred to, or that they should receive a call-down from this House or an expression that we did not consider Canada had done very much.

The motion was declared lost.

LAND TITLES ACT AMENDMENT BILL.

The House resolved itself into Committee of the Whole on Bill (113) An Act to amend the Land Titles Act.

(In the Committee.)

Hon. Mr. LOUGHEED—Before the hon. Secretary of State proceeds with this Bill, may I point out to him that this Act has been repealed as to the new provinces of Alberta and Saskatchewan.

Hon. Mr. SCOTT—It was intended to apply to the Yukon.

Hon. Mr. LOUGHEED—My own impression was that it was intended that the Act should not stand repealed so far as the unorganized portions of the Territories and the Yukon Territories are concerned. I would refer my hon. friend to the orders in council repealing these Acts so far as Alberta and Saskatchewan are concerned. The orders in council will be found in the statutes of 1906-7 on page 103. They read as follows :

By order in council of the 23rd of July, 1906, under subsection I of section 1 of the Act 4-5 Edward VII, chapter 18, entitled An Act to amend the Lands Titles Act, 1894, and in view of the fact that the legislature of the province of Alberta, has passed an Act relating to the registration of land titles, it is ordered that the Land Titles Act, 1894, and each and every of its amending Acts, except the said chapter 18 of 4-5 Edward VII, shall be repealed in so far as they apply to the said province of Alberta, such repeals to take effect as provided by the subsection 2 of the above quoted section 1.

Vide Canada 'Gazette,' vol xl., page 364.

The same order in council was passed with reference to Saskatchewan. So that my hon. friend had better allow the matter to stand if he desires to look into it further.

Hon. Mr. SCOTT—It was brought up at the instance of the Church of England in the Yukon, in the unorganized districts there, and it was then referred to the Department of the Interior, and referred to the Department of Justice, who pronounced upon it. They thought it would meet the conditions in the Yukon and in other similar districts. I will call the attention of the Justice Department to it.

Hon. Mr. POWER—I wish to express the opinion that the language used here is rather too vague, and is liable to lead to subsequent difficulty. The clause reads :

123a. The bishop of any church, or any trustees of any church, or any congregation of any church, holding land for the purpose of such church or congregation shall respectively, with regard to such land and any dealings therewith, be deemed to be a body corporate and politic; and land so held shall devolve respectively upon the successor in office of such bishop or upon the successors in office of such trustees duly appointed in manner by law or by such church or congregation prescribed.

If the members of the church are to be deemed a body corporate, suppose there is a difference of opinion between the members of the church—and those things happen—and the congregation splits in two, then where is the title to the land ?

Hon. Mr. SCOTT—The majority would rule.

Hon. Mr. POWER—I do not know ; perhaps it would. I do not think the language used here is, on the whole, the best suited for the purpose. I notice that in the province of Nova Scotia there is a provision with respect to religious congregations, a portion of which reads as follows :

1. (1) When any number of persons not less than 20, capable of contracting, desire to form themselves into a congregation of Christans for the public worship of God according to their peculiar rights and ceremonies, they may by deed by them executed in the presence of two or more witnesses, constitute themselves such congregation, and adopt a suitable name therefor and declare the place where the same is established, and the particular denomination of Christians with whose doctrines such congregation is connected.

(2.) They may also by such deed name two or more persons of the congregation to be trustees thereof, and give them the name of office, and describe by bounds any land conveyed to or in trust for the congregation for any purpose connected with such congregation and set forth the constitution of the congregation, the mode of admission of future members, by whom the right of voting at meetings shall be enjoyed, how the votes shall be ascertained and given, the manner in which vacancies in the trust shall be supplied and such other particulars as they think proper.

(3.) Every such deed shall be recorded by the trustees or other person on behalf of the congregation in a book to be kept for that purpose, and shall be registered in the registry of deeds for the registration district in which the congregation is established.

2. Upon the deed being so registered all the land described therein and all real and personal property granted to the congregation or to their use shall be vested in the trustees named in the deed for the use of the congregation.

I think that is a method of procedure which is less likely to lead to trouble in the future.

Hon. Mr. ELLIS—There is a phrase in the Bill here :

And land so held shall devolve respectively upon the successor in office of such bishop or upon the successors in office of such trustees duly appointed in manner by law or by such church or congregation prescribed.

This is a general law and makes provision for some law creating such conditions. It does not appear from what my hon. friend has read that what he refers to is prevented by that. There may be a

secession in the church, and the question would still remain as to who would constitute the body. I do not think there is much in the objection.

Hon. Mr. LOUGHEED—When the Bill came up for second reading, I took the liberty of objecting to it. I am quite in accord with what the hon. gentleman from Halifax has said. If lands are to be held by trustees, the trustees should become incorporated, the same as any company becomes incorporated, or the same as any church or other body of that kind becomes incorporated. That at present is the law, and there is no reason why any exception should be made, and more particularly in view of the fact that under the Land Titles Act a certificate of title is issued by the government and the title guaranteed by the Crown. The trust does not appear upon the certificate of title, and no attention is paid to the trust; consequently those trustees that may be appointed, and possibly appointed by an irresponsible meeting of the congregation, or may not be representative of the congregation, could dispose of these lands without practically accounting to anybody for them. The question might arise on the part of the members of the congregation who had claimed to be such, that they have no status in the congregation; and consequently have no *locus standi* in court is asking the trustees to account for the proceeds of the land. So many questions can arise as to the power of people acting in that capacity, that I think the legislation on its face is vicious.

Hon. Mr. SCOTT—It was predicated on the assumption that it would apply only to remote and distant places, where it was not possible to apply for incorporation. Years ago, a great deal of church property throughout Canada was held by trustees, or by the clergymen in trust for the church. There were very few religious bodies up till fifty or sixty years ago, and that was the ordinary way and it seems admirably adapted for bodies of Christians in remote regions where they have not the means or the opportunity of procuring incorporation. It is probably of very little value. The special case that was brought to the notice of the minister was in the unincorporated portion of the northern section of the country in the Yukon. It was to meet a case there, where they had a church and no corporate organization, and the subject was referred to the Department of Justice, and they pronounced upon the Bill and prepared it for the minister. However, I will bring to the notice of the department the objections which have been urged by my hon. friend. I cannot foreshadow that any mischief or injury can arise, because it will not be adopted by any of the larger bodies that are now in a financial position to secure incorporation which, of course, is the proper and legitimate way for such organizations to hold property.

I move that the committee rise, report progress and ask leave to sit again.

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

CANADA SHIPPING ACT AMENDMENT BILL.

The House resolved itself into Committee of the Whole on Bill (NN) An Act to amend the Canada Shipping Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I may mention that the object of this Bill is to enable the government to register the vessels which they own. It appears that under the existing law there is a doubt whether that can be legally done, and the department want to clear that up. Something of the same kind has been done in the British parliament, I believe.

On clause 3,

3. The said Act is amended by inserting the following section immediately after section 75:—

75a. The minister may refuse to admit to the examinations mentioned in the two preceding sections any person domiciled in Canada who is a subject or citizen of a country in which British subjects do not enjoy similar privileges in respect of such examinations.

Hon. Mr. FERGUSON—We should know wherein the amending clauses differ from the Act as it stands.

Hon. Sir RICHARD CARTWRIGHT—The object of this clause is to enable the Minister of Marine and Fisheries to refuse the examination of persons domiciled here, if the country of which they are citizens or subjects do not grant similar privileges to British subjects.

Hon. Mr. FERGUSON—Is that changing the law in that respect?

Hon. Sir RICHARD CARTWRIGHT—No, this appears to be new.

Hon. Mr. POWER—I wish to say a few words with respect to this clause. The section which it is proposed to repeal practically——

Hon. Mr. SCOTT—No, it adds to it.

Hon. Mr. POWER—It comes very near repealing it. Section 75 reads as follows:

75. Examinations may be instituted in Canada for British subjects or for persons domiciled in Canada for at least three years who intend to become masters or mates of ships trading on the inland waters of Canada, or on the minor waters of Canada, or on coasting voyages, or who wish to procure certificates of competency or service.

2. Foreign subjects serving in ships registered in Canada and trading on the inland waters of Canada, or in the minor waters in Canada while so serving. 57-58 Victoria, 42, section 4.

76. Subject to the provisions of this part, the minister shall provide for such examinations at such places as he sees fit.

The amendment proposes to say that the minister may refuse to admit to examination any person domiciled in Canada who is a subject of a country which does not grant the same privilege to British subjects. I must say that I do not think that clause ought to commend itself to the committee. The present law provides for persons domiciled in Canada for at least three years. Now when you say a man is domiciled anywhere it means that he is in that place with the intention of remaining there. If a man comes into this country, say from the United States, with the intention of returning to the United States, he is not domiciled in Canada. I contend that any man who has been domiciled in Canada for three years should not be refused a certificate. I say that on general grounds. It is an inhuman sort of proceeding I think, position who advocated good-fellowship and good feeling amongst people of different opinions a little while ago, will concur with me with respect to this matter. That is one point. I think it is improper, and that it is legislation which belongs to a darker age than this altogether. Then there is this other point: unless I am misinformed, the number of qualified masters and mates at the present time is not sufficient to carry on the business of the country, and if the law is put in force the effect will be to make the present condition of things still worse. The business of the country must be carried on, and if you get men to come from, no matter where, from Norway, or the United States or Germany, to live here—because to be domiciled they must be here with the intention of remaining—I think it is a most foolish as well as an improper line of policy to say to these men, 'You shall not have certificates of this kind. We shall not admit you to examination. You shall have no opportunity to fill the vacant places on our ships, unless the country to which you belong has made the same concession to British subjects.' I am somewhat surprised that the hon. Minister of Trade and Commerce should be prepared to act as godfather, even to a Bill of that kind.

Hon. Sir RICHARD CARTWRIGHT—I may remark that this is permissive. It simply allows the minister, in his discussion, to refuse. However, if the hon. gentleman wants to discuss this matter, I have no objection to allow the clause, or similar clauses, to stand till I confer with my colleague. I would not be disposed to accept an amendment striking that out until I confer with him.

Hon. Sir MACKENZIE BOWELL—This is a question that the hon. Minister of Trade and Commerce knows very well has been agitating the sailors and masters of ships in Ontario for a great many years, and while the interpretation is given by the hon. gentleman who has just spoken as to what constitutes a domicile, that three years' residence in a country is to be considered a domicile, what would you do with a man who was in the country about six months? Would he be domiciled under the interpretation the hon. gentleman gives to the clause?

Hon. Mr. POWER—I should not say that a man who resided in the country six months should have a right; but if a man is domiciled, I do not care if it were only for three months, when he is domiciled here it means he is here with the intention of remaining.

Hon. Sir MACKENZIE BOWELL—Whatever may be the practice in the mari-

time provinces, I am not prepared to say, but we know very well the practice in Ontario or on the western lakes has been for citizens of the United States to cross the border and pass that examination and occupy positions that should be occupied by our own subjects; but a Canadian who crosses the line and enters the United States, will not be permitted, no matter what his qualifications may be, to obtain a certificate to sail a ship, or to become master of a ship.

Hon. Mr. DOMVILLE—Unless he takes the oath of allegiance.

Hon. Sir MACKENZIE BOWELL—I am speaking of those who are not United States subjects.

Hon. Mr. DOMVILLE—We want to get all these people into our country—Yankees and everybody else.

Hon. Sir MACKENZIE BOWELL—I am speaking of those who have gone to the United States, who have not taken the oath of allegiance, and I am speaking of the privilege given in the past to citizens of United States who have come to Canada who have not become British subjects, and I am glad to see the government has adopted this principle. It is true that according to this clause it leaves the question optional with the Minister of Marine and Fisheries. I would go much further and prevent it altogether. If my opinions were of any value, I would place the United States citizens in Canada, in reference to the certificate to enable them to sail a vessel, in precisely the same position that the United States places a Canadian or British subject when he goes to that country. I sincerely hope that the Minister of Trade and Commerce will not hold to the suggestion which has been made, to leave the law as it has been on the statute-book for years; but will enforce this new provision. If an extraordinary case arises by which it would be necessary to obtain a master of a vessel, and a Canadian was not obtainable at the moment, the minister then has the privilege of admitting an alien to an examination and to grant him a certificate, and those are all the concessions I would be willing to give under the circumstances.

Hon. Mr. DOMVILLE—You talk about the maritime provinces; we are right alongside of the United States people. We like them as well as we like our own people, and some of us like them better than they do a good many of our people, and they are a very respectable class. My hon. friend from Hastings was down in my county, on one occasion, and he was well treated there; but what I do not like of my hon. friend's position is this: that he, as a Conservative, is backing up a Liberal motion, which is illiberal in its provisions. Then my hon. friend must have joined our side.

Hon. Sir MACKENZIE BOWELL—I am somewhat at a loss to understand what the hon. gentleman means.

Hon. Mr. LANDRY—Does he understand himself?

Hon. Sir MACKENZIE BOWELL—I do not think he does. I repudiate the statement he makes, that I spoke as a Conservative. I spoke as a British subject and a Canadian, and I say I would extend to the United States no further privileges than they extend to us. That may be a Conservative doctrine; I hope it is, and I should like to see every Liberal adopt it.

Hon. Mr. DOMVILLE—I differ from my hon. friend entirely. If the United States or Hungary, or South Africa, choose to enact laws which are against the present day Christian religion, I cannot agree with him.

Hon. Mr. SCOTT—We should set a noble example.

Hon. Mr. McGREGOR—We should be as generous as the United States. They do not require a man to be there three years. If he is only one month in the United States and makes a declaration, he can clear a ship.

Hon. Mr. LOUGHEED—I am quite in accord with the legislation, notwithstanding the anticipations of the hon. gentleman from Halifax. I think the time has arrived when there should be reprisals of this sort as between the United States and Canada. If our men are not good enough to be admitted as masters of ships in the United States, then their citizens are not

good enough to be admitted as masters of ships in Canada, and I would make our coasting laws quite as strict as the coasting laws of the United States with regard to interchange with their people. There are other reasons why this legislation should be passed, in my judgment—national reasons. There may be times when it would be wise in the interests of Canada that this discretion should be vested in the minister to prevent foreign subjects from becoming masters of Canadian or British vessels.

Hon. Mr. ELLIS—I concur with the hon. gentleman from Halifax. I think it is a ridiculous and foolish thing for any country to shut itself out from using the services of any man who can render it service, and I do not agree with the protectionist doctrine my hon. friend from Hastings enunciates. Because the United States or any other country does a foolish thing is no reason why we should follow a bad example. It very often happens—along the coast at any rate—I do not know how it may be on the great lakes—but I observe from the observations of the hon. gentleman from Hastings, that there is on these lakes a sort of union or trades alliance as against outsiders that we require to get anybody we can; and to shut ourselves out from having our coasting vessels properly manned and properly managed, simply because of the fact that a man is a Norwegian or a United States citizen, and that we do not get the same privileges in his country, is a piece of great foolishness.

Hon. Mr. McGREGOR—We have, in sailing our ships, very often officers who are foreigners. We may have a Norwegian who is mate of a ship, who has never had an opportunity to become domiciled. If the captain dies, the mate takes his place. The owner of the ship should be permitted to decide who is to be the master.

Hon. Mr. LOUGHEED—If he becomes naturalized, he is qualified. The order in council, which doubtless would be passed, would make some provision for that. The latitude given in the proposed legislation is sufficiently wide to permit of a proper adjustment of conditions in regard to that question.

Hon. Mr. DOMVILLE—England is a free country. When a man goes to England, does he have to take the oath of allegiance before he can command a ship? Did any hon. gentleman ever hear of such a thing? Never. Men may be offered to fill the positions on the ship, and the owner may not want them; he may know a good man, residing in Boston, who would suit him, and yet he would be told that he could not employ that man.

Hon. Mr. POWER—The hon. minister has agreed to let this clause stand.

Hon. Sir RICHARD CARTWRIGHT—I would prefer to go through the Bill, and if there are clauses to which the hon. gentleman objects, I am prepared to allow them to stand until I can confer with my colleague.

Hon. Mr. LOUGHEED—Before we leave this clause, can the hon. gentleman say how many nations refuse to permit British subjects to become masters of vessels within their waters?

Hon. Sir RICHARD CARTWRIGHT—That I am not able to say off-hand. But I think probably, in all likelihood, that the parties that are aimed at are the inhabitants of the United States. I have no doubt about that, and that very few of the others would be affected. I think, for instance, the Norwegians would not be affected by this, or any of the Scandinavian nations.

Hon. Mr. POWER—The hon. gentleman might find out about that.

Hon. Sir MACKENZIE BOWELL—Is this clause sufficiently wide to meet the cases mentioned by the hon. members from Pictou and St. John? It leaves it optional with the minister of the day to exercise discretion in matters of that kind, and if there were cases similar to that to which the hon. gentleman has called the attention of the committee, the minister would, in the interest of those interested, the shipowners, grant the permission. It does not go as far as I indicated a few moments ago I should like it to go. It is not left suffi-

ciently open to meet all the cases to which objection was made.

The clause was allowed to stand.

On clause 98a.

The four preceding sections shall apply also to British ships registered elsewhere than in Canada.

Hon. Sir RICHARD CARTWRIGHT—The clause that is proposed to be amended is for this purpose; it is proposed to take power to compel British ships registered elsewhere than in Canada to obey the requirements contained in the four sections enumerated when sailing from a Canadian port. As the law now stands, a British ship registered elsewhere than in Canada may sail out of a Canadian port in charge of any one, whether certificated or not. It is to prevent this state of affairs that the law is being amended.

Hon. Mr. ROSS (Halifax)—The objection to this clause is this: In the case of Nova Scotia they register their vessels in some ports of the West Indies in order that captains and mates having certificates for coasting may sail to the West Indies, and they would consider it a great hardship if this clause were insisted on. I was directed by some of the ship-owners of Nova Scotia to object to this clause altogether.

Hon. Sir RICHARD CARTWRIGHT—Practically speaking, my hon. friend will note that the object of this provision is to compel parties sailing a ship out of a Canadian port to be certificated.

Hon. Mr. POWER—As I understand it, at the present time a Canadian has to be certificated.

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—And this is to apply it to British ships?

Hon. Mr. SCOTT—It is to put British ships on the same plane as Canadian ships.

Hon. Sir RICHARD CARTWRIGHT—This will not come into force until it has been proclaimed by an order of the Governor in Council.

Hon. Mr. SCOTT—With the approval of the British Marine Department.

Hon. Sir MACKENZIE BOWELL

Hon. Mr. ROSS (Halifax)—There are vessels owned in Nova Scotia that are registered in ports in the West Indies in order that those having coasting certificates may sail those vessels without being subject to having a captain and mate's certificates. Our experience in Nova Scotia is that our coasters, as a rule, are more successful in sailing their own vessels even to foreign ports than perhaps those who have certificates as captains and mates, and that is why they object to that clause.

The clause was adopted.

On the 5th clause.

5. Section 100 of the said Act is amended by inserting after the word 'hire' in the third line thereof the words 'or to steamers of not more than five tons gross tonnage.'

Hon. Sir RICHARD CARTWRIGHT—I may mention the reason for this is to allow small gasoline yachts to carry passengers without having certificated masters in charge.

Hon. Sir MACKENZIE BOWELL—How far would that apply to vessels of the character to which the hon. gentleman refers sailing on the lakes? I could understand that in the inland waters, the bays and inland rivers, the concession is a very good one, but sailing on the great lakes is as dangerous as on the sea itself.

Hon. Sir RICHARD CARTWRIGHT—Where the tonnage is so small as five tons gross tonnage I do not think there would be much risk in giving the privilege.

Hon. Mr. LOUGHEED—Would that exempt the ordinary pleasure yacht?

Hon. Mr. SCOTT—Yes.

Hon. Sir RICHARD CARTWRIGHT—Five tons would cover practically speaking what are known as launches. I do not think it would cover anything that ought properly be called a yacht. My hon. friend probably is aware that on our inland waters, and indeed on all our lakes, there are a large number, a growing number of small launches ranging from 20 to 30 feet. They are usually worked by their owners, and it would be almost an absurdity to require that these should have certificated masters in charge, if they presume to take a passenger or two on them.

Hon. Sir MACKENZIE BOWELL—Those vessels, as a rule, do not go upon the lakes.

Hon. Sir RICHARD CARTWRIGHT—At such a point as Kingston, they cruise out some distance into the open water, and the same is the case at Toronto, Cobourg and various ports on the lakes. This refers to vessels which take passengers for hire.

Hon. Sir MACKENZIE BOWELL—This permits vessels of five tons to carry passengers.

Hon. Sir RICHARD CARTWRIGHT—Yes, it is better to legalize it.

Hon. Mr. YOUNG—I am glad that this is permitted, because there are many places on our small lakes on which there are pleasure boats, and it would be a serious matter to require them to employ certificated masters if they carry passengers. There would be no profit in the business at all.

The clause was adopted.

On the 6th clause.

6. The said Act is amended by inserting the following section immediately after section 125 :

125a. Section 117 to 125, inclusive, shall apply also to British ships registered elsewhere than in Canada.

Hon. Sir RICHARD CARTWRIGHT—The reason for this clause is that the penalties for not having certificated officers in charge of British steamers registered elsewhere than in Canada should apply. This amendment is considered necessary in order to provide a penalty for taking a ship out of port without a proper certificated officer being in charge.

Hon. Mr. LOUGHEED—Could my hon. friend say anything as to the constitutionality of the question which has been very often raised, as to whether we have any authority to legislate with respect to British shipping?

Hon. Sir RICHARD CARTWRIGHT—My hon. friend probably knows that in matters affecting British shipping the consent of the home authorities is usually required. Their attention will, of course, be called to this shipping Act, and they may or may not see fit to disallow part of it.

The clause was adopted.

On the 7th clause.

7. Subsections 1 and 2 of section 141 of the said Act are repealed and the following are substituted therefor :

141. Every shipping master or deputy shipping master shall be entitled to a fee of,—

(a) fifty cents on each engagement effected before him in any of the provinces this part, and,

(b) thirty cents on any discharge of a seaman effected before him in any of the said provinces.

2. In the province of British Columbia every shipping master and deputy shipping master may, until otherwise provided by the Governor in Council, take and receive from the master of any vessel and remuneration agreed upon between them, not exceeding ten dollars including the fee of fifty cents provided in paragraph (a) of subsection 1 of this section, for the hiring or supplying of any seaman by such shipping master or deputy shipping master, as the case may be, for such vessel.

Hon. Sir RICHARD CARTWRIGHT—There is a good deal of obscurity and confusion at present as to what shipping masters and deputy masters are to be allowed to charge, and this defines it.

Hon. Mr. McGREGOR—Subclause 2 does not affect our province, does it? I should decidedly object to paying a man $10 for shipping a sailor.

Hon. Sir RICHARD CARTWRIGHT—It applies only to British Columbia.

Hon. Mr. ELLIS—Would it not be better for the government to pay these people regular salaries, and take the fees themselves?

Hon. Sir RICHARD CARTWRIGHT—That is a question I cannot answer. Owing to the difficulty of getting seamen on account of suspected crimping which benefitted United States ships in the neighbourhood, the law was amended in 1905 so as to allow a master or his deputy to hunt up sailors, this being an entirely different matter to siguing a seaman brought before him for the purpose. A fee of $10.50 was authorized.

Hon. Mr. McGREGOR—I am afraid it would encourage crimping. They would steal men from other ships to get the $10.50.

The clause was adopted.

On the 8th clause.

8. Section 384 of the said Act is amended by striking out the word 'two' in the fourth

line of the said section and substituting therefor the words 'one and one-half'.

Hon. Mr. LOUGHEED—How does my hon. friend come to lower the duty on this subject?

Hon. Sir RICHARD CARTWRIGHT—It is simply a reduction of the existing duty.

Hon. Mr. LOUGHEED—How will this duty compare with the duties levied in the United States or British ports?

Hon. Mr. SCOTT—Section 384 of the Act explains it. The duty imposed is two cents for every ton of registered tonnage. This reduces it to one and one-half cents.

Hon. Mr. LOUGHEED—Why?

Hon. Mr. SCOTT—I suppose to encourage trade.

Hon. Sir MACKENZIE BOWELL—My own opinion is that it is a good provision, and would be better if it were lower, because the smaller the tonnage dues and other harbour charges in any of our ports, the better for the shipping trade of the country.

Hon. Mr. POWER—It is a good thing.

Hon. Sir MACKENZIE BOWELL—I do not know why they have taken half a cent off.

Hon. Mr. ELLIS—It is a very little step in the right direction.

The clause was adopted.

On the 10th clause.

10. Paragraphs (i) and (j) of section 565 of the said Act are repealed and the following are substituted therefor:

(i) 'passenger' means any person carried on a steamboat other than the master and crew, the owner, his family and the servants connected with his household, and other than the guests of the owner of any steamboat used exclusively for pleasure, if such guests are carried on such steamboat without remuneration or any object or profit; and

(j) 'passenger steamer' means any steamboat carrying

Hon. Sir RICHARD CARTWRIGHT—There was some dispute as to the definition of 'passengers,' and they want to make it clear. The object is to make it quite clear that besides the master and crew, his family and household servants and non-paying guests are covered by the expression.

The clause was adopted.

On the 12th clause.

Hon. Sir RICHARD CARTWRIGHT—There are a number of exemptions and partial exemptions under the law as it now exists, and the object is to make these plainer and consolidate them.

Hon. Mr. LOUGHEED—Can my hon. friend say what additional protection is required on boats by this registration?

Hon. Sir RICHARD CARTWRIGHT—They are made subject to the provisions of the general Act as regards passenger steamboats.

Hon. Mr. LOUGHEED—A question arises in my mind as to whether the interpretation placed upon the word 'passengers' which we have already passed, does not give too great latitude that might result in exempting a passenger steamboat from the burdens imposed upon it; that is to say, the passenger must be carried for hire to be a passenger. Now, many boats might possibly evade that provision for the purpose of escaping the imposition placed upon a boat by adopting some other means. In another clause, we enlarge the interpretation to be put upon a passenger so that a master may carry his family and guests and non-paying passengers without being considered a master of a passenger boat.

Hon. Sir RICHARD CARTWRIGHT—He cannot carry anybody for hire.

The clause was adopted.

On the 13th clause.

13. Section 591 of the said Act is repealed and the following is substituted therefor:

591. The master, owner or engineer of every steamboat, or the person in charge thereof, shall at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, report such occurrence to the inspector who issued the certificate.

Hon. Mr. SCOTT—The only change here is the addition of the words 'Who issued the certificate.'

Hon. Mr. POWER—Why is this change made? For instance, a ship gets her cer-

tificate at Quebec. She is plying on the coast of Nova Scotia and meets with material injury. Why should the master who is, perhaps, making Halifax his principal port, be required to report to the inspector at Quebec instead of to the inspector of Halifax? I understand that the inspector at Halifax might communicate with the inspector at Quebec, but it seems to me it would be more convenient for the ship master to report to the inspector at Halifax in that case.

Hon. Mr. LOUGHEED—The inspector who issues the certificate might not be filling the office. Another inspector might be in the position.

Hon. Sir RICHARD CARTWRIGHT—The presumption of the law would be that his successor would be entitled to receive the certificate.

Hon. Mr. LOUGHEED—I doubt very much whether the Interpretation Act would be sufficiently wide to cover that. You do not refer to a man who held a particular office, but to a man who did a particular act.

Hon. Sir RICHARD CARTWRIGHT—All I can say is, that the department considered it would be better to have this as a rule made to the man who issued the certificate. He must write or send a report to the party from whom he obtained the certificate.

Hon. Mr. ROSS (Middlesex)—There is a steamer now at Gaspé going to Montreal with coal, and probably after she gets there she will require to be repaired. Suppose the original certificate was given in Sydney, C.B., probably it was, the master would have to go there to get this certificate renewed.

Hon. Sir RICHARD CARTWRIGHT—Would it not be sufficient in such a case, according to the rule of the department, that a written report be made to the inspector who issued the certificate. It would not be necessary to report in person; it would simply amount to this, that whenever such an injury occurs, the officer in charge would mail a report stating the particulars of the injury to the inspector.

Hon. Sir MACKENZIE BOWELL—Take a vessel plying from Quebec or Montreal to the head of Lake Superior. If she obtained her certificate in Montreal and should meet with an accident in Lake Superior, would she have to wait there until the master or owner could report to the man who granted the certificate in Montreal?

Hon. Sir RICHARD CARTWRIGHT—I do not suppose the vessel would be held up. That is a point to which I should call the attention of the department. As I understand it, all that he would be required to do is to mail a written report.

Hon. Sir MACKENZIE BOWELL—But the object of reporting would be, I fancy, for the purpose of having repairs made so as to make the vessel safe in proceeding on her journey. She would necessarily have to be held up awaiting the certificate.

The clause was adopted.

Hon. Mr. WILSON, from the committee, reported progress, and asked leave to sit again.

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

THE SENATE.

OTTAWA, Friday, May 15, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. DOMVILLE—I should like to call the attention of the House to a statement which appears in to-day's 'Gazette,' which reads as follows:

> Senator Domville, in answer to an interruption, stated that the younger members of the Senate proposed to be controlled by the older senators.

Now, I never made such a remark.

THIRD READINGS.

Bill (41) An Act to incorporate the Standard Plate Glass Insurance Company of Canada.—(Hon. Mr. Jaffray.)

Bill (73) An Act respecting the Quebec Railway, Light and Power Company.—(Hon. Mr. Casgrain.)

Bill (86) An Act to incorporate the Northern Empire Railway Company.—(Hon. Mr. DeVeber, Middlesex.)

Bill (53) An Act respecting the New Brunswick Southern Railway Company.—(Hon. Mr. Ellis.)

Bill (101) An Act respecting the Fort William Terminal Railway and Bridge Company.—(Hon. Mr. Watson.)

MEAT AND CANNED GOODS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (149) An Act to amend the Meat and Canned Goods Act.

(In the Committee.)

On clause 1,

1. Section 11 of the Meat and Canned Foods Act, chapter 27 of the statutes of 1907, is repealed, and the following is substituted therefor:

11. The Governor in Council may, upon application of the owner thereof, exempt any establishment from the operation of the provisions of sections 3 and 4, and of sections 6 to 10, both inclusive, of this Act.

Hon. Mr. SCOTT—This gives power to the Governor in Council to exempt any establishment from the operation of the provisions of those clauses.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the hon. minister if the former provision has been found too exacting or too strict. Because this first clause repeals the former Act and will give the Governor in Council power to exempt any packing establishment from the operation of the provisions in sections 3, 4, 6 and 10 of this Act.

Hon. Mr. SCOTT—The law could be better observed by making it general, and if you want to make any exception to it, let it be brought before the Governor in Council, and let him take the responsibility of exempting in any particular locality.

Hon. Mr. MACDONALD (B.C.)—You cannot be too strict in regard to canned meats.

Hon. Mr. LOUGHEED—Can my hon. friend explain what has led to this amendment?

Hon. Mr. SCOTT—Three and four are arbitrary provisions—all animals intended for slaughter shall be inspected, and so on, and all carcases and portions thereof slaughtered and intended for export shall be inspected as provided by the regulations. Then section 6 provides that every carcase or portion thereof found to be healthy and fit for food shall be marked by the inspector as provided by the regulations, &c. There was a proviso that the Governor in Council might exempt certain establishments. Now all are subject to the law; but they must make out a case for exemption before they are exempt. At present it is compulsory.

Hon. Mr. LOUGHEED—It removes to the Governor in Council what parliament has made obligatory upon the canners.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—Why should this power be taken out of the statutes and placed in the Governor in Council, because it would seem to me upon the face of it to be very desirable that this obligation should be compulsory and should not be optional. It simply becomes optional if the powers are vested in the Governor in Council. That is to say, whatever influence may be brought to bear upon the Governor in Council will determine whether they are brought into force or not.

Hon. Mr. SCOTT—The explanation, in addition to what I have just stated is as follows: Section 11 of the Act provides that parts of the Act regarding compulsory inspection shall apply only to such establishments as are from time to time designated by order in council. After administering the law for some time, it was found advisable to apply them to all establishments engaged in export trade, and this is to empower the Governor in Council to exempt small establishments which will not pay for the cost of inspection.

The clause was adopted.

On clause 2.

2. Paragraph (a) of section 12 of the said Act is amended by adding thereto the following:

Or of the first dealer obtaining them direct from the packer who sells or offers the said articles for sale; and such dealer shall, upon the request of an inspector appointed under this Act, disclose the name of the packer of such article.

Hon. Mr. SCOTT—The contemplated change in the law will not relieve the packer from the consequences of his putting up any product in the form of canned goods in an improper shape. But, in the trade, it has been found that the wholesale man who buys from the packers wants his name and label on the package, instead of the packer's name. It is only an addition to the law, and does not relieve the packer who is guilty of any infraction. Under the Act of 1907, if the packer does not conform to all the regulations, he is liable to have his license cancelled.

Hon. Mr. LOUGHEED—Wherein would that apply to the packer? If you release the packer——

Hon. Mr. SCOTT—We do not release him at all. We simply permit the wholesale man to have his label on the can, but the packer is still liable.

Hon. Mr. LOUGHEED—It is an alternative. As the law now stands, the packer must mark his packages in a certain way, and it seems to me that substituting the dealer for the packer is vicious in this regard. The dealer, for the purpose of obtaining a cheap article, may induce the packer to put up inferior goods. The dealer says, 'I will take the responsibility by placing my name on the package.' The packer is not bound to disclose to the public who the packer was. That will be followed by this evil effect; under the existing law there is an obligation on the packer to disclose to the public who put up the goods. There is therefore an incentive to put up a superior class of goods, so that his name shall be identified with that particular brand. If he, through this law, can substitute isolated dealers who assume the responsibility of the inferior goods put up by him, withholding from the public his personality, the public in that way will obtain an inferior brand of goods, because the packer is not concerned about maintaining his reputation with the public by packing a superior brand. It seems to me that would be the logical working out of the law as proposed.

Hon. Mr. SCOTT—My hon. friend is under a misapprehension. All the provisions of the Act still apply to the packer; they are not repealed.

Hon. Mr. LOUGHEED—The best assurance the public has of the quality of goods is through the label of the packer being upon the can or package. How is the public to set in motion the law, except there is some motive as to who originally was responsible for the packing of inferior goods? The dealer may not have any standing in the community, may not be known, may have little interest in the community commercially or otherwise. I therefore say the best assurance the public can have of the superior quality of goods, is through the name of the packer being upon the original package. When the government introduced those amendments in the House of Commons, they were opposed to the package being marked by the dealers. They wanted the original packer to put his brand upon the package, and it was only through influence of the dealers brought to bear on the government, after the introduction of the Bill, that this important departure was made. I think it will be found that the opinion of the department itself was that the package should continue to bear the brand of the dealer. I am not saying that the packer is relieved of the liability, if the law is set in motion to inquire who the original packer was; but, in the meantime, you absolve him from the necessity of having his brand on the package.

Hon. Mr. FERGUSON—Last year, when the Bill was introduced in the first instance, it went the utmost length of insisting that the name of the packer should be on the goods. I think it was after the Bill came to this House that some modification was made in that respect. That modification was called for both from the east and from the west. In the lower provinces, the lobster trade runs in this way; the agents of the large dealers in Europe insist upon buying the article which is manufactured for them without the label of the local packer being upon it, in order that they may use their own label. I know that is the trend of the lobster business in the east, and I think my hon. friend from British Columbia voiced the same opinion with reference to the salmon trade of that province. What happened was that in this House power was given to the Governor in Council to modify the Act in order to meet the absolute requirements of trade both in British

Columbia and in the east. The present amendment is simply carrying this idea a little further. I have not been able to make the comparison for myself, but I know, as my hon. friend has pointed out, that the departure came from the necessity of conforming with what had become the established methods of doing business both in lobster and salmon canning.

Hon. Mr. POWER—What happened in connection with this matter is this: I quite concur in the views expressed by the leader of the opposition. There was an inspection law which provided for an inspector going down to the cannery where lobsters, for instance, were being canned, and the law was that a stamp had to be put on the outside of the package. The package spoken of was a wooden box containing one or two or four dozen cans, and I remember saying myself that no stamp put on the outside of the package was any guarantee to the purchaser, of the quality of the goods, and years and years ago I said I thought the best guarantee of the quality of the goods was the name of the packer who put them up And I am still of that opinion. Now, the amendment before us provides that in certain cases the name of the dealer shall be substituted for that of the packer.

Hon. Mr. SCOTT—That may be.

Hon. Mr. POWER—And the amendment before us goes on :

> And such dealer shall, at the request of an inspector appointed under this Act, disclose the name of the packer of each article.

That proviso, to a certain extent, diminishes the objection to the change, but does not remove it altogether. The object is to provide that none but good articles shall be put up, and the strongest instrument to bring about that result is to compel the packer to put his name and address on the can. It is, no doubt, true, as the hon. gentleman from Marshfield says, that the practice in the lobster trade in the lower provinces has been to put the large dealer's name on and not the packer's ; but, after all, we are not so much concerned with the interests of the large dealers as we are with the interests of the public who consume the goods, and I know that the head of a large concern in New Brunswick told me, speaking about this very matter, that they got lobsters from all over Prince Edward Island, Nova Scotia and New Brunswick, and they put their own labels on the cans. I know some of the packers from whom they bought did not put up a good article, and this matter of allowing the wholesale dealer to put his label on, simply renders it possible to put inferior goods upon the market. I do not see any reason why a large dealer should not put this label on as well as the label of the packer. The difficulty can be overcome by putting on the label that the goods are packed by So-and-So, giving the packer's name, for So-and-So, giving the name of the dealer, and I for one would be disposed to vote against the amendment. I think it is a step in the wrong direction.

Hon. Mr. BOSTOCK—I cannot follow the argument that there would be any harm done by the amendment to the Bill. It seems to me that the wholesaler who would buy these goods from the packer is as reliable a man as the packer himself, and very often more so. In the salmon trade, in British Columbia, the wholesalers send their labels down to the canner, and having arranged for so many cans of salmon, they have their labels put on the tins, and they are sent out as if they were packed by the wholesale dealer. I do not see where the public are going to be injured by having to look to the wholesale dealer instead of to the packer for a good article. The wholesale dealer is often a very much better known man than the packer, and if the goods he is putting on the market are not good goods, the public find out where they got them from, and, on applying to the department, the inspector can find out the name of the packer, and in that way the matter can be put right. No dealer is going to put bad goods on the market, because he must know he is going to spoil his trade. In the long run, the people will find out which dealers are furnishing the good article.

Hon. Mr. BAIRD—I think it is important that the name of the packer should be put upon the can in a conspicuous place, because it is quite evident that the man who is buying canned goods or spices of every kind, is not buying them every

month of the year, and if an inspector comes to make an inspection they are handed down to him. For instance, I am in the business myself. My name is only on the can. It might be a difficult matter for me to prove from whom I bought the goods, after they were stored on the shelf four or five months, and there is such a great agitation at the present time against canned goods, that these people who are canning goods are seeking some means of escape in case the goods are not pure. I think it is of the greatest importance that the packer's name should be on the can, and if the wholesale man wants his name put on, it is a very easy matter to have stamped on the can: 'Goods packed by So-and-So, put up for So-and-So,' naming the wholesale man. That would make it clear.

Hon. Mr. JAFFRAY—I think that if this is fairly considered, it will be seen at once that it is more important generally for the many buying the goods that the name of the merchant should be the one that is prominent rather than that of the packer. As a rule the merchant is better known than the packer. He is more easily got at, and has a reputation to maintain for the goods which he delivers, and has to take care of. In addition to that, the merchant advertises his goods, pushes the sale of them, and it is not his business to have the parties buying from him pass him to go to the packers. I am sure that if provision is made that in every case where it is required of the dealer, he should give the name of the packer, it is quite sufficient, and it can be followed up, and it can be ascertained whose fault it is if the goods are inferior.

Hon. Mr. SULLIVAN—Crosse & Blackwell are the greatest purveyors in the world. They get salmon from northern British Columbia. It is shown that they purchase the salmon from the packers and they insist on their name being on the cans and not the name of the packer. If Crosse & Blackwell are not better than any dozen packers in the country, I should like to know it. The merchant is well known and you look to the merchant for the quality of the food you purchase.

Hon. Mr. BAIRD—It seems to me it is quite evident there must be some desire on the part of the promoters of the Bill to get rid of the responsibility for it. Take any other class of canned goods, except the matter of provisions, the names of the packer is always on the package. Why should they want their names left off the canned goods, because certainly the packers must have a reputation? No doubt the reputation of the packer is just as good as the reputation of the wholesale man. There is no reason why, if they put up good goods, they should not want their name on them.

Hon. Mr. LOUGHEED—It seems to me that the fallacy lies in this, that up to the present time the name of the packer had to be impressed upon the package. The trade in canned goods, notwithstanding what has been said by my hon. friend from Yale and my hon. friend from Kingston, has been going on without any diminution apparently. We have amended this clause from time to time, and we have not gone as far as absolving the packer from the responsibility of placing his brand upon the package. If that be the case, it seems to me very fallacious to say that this is an impediment, so to speak, that will prevent the dealer or the wholesale merchant from purchasing the goods with a view to placing his labels upon the package. He can do that now. There is no prohibition under the law to prevent him from putting his label upon the package, and let me point out this case, wherein I say the amendment would be ineffectual towards disclosing the person originally responsible. Many of those goods are bought by foreign dealers. If a foreign dealer should purchase lobsters or fish, as the case may be, and have his label placed upon them, how are you going to exercise the right embodied in the statute of demanding from him who the packer is, or was? My recollection is that during the recess something like two cars of salmon were seized by the department owing to the goods being in a partly putrid state. Can my hon. friend say whether the government prosecuted the parties who put up the salmon that was seized in Montreal? I think two cars were seized.

Hon. Mr. SCOTT—It was destroyed I think.

Hon. Mr. LOUGHEED—What prosecutions followed?

Hon. Mr. SCOTT—I do not know whether it was followed up.

Hon. Mr. LOUGHEED—I undertake to say there was no prosecution. I fail to see the use of passing legislation of this character, unless the machinery of the statute is set in motion to prosecute such wholesale violations of the Act as were represented by the shipment to which I allude.

Hon. Mr. SCOTT—The question is, which is the better way to circulate the goods which Canada produces? Every one will admit that the trade in the canned goods line has not developed as it should. There is no doubt about that. We have the goods. We have the best materials in the world, and we have all the facilities for producing them. Now we propose to direct how they shall reach the consumer. The trade is the only channel through which they can reach the consumer. Is there a firm in the world better known than Crosse & Blackwell? Would they put their name on any article which they did not know was A-1, the very best possible? We had to make an exception in favour of lobsters and in favour of fish, and why should the same principle not apply to other canned goods? The packer is not known in many cases. Sometimes it is a small concern. Factories are built in Canada that will not be known outside the boundary line. We would not know where they were. They would not be as responsible as the wholesale dealer. He is the man who buys. He takes the whole product of an establishment. He may take the whole product of several establishments. If it is going to stimulate trade and give larger facilities to the consumer to buy his goods, is it not wiser to at least try it? The Act does not relieve the packer from the consequences of his putting up an inferior article. He is liable to have his license cancelled and goods found on the premises confiscated, and he is liable also to the penalties provided in the Act. This is only an alternative. It is merely permissive. After all, I do not think it is wise to direct how trade shall be carried on. Trade is too large a condition of things for us to interfere with.

Hon. Mr. POWER—How would that argument apply to the case of apples?

Hon. Mr. SCOTT—The name of the grower is not on the apples. You do not know where an apple is grown nowadays, in nine cases out of ten. In the month of July, the dealers go round the country and buy up the whole of the orchards. You or I or anybody else cannot now buy a dozen barrels of apples. You cannot give an order for half a dozen barrels, because it is the large man who buys the orchard, and packs the fruit, and it is his name that is put on the barrels.

Hon. Mr. FERGUSON—My hon. friend is scarcely correct in that statement. This Act has no reference to the packing of apples. This is the Canned Goods Act, while the inspection of fruit is settled by another statute altogether. I am entirely in accord with the Bill. I think that it is in the right direction. I have not been able—and I have made several attempts—to get the statute of last year, in order that I might compare them, but I took some interest in the question last year, and understood it rather well at that time. The Bill is introduced in the first instance contained drastic provisions that the name of the packer must be put on all canned goods. Before it had reached this House, a very strong protest arose—I am now speaking of my own personal knowledge—in the east from the lobster packers, who explained to us that the trade had assumed a very satisfactory shape. I do not think that five per cent of the lobsters packed in Canada are consumed in this country. They are for foreign consumption. The agents of large foreign houses buy them; firms on whose respectability and reputation the article is sent to the consumer, in Europe. The label of the wholesaler goes upon the goods. That has been the practice. The Bill as it passed in the House of Commons last year would have stopped all that, and would have practically destroyed the trade. The large dealers are not such fools as to allow their

names to go upon goods brought out from a factory that does not manufacture a good article. The ability on the part of the small factories to sell to the large and respectable houses rests upon their turning out a good article. The wholesalers will not buy the article and put their label on it unless the packer has a good reputation and unless they are satisfied that a good article is being produced. When that is done, it goes to the wholesaler, he places his label upon the article, and he recommends it for consumption. If that system had been interfered with, and the Bill had gone through without the modifications of last year, it would have practically deranged, and it might possibly have destroyed the Canadian trade in lobsters. This Bill goes a little further so as to make responsibility attach to the packer. The name of the packer must be disclosed, although the article bears the label of the large dealer, and it is really placing more responsibility upon the small packer than the original Act cast upon him. I know that the amendment of last year to the Bill, after it came to the House, allowing modifications to be made by orders in council, was the means of protecting the trade in lobsters in the east, and this amendment, if there has been any abuse, will serve to correct it, because the inspectors will be able to get at the packer as the clause forces the larger dealer to disclose the name of the man who packed the goods.

Hon. Mr. CLORAN—Last year, when this Bill was before the House, I warned hon. gentlemen that it would have to come up for revision, and I am sorry to say that the revision is against the public interest. Canned goods and packed goods are sold by packers and by wholesale men, and that is their line of business. The business of the consumer is to find out when those goods are packed and what they are worth. Under this law, the packer and the wholesaler will be relieved of the responsibility of telling the consumer whether the goods were canned or packed in 1908, 1906 or 1905, and I as a consumer do not want this parliament to pass a law on behalf of the packers to that effect. I am giving you the plain facts as the people want them, and as the people state them, and as the press of the country states them. This amendment to the law of last year was found to be inadequate; but it was a good deal better than the amendment now proposed which transfers the responsibility of the packer to the shoulders of the wholesaler. Who is the wholesaler? What is he? Is he a man who buys canned goods—one case or ten cans? Is the packer to be allowed by parliament, to put up goods that will be of no substantial use to the country, probably of a pisonous nature, and be relieved of the responsibility, because some wholesaler who buys a thousand cases or one case, wishes to sell the goods under his own label?

Hon. Mr. SCOTT—No. He is liable for the consequence of any infringement of the Act. If he put up an inferior article, he can be prosecuted. His name can be ascertained through the inspector, and his factory can be closed.

Hon. Mr. CLORAN—I wish the law was as plain as the statement of the hon. Secretary of State.

Hon. Mr. SCOTT—The law is clear, and provides that all fish, fruit or vegetables, used in any establishments where those articles are prepared for export, shall be sound, wholesome, and fit for food, and that any such articles, in such establishments, unsound or unfit for food shall be confiscated; and the law provides a penalty. The inspector can close the establishment, and the license can be withdrawn.

Hon. Mr. CLORAN—I have no objection to that clause, but I would ask that the date of packing shall be put on the can, or on the box, I care not whether it is Armour, McLaren, or anybody else. I know the standard of these men of course, but I want to know the date upon which these goods have been put up. As a consumer—and I speak on behalf of five and a half million people—I want to know whether the canned food that we buy were packed five years ago, or packed yesterday. That is all I ask. I want no elaborate description of the goods on the can. I want a simple statement of when they were packed, so that when I go to a dealer I can purchase what I want. I want a

guarantee from the government that the goods, whether superior or inferior, were packed at a certain date. That is a point the law should cover and this Bill does not touch. I am not asking for any unfair advantage against the packer or the wholesaler or the retailer; I am asking for fair play for the purchaser of the goods. If hon. gentlemen had been reading the expressions of opinion on this subject, they would feel the force of what I say, and exercise their influence here on behalf of the consumers of canned goods; but, unfortunately, we are under the influence of packing houses and wholesale men. I wish to be under the influence of the people of this country, and I ask of this honourable House that the packer be required to state on each package and can the date when its contents were packed. The people of the country will exact that much from the government and parliament. I fail to see that we should be at the service of wholesalers or packers. The hon. Secretary of State says that packers are not allowed to pack inferior goods, but when I go to buy such goods I want to know when they were packed.

Hon. Mr. LOUGHEED—May I renew my question to the leader of the House? I asked my hon. friend how it came that when the Bill was introduced into the House of Commons it did not contain this particular clause? It was not added to the Bill until it was referred to committee, and then the amendment was moved by the hon. member for Vancouver, so that the solicitude of which the hon. gentleman who has spoken relative to meeting the wishes of the wholesaler, never entered the minds of the government until after the Bill was in committee in the House of Commons.

Hon. Mr. SCOTT—The Bill was not brought to my notice until it came up to this chamber.

Hon. Mr. BOSTOCK—The hon. senator from Calgary said a short time ago that this Act had been in force, and there was no kick against it. The Act was passed last year, and it was at the instance of the cannery men of Vancouver that this clause was put in, because they found the system under which they were working was stopped by the Act of 1907.

Hon. Mr. LOUGHEED—It was not done until the government introduced the Bill, and this clause was not part of the Bill as introduced.

Hon. Mr. BOSTOCK—It was put in at the instance of the member for Vancouver.

The clause was adopted.

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

SECOND READINGS.

Bill (RR) An Act for the relief of Catharine Ann Cannon.—(Hon. Mr. Baird.)

Bill (TT) An Act respecting certain patents of the General Chemical Company.—(Hon. Mr. Kerr.)

Bill (UU) An Act for the relief of Ada Katurah Stewart Paulding.—(Hon. Mr. Derbyshire.)

Bill (VV) An Act for the relief of Mary Alexander.—(Hon. Mr. Derbyshire.)

THIRD READING.

Bill (II) An Act respecting the Nipissing Central Railway Company.—(Hon. Mr. McKeen.)

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday May 19, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Over and above the $45,000 paid to Mr. Hoare as chief engineer of the company by the Quebec Bridge and Railway Company of which Mr. Parent is president, has he received any other sums of money from the Transcontinental Railway Commission, of which the same Mr. Parent is President?

How much, in each year, for the years 1904-5, 1905-6, 1906-7 and 1907-8?

For what services?

Hon. Mr. SCOTT—The answers are as follows :

1. Yes.

2. E. A. Hoare, salary, 1904-5, $1,767.74 ; 1905-6, $2,400 ; 1906-7, $1,800 ; 1907-8, $2,400. E. A. Hoare, expenses, 1904-5, $23.86 ; 1905-6, $224.76; 1906-7, $210.98; 1907-8, $248.37.

3. Answered by No. 2.

Hon. Mr. LANDRY—Am I to understand that is in addition to his salary as engineer of the Bridge Company? That is what he receives from the Transcontinental ?

Hon. Mr. SCOTT—I presume so. I give it as it was given to me.

Hon. Mr. LANDRY—My question asks for what services was this.

Hon. Mr. SCOTT—The only items given me are those I have read.

Hon. Mr. LANDRY—As what ?

Hon. Mr. SCOTT—Chief engineer of the company.

Hon. Mr. LANDRY—Not of the Bridge Company ?

Hon. Mr. SCOTT—If my hon. friend is not satisfied, I will send it back to the department and ask them to be more explicit.

Hon. Mr. LANDRY—He received a salary as engineer of the Quebec Bridge Company; but besides that, he received the amount the hon. gentleman has given me from the Transcontinental Railway Company ; but I want to know for what services ?

Hon. Mr. SCOTT—It is not stated. I have given the amount, but not the services. I do not know about the salaries part.

Hon. Mr. LANDRY—It might be a salary, but salary as what ?

Hon. Mr. SCOTT—I regret that the information is not fuller than it is ; but it is like extracting teeth to get the information.

QUEBEC BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

How much has Mr. George Tanguay, of Quebec, merchant and ex-alderman of the city of Quebec, received from the commissioners of the Transcontinental Railway, for goods and merchandise during each of the years 1904-5, 1905-6, 1906-7 and 1907-8?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. Geo. Tanguay, for goods and merchandises, 1904-5, $449.58 ; 1905-6, $9,176.13 ; 1906-7, $12,417.88 ; 1907-8, $18,603.71.

QUEBEC BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Does the government know whether Mr. Edmond Taschereau, of Quebec, notary, was employed as notary and in that capacity signed the deed of agreement entered into on the 19th October, 1903, between the federal authorities and the Quebec Bridge and Railway Company relating to the financial obligations contracted by the government with the said company?

How much was he paid for the transaction and by whom? By the government or by the company?

How much, in addition, did he receive from the commissioners of the Transcontinental railway, for having as notary verified the titles of ownership of certain lands acquired by the aforesaid commission for the passage of its road?

Apart from what it has already paid him, does the Transcontinental Railway Commission still owe anything to Mr. Edmond Taschereau? What amount? And for what services?

Hon. Mr. SCOTT—The information to answer this question is being obtained, and will be given to the House later.

The inquiry was allowed to stand.

PAYMENTS TO QUEBEC PRESERVING COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

How much have the Transcontinental Railway Commission paid each year during the years 1905-6, 1906-7 and 1907-8 to the Quebec Preserving Company, of Quebec?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

1. Quebec Preserving Company, 1904-5, nil ; 1905-6, $500.85 ; 1906-7, $5,281.89 ; 1907-8, $7,815.31.

PAYMENTS TO DROUIN BROS.

INQUIRY.

Hon. Mr. LANDRY inquired :

How much have the Commissioners of the Transcontinental Railway paid each year dur-

ing the years 1904-5, 1905-6, 1906-7 and 1907-8, to Drouin Brothers and Company, of Quebec, merchants, for goods and merchandise?

Hon. Mr. SCOTT—The answers are as follows :

1. Drouin Frères & Company, 1904-5, $1,504.07 ; 1905-6, $9,948.62; 1906-7, $6,751.10; 1907-8, $14,188.36.

PACIFIC COAST FIRE INSURANCE COMPANY'S BILL.

THIRD READING.

Hon. Mr. BOSTOCK moved the third reading of Bill (40) An Act respecting the Pacific Coast Fire Insurance Company.

He said: When this Bill was under discussion the other day, I was not able to give all the information which some hon. gentlemen wished with regard to it. Since that time I have looked into the matter and found that the company is in a very satisfactory condition. I have obtained from the Superintendent of Insurance a statement which shows that the affairs of the company are in a very good state, the directors of it at the present time are responsible men.

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

THIRD READINGS.

Bill (147) An Act to repeal the Canned Goods Act.—(Hon. Mr. Scott.)

Bill (149) An Act to amend the Meat and Canned Foods Act.—(Hon. Mr. Scott.)

Bill (RR) An Act for the relief of Catharine Cannon.—(Hon. Mr. Baird.)

Bill (UU) An Act for the relief of Ada Maturan Stewart Paulding.—(Hon. Mr. Derbyshire.)

Bill (VV) An Act for the relief of Mary Alexander.—(Hon. Mr. Derbyshire.)

DOMINION LUMBERING AND POWER DEVELOPMENT COMPANY'S BILL.

THIRD READING.

Hon. Mr. CASGRAIN moved the third reading of Bill (H) An Act to incorporate the Dominion Lumbering and Power Development Company.

Hon. Mr. DAVIS—I gave notice of the following amendment, that the said Bill be not now read a third time but that it be amended by striking out clause 5 of the said Bill. It will be remembered that I have taken the ground right along that private Bills should go to a Committee of the Whole House. There was a good deal of important discussion on this Bill in the Railway Committee, and many members of the Senate who are not members of the Railway Committee were not present when this Bill was under discussion there. Therefore, it is nothing but right that it should be brought before the House for discussion. Clause 5 of the Bill is as follows:

5. The provisions of any general Act of the legislature of the province of Ontario or of the province of Quebec, now or at any time hereinafter in force, shall in so far as such provisions are not inconsistent with The Electricity Inspection Act, 1907, The Electricity and Fluid, Exportation Act, of any other general Act relating to the transmission and distribution of electricity hereafter passed by the parliament of Canada, apply to the works and operations of the Company.

If parliament has a right to pass this Bill at all, I do not see why this clause should be inserted. If we have no right to pass it, of course we should not pass it. The question of provincial rights has been discussed in this House for the last two or three years, and I think the sooner we come to a conclusion that no Bill of this kind shall be put through this House with any such clause, the better. There is a way out of this difficulty. If we pass this Bill without clause 5, and either the people of the province of Quebec or the province of Ontario are not satisfied, or think that it is an infringement of provincial rights, they can do as Sir Oliver Mowat did when he was Prime Minister of Ontario, take it to the proper court and get a decision of the court as to whether we are right or wrong. I do not think this House has a right to interpret the constitution or the law. We are supposed to make laws, and the court is the proper place to have them interpreted, and if we are going to pass this Bill at all, we should cut out section 5 and let the Bill go. If Ontario or Quebec—and they are the only provinces affected—think it infringes on their rights in any way, the proper thing for them to do is to carry it to the courts and get a decision as to what are our rights and what are not. I think the sooner

we get to that the better, because nearly every Bill that comes before this House contains something with reference to provincial rights, and the sooner we obtain a ruling on the question whether we have a right to incorporate power companies or not, the better.

Hon. Mr. BEIQUE—I was in charge of this Bill, and I obtained the consent of the promoters to accept this clause, and the reason why I think this clause is good legislation is that the rights of the provinces should be preserved in a reasonable measure. Suppose that any of the provinces should create a commission in years to come, entrusting the commission with the control of the rates of water power companies, as far as public utilities are concerned, in the distribution of power in cities and towns, would it not be but proper that the legislature of any of the provinces should have the right to legislate, and that their legislation, provided it be applied to all companies of that nature, should affect companies whether they are created by the local legislature, or whether they are the creation of this parliament? I think this is legislation in the proper direction, and we have passed a number of Bills in the last three or four years, with a clause in this direction. That is the reason this clause has been inserted. There is no question as to the power of this parliament to pass the Bill. That is not the object of the clause at all. It is merely to save the rights of the legislature if there should be an occasion hereafter to pass a general law which should properly affect companies incorporated by this parliament or any other body.

Hon. Mr. POWER—I do not wish to contradict the hon. gentleman who has just resumed his seat, but I had received an altogether different impression as to the attitude of the promoters of the Bill. I understood the counsel who represented the promoters to say that if this clause passed in its present form, the Bill would be of no value. And my humble opinion is that, if I understood the promoter correctly, he was right. We have to consider something further than the position as stated by the hon. gentleman from De Salaberry. If the province of Ontario were like the province of Quebec or the province of Nova Scotia, and had not undertaken to go into the power business itself, then I could see no particular objection to making this company subject to the existing, or to any future legislation of the province with respect to power and the transmission of electricity. It says 'The provisions of any Act of the legislature.' It does not confine it to Acts which deal with electricity or power. The probabilities are that this company, under the circumstances, will really not get a fair opportunity to carry on its business if the company persist, after the passing of the Bill in this form, in having it made law by putting it through the other House. I do not think they will ever be able to do business under this charter we have given them, and I agree with the hon. gentleman from Prince Albert that in a case of this kind, it is our duty not to interfere unnecessarily with the legislation of the province. When gentlemen come to us and ask for an Act of incorporation, it is not our duty, and I think it is improper, that we should annex conditions to the granting of the charter which will render that charter useless to the promoters, and that is just what I feel the passing of this fifth clause will do. My honest opinion is that this fifth clause in the Bill, if the measure becomes law, will render it of no use to the promoters and those who are asking for the charter.

Hon. Mr. POIRIER—The hon. gentleman from De Salaberry says that he desires the rights of the provinces to be preserved in a reasonable measure. I desire the rights of the provinces to be totally preserved. That is where I differ from my hon. friend, and it is the reason why I shall hold the view that I held in committee, that that clause should be struck out altogether. It is for the courts to decide the extent to which we have to go, and the extent of the jurisdiction of the provinces, I will add that I wish to be the guardian of the provincial rights and also of the Dominion rights. Supposing the province should enact in such a manner that they would trespass upon the rights of the Dominion, then, according to the reading of the clause, as I understand it, whatever

enactment may be passed by the province would be made as against the enactment by the Dominion parliament, even if it is an encroachment upon our rights. I will repeat here what I contended in the committee, that in my opinion the clause should be struck out altogether, and the rights of the provinces should stand; that we should legislate here without making any mention of the rights of the provinces, but that we should be careful not to encroach upon provincial rights and not leave the door open for the provinces to encroach upon our rights here?

Hon. Mr. WILSON—It appears to me that if we want to preserve the just rights of the Dominion, we should adopt the principle of the Bill without this clause. The Dominion has certain rights, and so have the provinces. Then why should the promoter of this Bill make provision for Ontario and Quebec and leave the other provinces out?

Hon. Mr. CASGRAIN—It does not go outside of those two provinces.

Hon. Mr. WILSON—That might or might not be the case.

Hon. Mr. CASGRAIN—It is the case.

Hon. Mr. WILSON—The other provinces also are part and parcel of the Dominion, and why not embrace all the provinces? What is more; we have in Ontario a power company, and possibly by this Act we may interfere, curtail or restrict the rights of the province of Ontario, and very likely the province of Quebec, in the exercise of their full power and control. It would be unfortunate, and I think we should not under circumstances of this kind, pass legislation of such a character. They will have ample control for the object of the Bill without clause 5. There is no necessity for this clause. Legislation of this kind will lead up to litigation and trouble between the Dominion and the provinces. I think the hon. gentleman should consent to have this clause struck out. Of course I am only a layman—not a lawyer—and I can see no necessity for the clause. I appeal to my hon. friend to interpret the law. If you strike out the clause we will leave it in that position.

Hon. Mr. POIRIER.

Hon. Mr. DeBOUCHERVILLE—There is something very extraordinary about this measure. The fifth clause of this Bill reads as follows:

> The provisions of any general Act of the legislature of the province of Ontario or of the province of Quebec, now or at any time hereinafter in force, shall in so far as such provisions are not consistent with The Electricity Inspection Act, 1907, the Electricity and Fluid Exportation Act, or any other general Act relating to the transmission and distribution of electricity hereafter passed by the parliament of Canada, apply to the works and operations of the company.

In the French edition—the only one that I have before me—the fifth clause is as follows:

> 5. The head office of the company shall be at the city of Toronto, in the province of Ontario, or at such other place in Canada as is from time to time determined by by-law.

The SPEAKER—That is the form in which it appears in the Bill as originally printed. The Bill has been reprinted in its amended form, and clause 5 is changed.

Hon. Mr. KERR—It seems to me that the amendments should prevail, for this reason; in legislating on a subject of this kind, we should either legislate completely or not at all. If we are going to legislate at all, we should deal with the works and operations of the company, and that we assume to do by the provisions of this Bill. The clause in question provides that the provisions of any general Act of the legislatures of Ontario or Quebec, now or at any time hereafter in force, shall apply to the works and operations of this company. We are delegating, in other words, to the legislatures of those provinces the right to do something—giving them a blank power of attorney, in respect to the very things we are legislating on here, the works and operations of the company. It appears to me, therefore, that we should not leave open the door to the possibility of the works and operations of the company being so controlled by legislation elsewhere as to render the whole charter ineffective, and useless. It will be observed that if we have exceeded our power in any respect, or if there is any power necessary that we have not given here and which is within the power and jurisdiction of those provinces, nothing in this Bill can affect that. In its own jurisdiction, within its own pow-

ers under the British North America Act, each legislative authority is supreme, and nothing that we can put in this Bill would interfere with the rights of the provinces to legislate, either to add to or to detract from the powers of the company, and I think it is important that we should consider this a little more closely, because we are determining now something which ought to be in nearly all our Acts if it is in any Act at all. I think it is wrong that this company should be singled out for inserting a provision of this kind. Strike out that clause of the Bill and where are the rights of the provinces? They are determined by the British North America Act, and if these provinces that are named here have power to control the works and operations of the company, these provinces have the right to prevent a company from operating within their limits unless they obtain license. Within the scope of their legislative authority in granting that license they may declare that, within the limits of the province, the company shall exercise those rights only insofar as they do not interfere with the legislative rights exercised already by the province so granting license. If there is no right on the part of the province to interfere, we should not charter this company and vest it with these powers and then say that the powers we are giving to them shall be subject to the control of any province. I submit, therefore, that the clause should be struck out.

Hon. Mr. DeBOUCHERVILLE (in French)—I have called attention to the fact that there is no French edition of this Bill as reprinted, and we find that the only one which we have differs from the Bill which is under consideration.

Hon. Mr. LOUGHEED—Do I understand my hon. friend from Toronto to take the position that with the exclusion of this clause, the general laws of the provinces affecting similar companies would be in operation as against this company?

Hon. Mr. KERR—I say that the province can, by granting license, regulate the extent to which, within its power of regulation, they would have a right to do so.

Hon. Mr. LOUGHEED—My hon. friend overlooks the fact that this is made a Dominion company, and is taken exclusively out of the powers of the provinces, and except the clause be left in the Bill, certainly the provinces of Ontario and Quebec could exercise no jurisdiction whatever over this company. Under paragraph a, of subsection 10, of section 92, of the British North America Act, the legislature has exclusive jurisdiction over local works and undertakings other than such as are of the following classes:

Lines of steam or other ships, railways, canals, telegraphs or other works and undertakings connecting the province with any other or others of the provinces or extending beyond the limits of the province:

b. Lines of steamships between the province and any British or foreign country.

c. Such works, although wholly situated 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.

Hon. Mr. SCOTT—This company will operate in two provinces.

Hon. Mr. LOUGHEED—Yes. It comes within this description, 'Connecting the province with any other or others of the provinces, or extending beyond the limits of the province,' and I presume for that reason we omit the statement in the Bill that it is a work for the general advantage of Canada.

Hon. Mr. KERR—Although we may pass this Bill, the company will not be permitted to operate within those provinces without obtaining a license from the province to do so.

Hon. Mr. LOUGHEED—Why?

Hon. Mr. KERR—Because the province will not allow it.

Hon. Mr. EDWARDS—I think that is entirely wrong, so far as some companies are concerned.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Ottawa is incorrect so far as the law of Ontario is concerned. An Act passed by this parliament and giving a company power to operate in the province of Ontario cannot, under the laws of that province, commence operations without a license—that is, a private company, not an insurance company. I am connected with a publishing company for

which we have a Dominion charter, but we are not permitted to carry on business in the province of Ontario, without first paying a license and afterwards making returns every year. I understand my hon. friend from Toronto to say that the provincial law gives power to the local government to declare by regulations the manner in which the business shall be carried on. No such exaction is made of the company to which I have referred. We come under what is called the Extra Provincial Act; that is, it is an Act passed by the Dominion giving us power to carry on a business in the province though the province has the right to incorporate such a company, and under the provisions of the constitution they declare that, having the power to raise a revenue, they impose this tax. But I am not aware that there is any power in the provincial Act giving them the right to regulate the manner in which the business of the company shall be carried on. Hence I take it for granted that if this Bill is passed without clause 5, all that the provincial government of Ontario could do would be to impose and collect a tax without making any regulation or interfering with the manner in which the company should carry on their business.

Hon. Mr. EDWARDS—The provinces do appear to raise a certain amount of revenue in this way, but I undertake to say there is no such license in Ontario, although Ontario does impose a tax. Like the hon. gentleman from Hastings, I speak with a personal knowledge of what I am speaking about. None of the companies in which I am interested have licenses in Ontario, but the various provinces impose taxation. It is a question which I for one should like to see tested. I deny absolutely the right of the province to impose any such taxation or to issue any such license.

Hon. Mr. KERR—If my hon. friend will make inquiry, he would find that his companies have been licensed.

Hon. Mr. EDWARDS—No, none of them have ever been licensed, but Ontario does try to impose a tax.

Hon. Mr. BEIQUE—The hon. senator from Toronto objects to clause 5 of the Bill because he says it is unnecessary. He claims that the province will retain its powers. I take issue with the hon. member on that. Both Ontario and Quebec have passed extra-provincial companies' laws for the purpose of licensing all companies whether incorporated in the province or by the Dominion parliament. The object of the license law is to levy a tax on companies and require them to make certain returns, but they cannot exercise that power, beyond the issue of licenses. If clause 5 were left out of the Bill, the provincial legislature would have no right to pass any general law which would affect this company. Some members seem to be afraid that this company may be at the mercy of the province of Ontario, and that Ontario may interfere with the rights of the company. I re-affirm the statement that I made; I represent the promoters of the Bill, and I had the promoters accept the clause. I am not aware that the hon. member from Halifax is justified in questioning my word in that respect. I stated the reason why. The position I take on this Bill is the same position that I have taken with reference to other Bills. The hon. senator from Toronto himself joined me three or four years ago on other Bills—not going to the same extent I admit—in framing a clause in that direction.

Hon. Mr. KERR—This clause declares that the provisions of any general Act of the local legislature now or at any time hereafter in force shall, insofar as they are not inconsistent with a certain Act relating to electricity, apply to the works and operations of the company. Supposing they refuse to license this company, where would we be?

Hon. Mr. BEIQUE—License what? To license any company? The company is not subject to a license. If the company were refused a license it would not prevent them from going into operation. Anyway, the fact that this company will be the creature of this parliament, if there was any law passed by any of the provinces, which would be oppressive of the rights of this company, it would be entitled to come back to this parliament and have that very clause expunged or mo-

dified in such a way as to protect themselves. I am not afraid of that. This parliament does not abandon control. It is a protection in the right direction to the province. Lately we have expressed our opinion about provincial rights, and unanimously expressed ourselves in favour of the protection of provincial rights whenever anything invading them appears in any Bill. The question seems to have arisen again, and there seem to be all kinds of objections.

Hon. Mr. POWER—Inasmuch as a sort of personal question has arisen between the hon. gentleman from De Salaberry and myself, perhaps the House will allow me to say a very few words. I did not say that the hon. gentleman's statement with respect to the promoters of the Bill was incorrect. I had very little to do with the promoters of the Bill. The hon. gentleman from De Salaberry has such a persuasive way that I can imagine him, in dealing with the promoter of the Bill, persuading that gentleman to adopt almost any view he chose to inculcate. My statement is simply this ; and I feel I have a perfect right to make it: in my hearing the counsel of the promoter expressed a strong objection to this clause, and, if my memory does not fail me altogether, he intimated that if this clause remained in the Bill, the Bill would be of no use to the company. That is my remembrance of what this learned counsel said. Whether he stated something altogether different to the hon. senator from De Salaberry, or not, I do not say. I assume that he did say something different to the hon. gentleman.

Hon. Mr. ROSS (Middlesex)—The object of the hon. senator who has moved this amendment is to protect provincial rights, a very laudable object. The object of the fifth clause of the Bill, as stated by its promoter is to protect provincial rights. On opposite sides then of this Bill, the motive is the same. If clause 5 be stricken out, then the jurisdiction of the province, if any, is at large. It will be subject to such argument as might arise under the British North America Act. I think it would probably remain. I do not know that this House can oust the jurisdiction of the province except by declaring this work to be a work for the general advantage of Canada. In that case the jurisdiction of the province is ousted. There is no such provision in this Bill, and, therefore, I assume that any jurisdiction of the province would remain. The promoter of the Bill says: 'I am most anxious to protect the rights of the province and the provisions of the fifth clause, so far as a clause can, does protect the jurisdiction of the province.' Would it not be safer for us to accept this Bill with some degree of certainty that the jurisdiction of the province would be preserved, and leave the question at large. That is the form in which the argument seems to crystallize itself to my mind. By all means let this House do its duty as it declared it would last session, and let us see that provincial rights are protected. If at any time there is doubt, let us remove the doubt as far as we can by inserting a clause similar to this, stronger if necessary ; but at all events show the country that, so far as we could, in a Bill in regard to which there was any doubt, the Senate would stand by the resolution of last year, and declare in the form of the clause or some other way, that it had the interest and the rights of the province in view and so stated them. For that reason, I am disposed to vote against the amendment, believing that this declaration of provincial rights, leaving the Bill at large, is better than it would be if the amendment were adopted.

Hon. Mr. DAVIS—I am sorry I cannot agree with the hon. gentleman from Middlesex. It appears to me that this question of provincial rights has been made a football of.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. DAVIS—Well, to a certain extent. It all depends on whose ox is being gored. If it is proper that we should protect the rights of the province, I would suggest that some hon. gentleman who has this question at heart should introduce a Bill, calling it the Provincial Rights Act, or some other suitable name, on the lines of clause 5 of this Bill. If

the House thinks we should protect the provinces in that manner, we should have a general Act, which would apply to every Bill passed through this House. I know there are a great many power Bills which have gone through the House with no such provision in them. The hon. gentleman from De Salaberry said that if the incorporators of this Bill found that any Act passed in the future by the provincial government of Ontario or of Quebec should interfere with their rights under this Bill —or in other words if it made their Bill useless—they could come back to us for redress. That is a very nice proposition. He acknowledges that such a thing is possible—that the provincial government may infringe the rights of the federal government by passing an Act which is going to interfere with an Act that we have passed, and that in order to protect themselves the promoters of this Bill would have to come back to this House for protection. I submit that if the promoters of this Bill have to come back to this chamber, it is just as well that they should go to the courts for protection. Under the British North America Act, there are certain things we cannot do. We cannot infringe on the rights of the provinces, nor can they infringe on our rights. If the rights of the provinces are infringed upon, they have their redress. If we interfere with their rights, as guaranteed under the constitution, they can go to the court. It is the proper place for them to go. I therefore think I must hold to my motion.

The House divided on the amendment, which was lost on the following division:

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Hon. Mr. DAVIS—I have given notice of a further amendment. I move that the said Bill be not now read the third time, but that it be amended by striking out clause 6 of the said Bill, which reads as follows:

6. The company may acquire and operate the works of any company having powers wholly or in part similar to the powers of the company; and may acquire the capital stock, bonds, rights, franchises, powers, privileges or properties of any such company; and may enter into agreements for an amalgamation with any such company, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit; provided that any such agreement has been first approved by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in value of the stock are present or represented by proxy.

This is the clause which provides for the combine. It provides that this company shall be allowed to buy stock upon the market, or to amalgamate or to absorb any other company in the same line of business. I submit that that is not a step in the right direction. In the United States they have had a lesson on combines. and are trying to get rid of them, and we are making it easy for people to form combinations. This is a power Bill, which gives this company the right to operate water powers all over Ontario and Quebec, which might be extended later to the other provinces. I wish to draw attention to the fact. that if we allow this Bill to pass, these people may be able to absorb every other water power in these two provinces, and extend their operations to other provinces. What would happen if the water-

powers of the Dominion should get under the control of one company? Where would the people be? I think this is a clause deserving of some consideration from the House. I do not think we should provide machinery which would enable this company to absorb all the other water-power companies in the country. To my mind it is a backward step.

Hon. Mr. CASGRAIN—I might call attention to the fact, that this is simply taken from the company's Act.

Hon. Mr. DAVIS—That does not make any difference.

Hon. Mr. BEIQUE—The capital of the company is one million dollars; so that they cannot form a very big trust.

Hon. Mr. McMULLEN—I think there is a great deal of force in the amendment proposed by the hon. gentleman from Prince Albert. I do not care whether it is the Companies Act, or what Act it comes from, we are justified in fighting against combinations; and if this clause enables the company to bring together all companies possessing water-powers, and form one huge combination, I say it is legislation in the wrong direction. That is my candid opinion with regard to that clause. It is quite enough if we give this company the other powers mentioned in the Bill, without including the powers in clause 6. They can conduct their business very well without the provisions of this clause. If it is to be adopted, there should be a provision attached to it, that these consolidations of companies should receive the sanction of the Governor General in Council. They can come back if necessary for larger powers and they will get them. I want to know if there is any company in Canada that has come back to parliament for larger powers and has not received them. The proper way is to make that clause subject to the approval of the Governor General, if it is going to become law. I was opposed to that clause in the first place. I am opposed to every single enactment that will tend to bring about the consolidation of companies of this class, and create monopolies. In the United States, the people are bled to death by combinations, and we had better not lay the foundation for such institutions getting a foothold in this country.

Hon. Mr. SCOTT—I do not think the effect has been to create combines in the past. If that were the case we should have had some evidence of it. I do not hesitate to say that there are over 500 companies incorporated every year in Canada with that clause in their Bill. It is invariably done.

Hon. Mr. McMULLEN—I do not care.

Hon. Mr. SCOTT—I never knew any mischief to arise from it.

Hon. Mr. WILSON—I do not think there is much force in the remarks of the hon. leader of this House. There might be 500 companies in that position, and still it might be wrong. We are legislating in the interests of the country, and if it be necessary to protect the interests of the public at large, this House has a right to do it. It does not matter whether previous legislation has granted certain concessions to other companies. We know that we have granted concessions to companies in the past, that are in combinations to-day. That is why we are objecting to such legislation at the present time. We would like to have these combinations done away with. It is necessary, as the hon. gentleman from Wellington has said, to consider carefully the combinations that may take place in the future. We do not want to grant to this company or any other company the right to gobble up the whole of the water-powers of the country, and later on when we need them for public utilities, or for manufacturing and other purposes, find that they are all in the hands of combinations and we are debarred from using them in a legitimate way. I say we should raise our voice in opposition to anything of this kind. My hon. friend who moved this amendment, deserves credit for having brought the matter before the House. If in Ontario to-day, the water-powers were all in the hands of combinations beyond the control of the legislature, I say it would be a serious matter for the province It is no argument to say that there are five hundred other companies having certain rights and privileges. The question is, is it right they should

have them ? Are we in a healthy condition because they have such powers ? They will use the power of combination in the future as they have in the past, if this provision is left in the Bill.

Hon. Mr. GIBSON—If my hon. friend would consider the limited powers of this company, he would see that a capital of one million dollars will not more than suffice—I question if that amount will be sufficient for their purposes. Regarding absorbing other corporations, I may say that they have spent between eight and ten million dollars in water-powers between Toronto and Niagara Falls. They have spent millions of dollars at the Falls. Three or four millions have been spent between the Kew Falls and the city of Hamilton, and the idea that this company because of the powers given to it in this Bill, which have already been given to other companies, is to be of such a formidable character that with a capital of one million dollars it will be in a position to buy up all the water-powers of Canada —I am astonished at my hon. friend's intelligence in presenting such a absurd argument to the House. One million dollars will not place this company on a first-class basis. There is an erroneous idea in regard to the cost of transmission and development of water-power. The people look at the water running on the wheel, and the revolutions of the turbine, and they have no conception of what it cost. Millions have been spent by companies in connection with the development of water-power, and electricity, in the province, by United States capitalists at Niagara Falls in addition to the money that has been spent by Toronto people.

Hon. Mr. WILSON—It is in the hands of Mackenzie and Mann.

Hon. Mr. GIBSON—They cannot do any more than any other company has done. If any other company has a better franchise, it will have a better chance to buy out this company, than this company would have to buy them out. It is always the large company that buys out the little one. With the amount of capital they organize on, they cannot do more than attend to their own business. I disapprove of combines as much as the hon. gentleman from Alberta. I am glad he is coming over to that view of the case, because, in the past, he has been very free in regard to large corporations, and he has never raised his voice against them until now and I am quite sure of all the corporations that have received bills at the hands of this House, this company is less formidable than any of them.

Hon. Mr. DAVIS—With regard to the arguments—if they are arguments—against this amendment they are very peculiar. We were told when discussing the last proposed amendment, that the clause could not be cut out because it was in the general Act. We are told that this clause should be allowed to stay in the Bill because it appears in 500 other Acts ; so that we do not know where we stand. My hon. friend says that this company has only one million dollars capital, and that it would be impossible for them to buy up other water-powers. If that is the case, what harm will be done by striking out the clause ? It is the principle I object to. I do not care if it appears in a hundred Bills. We may some day find that it is not right to insert this clause in measures passed by this House. We may find that the combinations are getting too strong, as in the United States, and we may come to the conclusion that they should be stopped. I think the present time is just as good as any to commence the good work, and to say : 'We do not want to furnish machinery for the formation of combines.' My hon. friend speaks of the combines at Niagara. They are worth millions and millions. This company could come back to us and get an increase of capital. Supposing there was a small company doing business down there, and this company would make it so interesting for the small company that they would have to get out of business, and they found that a million dollars was not sufficient to absorb the stock of the other company, they would come to this House and ask for increased capitalization, and I venture to say that my hon. friend, who has been always opposed to combines, would be one of the gentlemen who would vote for the increase in their capital. We are doing

this company no harm by striking out this clause. They have only a million dollars capital. If we strike out this clause we will show that we intend to purge this country of combinations. It will become a serious question in a few years, as the hon. gentleman from Wellington has said. When this thing gets properly started, if all the water-powers become absorbed, the combination would control all the street cars and the electric light companies and the people would be simply hewers of wood and drawers of water for a huge combine. We have the history of the United States before us. Combines started in a small way, with five or six millions of capital, and Congress gave these companies everything they wanted. They would be glad to-day if someone twenty or thirty or forty years ago had advocated the stopping of the machinery to allow the combines to get hold of the resources of the country in this way.

The amendment was lost on division.

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

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (PP) An Act to amend the Railway Act as regards the preferential charge created by the sale of securities.

(In the Committee.)

Hon. Mr. CASGRAIN—This is a very short Bill, and simply proposes to strike out the words 'Property and assets' in the fifth line of section 138 of the Railway Act, chapter 37 of the statutes of 1906, but it is a most important measure. It lies at the very foundation of all the great enterprises of this country. It affects the bonds not only of the railways but of several other enterprises also, where we render the Railway Act applicable, and I am sure that the attention of this House, will be given particularly to the Bill, as it is of such a great importance to the very credit of the largest enterprises of this country. The greatest projects depend, as you know, on money raised on bonds, and one of the very first functions of this House is to protect the bonds, which really means the credit of the country. Now, we must remember that the moment a railway company, or any other enterprise, issues bonds, the legal estate is vested in the mortgagee; a deed of trust is deposited in the Department of the Secretary of State. It stipulates certain provisions, amongst which the property is virtually handed over to the trustees for the bondholders, and the company is allowed to exploit or operate the enterprise, provided it complies with certain provisions stipulated in the deed of trust, the principal of which is generally the paying of coupons at the time of their becoming due, and also the payment of the principal of the bonds when it becomes due. Until the coupons have been paid, and until the principal of the bonds has been paid, the legal estate is vested in the bondholders. They are virtually and technically the owners of the property. Therefore the directors of a company going into large expenditure are actually, as the law stands to-day, creating a charge, a lien, on a property that technically does not belong to them, but belongs to the bondholders. The object of this Bill is to restore the law as it existed prior to 1903, when the Railway Act was consolidated. It is going back to the law as it existed in the statute of 1888. There is no intention to inflict a hardship on any of the other creditors. It must be understood that every dollar of revenue or rental shall go to pay the working expenses of the railway. It is only when a railway may not have sufficient revenue to pay the working expenses that the clause will operate and surely it will be time then to notify the bondholders. The bondholders may get their coupons paid out of the revenue of the road while at the same time the directors may be borrowing money from the banks or elsewhere to pay operating expenses and after a year or so, when the bondholders find that their coupons are no longer being paid, or the road is going into insolvency, they cannot act themselves; they can only act through the trustees. These trustees generally live on the other side of the Atlantic. When a railway gets into difficulty, one of the trustees comes to

Canada to ascertain the position of the companies' affairs. When he returns to England a meeting of the bondholders will be called. Thirty days is the shortest notice of a meeting, but as the bondholders are scattered there is sometimes a delay of six weeks or two months before a meeting can be held, and all this time the position of the railway is getting worse and worse. After the bondholders get together and are made acquainted with the state of the railway, the company generally has some excuse or other to give why it has not been able to pay the coupons—some accident on the road, stagnation of business, and declare that everything will be all right if the company is allowed to go on. As the law stands, the directors may go on borrowing. Remember, bondholders are not anxious to take over railways, because they are generally investors and place their money in these bonds thinking they are a first charge on the property, and whether their coupons are paid in the year or not they are cumulative and they believe that they will be paid some time or other and the property will always be responsible for the payment; but after this has gone on for some years and a huge debt has been created, when the bondholders wish to take possession of the road they find the large indebtedness has accumulated ahead of the bonds. The bondholders who thought they had the first lien, find they have only a second lien on the road. Under this system, the bonds should not be called bonds. A note of the company might be just as good if the bonds are to have no priority except after the working expenses. I think the people who sell to the railway company are well enough protected when every dollar of the receipts of the road goes to pay them. They have a lien on all receipts and rental, but the property itself, which is vested in the bondholders, should remain with the bondholders and nothing should be allowed to go ahead of the bonds.

Hon. Mr. LOUGHEED—Does my hon. friend know of any company that has been subject to the imaginary abuses which he has so eloquently pointed out? What conditions have arisen to justify this legislation? It seems to me that the bondholders of any road, immediately they found the running expenditure was invading the property and assets of the company, would proceed on their bonds. The law as it is at the present time is almost a sufficient protection for all the purposes in view. As I said on the introduction of the Bill, the public are entitled to have their roads operated no matter at whose expense. The government of the country has acted it in most instances very generously by bonusing nearly every mile of railway that has been constructed in Canada. If the general revenue of the road is insufficient to warrant the operation of the line, then what guarantee have we that the road is to be operated? It seems to me that the only guarantee we have to-day that a road is to be operated for the benefit of the people of Canada, is that the property and assets of the company shall be charged with the actual running expenditure. If that is insufficient, then one of two things must happen, either foreclosure of the road by the bondholders, or permit the property and assets to be invaded for the cost of running. That is a matter upon which they can exercise their own discretion, and regarding which they have the remedy in their own hands of foreclosing their mortgage. We are legislating upon a very important question involving very large interests, without a knowledge apparently of any conditions having arisen to warrant the legislation. I am at present unaware, since the passage of this Act, of any railway in this country, except it be the Intercolonial Railway—and we usually except that from all railways that can run on commonsense lines—whose affairs call for this legislation. All the railways that I know have sufficient revenue to pay their running expenses. If any conditions have arisen warranting an amendment of this kind, it seems to me the government should have assumed the responsibility of introducing this legislation. It should not have been introduced by a private member, not that I for a moment place any limitation on the right of any hon. gentleman to introduce any legislation he may think fit, but the government has peculiarly assumed the responsibility of acquainting itself with every phase of railway undertaking, and it seems to me that this is a case in which

the initiative ought to have been taken by the government.

Hon. Mr. BEIQUE—The answer to the hon. gentleman's argument was properly stated by the hon. senator from De Lanaudière. This Bill is intended to re-establish the law as it was before the Railway Act of 1903. As I stated the other day, I introduced two years ago a measure in exactly the same terms as this Bill, and it passed its second reading in this House. I had to leave for England and the Bill was dropped. At that time I tried to ascertain how this change happened to be introduced in the law in 1903, and I could really find no trace of it. It is well known that the Railway Department employed at the time as solicitor, Mr. Hansard, who was entrusted with the drafting of the Bill, and whether it was an oversight on his part or not, I was unable to ascertain. The hon. senator from Calgary asks whether anything has arisen to render this legislation necessary. I happen to know that a road two years ago was placed in the hands of a receiver. It had over $27,000 of traffic balances owing to the Intercolonial Railway, some five or six thousand dollars owing to the Canadian Pacific Railway and large amounts to other roads, and a debt for working expenses which was excessive for the size of the railway. About one hundred thousand dollars had actually to be paid for working expenses. Happily, no bonds had been issued by that railway. There were bonds, but I believe they were invalid, but if that railway had issued bonds before it passed into the hands of a receiver it would have been a very serious matter, because there would have been privileged claims to the extent of one hundrel thousand dollars against the road without the bondholders having any means of knowing about it. The working expenses were allowed to accumulate in such a way that bondholders could not have ascertained what was going on. More than that, an amount of expenditure may be incurred for solicitors' fees, for salaries to officials, for directors' fees, &c., and they all form part of the working expenditure, and come before the bonds.

Hon. Mr. LOUGHEED—Let us assume that in the working of the road the revenue is not sufficient to meet the working expenditure, so far as it relates to the wages of employees; what remedy would those employees have under the proposed amendment for the recovery of the wages due them? The property and assets are not available and, consequently, the only thing they could look to would be the revenue.

Hon. Mr. BEIQUE—Under our code in the province of Quebec, employees would have a privilege; wages would come before the bonds.

Hon. Mr. LOUGHEED—But my hon. friend will not contend that a provincial law would affect the railway law of Canada, so far as giving employees a remedy against the property of the company.

Hon. Mr. BEIQUE—Yes, I think the privileges for wages would take rank on the property if there is no provision to the contrary in the Railway Act, and I am not aware that there is, in the case of the railway that I spoke of, under the ruling of the Exchequer Court the wages were actually paid by privilege.

Hon. Mr. LOUGHEED—Assuming that the revenue is exhausted, what remedy would the employees have?

Hon. Mr. BEIQUE—So far as the province of Quebec is concerned, they would have the privilege on the road itself; but wages stand on a very different footing from the working expenditure to which we called attention a moment ago.

Hon. Mr. LOUGHEED—It is part of the working expenditure.

Hon. Mr. BEIQUE—They form part of the working expenditure, but if that portion of the Railway Act is not sufficiently clear, for my part I would have no objection to amend it so as to make it clear that the wages would be a charge on the property itself; but that is no reason why the Railway Act should otherwise remain in its present shape. The hon. member asks whether there is any need for this legislation. The Railway Act, up to 1903, did not contain these words, 'property and assets' in that section, and I am not aware that anybody suffered for non-payment of

wages or otherwise ; therefore we have had the experience of the working of the Railway Act from 1888 to 1903 without any inconvenience resulting and it seems to me it is better to return to that state of things. I would suggest to the hon. senator from De Lanaudière that, if his Bill carries, the word, 'the' should be struck out of the second line in section 141, for the purpose of giving effect to the amendment.

Hon. Mr. CASGRAIN—There is a good deal of force in what the hon. senator from Calgary says about the payment of wages, and I should be willing to accept an amendment making three months wages a privileged claim. The code of Quebec makes that provision, but there should be a limit, and the bondholders should have a first lien on something. There should be a limit to the charges to be created ahead of the bonds. If the leader of the opposition would move in amendment that three months wages should be a privileged claim, I am quite willing to accept such a provision to protect the workingmen.

Hon. Mr. POWER—Oh ! no, pass the Bill as it is.

Hon. Mr. CASGRAIN—We are only reverting to where the law was before. For many years the law stood that way. The attention of some of the capitalists has been called to the law as it stands now, and unless it is amended, you could not raise money on a railway project by issuing bonds.

Hon. Mr. WILSON—This is singular legislation. Very large amounts of bonds have been sold under certain conditions, and at a certain value. The purchasers have looked upon the property as their security, and now we find an application made to enhance the value of those bonds as against the claims of private parties. My hon. friend says he is willing to allow those who furnish supplies for the working of railroads to have a claim against the working expenses of the railway, and to allow employees to have a prior lien on the property of the company to the extent of three months wages. Have we any right to do a thing of that kind? The first charge on a road ought to be for the working and running expenses. Besides, there are large claims against most railways on account of accidents. Is it proposed to let the people who have sustained injuries go without any redress? If my hon. friend will grant three months wages of employees as a first lien, he must make provision also that the friends of those who may be injured or killed on the railways shall have priority for their claims. The railroads are responsible to the public. They have issued their bonds and sold them, and it is proposed now to enhance the value of those bonds at the expense of those who furnished supplies for the running of the railroad. We ought to protect the public just as well as the bondholders. Very large amounts of bonds have been issued, and are being issued on account of the construction of railroads. What will be the effect of this legislation upon such issues? Certainly this Bill ought to be delayed until we can look carefully into its provisions and see how it will affect the public at large. I hope my hon. friend will move that the committee rise and report progress.

Hon. Mr. SCOTT—The hon. gentleman, speaking in favour of persons investing their money, states that we are giving additional security to the bondholders. Now it is exactly the reverse of that.

Hon. Mr. WILSON—I said we were giving the bondholders protection at the expense of those who are supplying the railways.

Hon. Mr. SCOTT—Where bonds were issued under the law as it stood until five years ago, the position of those bondholders entitled them to have the law placed where it was when they took the bonds.

Hon. Mr. LOUGHEED—Can my hon. friend who represents the government say why the government, when they prepared the existing Act, amended the law as it had stood for forty years?

Hon. Mr. SCOTT—My hon. friend knows very well that there is sometimes a good deal of carelessness in drafting an Act. I think it is very improper, so far as bonds issued before 1903 are concerned, to have changed in any degree the security of those bonds. If it goes abroad now,

through the reports of this discussion, that we are going to take away certain rights and powers that bondholders held anterior to 1903, we are going to damage the credit of Canada very seriously. Over 75 per cent of the money that has built the railways of this country has been borrowed abroad. Surely we ought to keep faith with the men who advanced this money, and whatever the condition of the law was when that money was advanced should be preserved until the bonds are paid.

Hon. Mr. LOUGHEED—Bonds negotiated prior to 1903 would not be affected by this legislation, because it would not be retroactive. It certainly did not affect the rights acquired prior to the passage of the Act; it only affects bonds negotiated subsequent to 1903.

Hon. Mr. SCOTT—The effect of the law as it now stands would be this, that the bonds would not command the same value, because in the money market if there is a feeling that those bonds are not secured by the substantial property of the company, they are worthless. If claims that were not a lien on the property of the company can come in and be preferred to the mortgage, the bonds are valueless.

Hon. Mr. BEIQUE—Working expenses accruing before 1903 would not take rank on the property before the bonds, but any working expenditures subsequent to the passing of the Act of 1903 would take rank and affect, therefore, the lien of the bonds.

Hon. Mr. CASGRAIN—If the hon. gentleman from Calgary will look at section 138, he will see that it is simply a mistake in drafting. In the third line of clause 138 it says : 'Such properties, assets, rents and revenues of the company.' And then : 'Provided that such'—it should be rents and revenues—but whoever copied it put in the words : 'Such property and assets.' Those words should not have been repeated. I think it was a mistake in drafting the clause. Surely such a radical change would not have taken place in the Railway Act without some discussion in this House. I looked for such a discussion in this House, and there was a discussion on the Bill——

Hon. Mr. LOUGHEED—The government surely could not have made such a serious mistake as that ?

Hon. Mr. CASGRAIN—This was making a very radical change with regard to the bonds. I do not know that it is right for me to say it here, but I have had an interview with the officer who drafted the Bill, and he told me that he had no recollection of it at all. Evidently these words have been repeated inadvertently in the clause, and by striking them out we shall restore the law to where it was before 1903.

Hon. Mr. FERGUSON—I do not think the hon. gentleman is right in saying that these words were inserted inadvertently in 1903. I have not had my attention called to this subject until the debate arose, and I will not be able to make the references I should make in order to come to an intelligent conclusion in regard to the matter. I am speaking from recollection, but I think the change was made in 1903 to harmonize the general law with the contract made with the Transcontinental Railway Company. The first mortgage to secure the bonds was described in the Act as not to include rolling stock and things of that kind. There were exemptions made. Although it was called a first security, there were large exceptions made, and if I had time I could show what they were. This is a Bill that should not be passed without the very fullest consideration, for this reason ; it may be confiscation. It is giving the bondholders a priority. I take it, the point made by the hon. gentleman from Calgary is correct, that whatever was done under the Act of 1903 was not retroactive. It did not refer to bonds in existence up to that time, and the provision in the Consolidated Act of 1903 will only refer to bonds issued since 1903. These bondholders have a certain security. Then the companies have been going on making contracts with other people, as well as selling bonds. Among other things, they have been renting rolling-stock. If hon. gentlemen will look at the interpretation clause of this Act they will find that working expenditure is described, and that it includes a great many things, among others the following :

All such tolls, rents or annual sums as are paid in respect of the hire of the rolling stock, &c.

That is only one line, and there are a great many other things. Now, a company has been selling bonds, and it has been hiring rolling-stock. Under the condition of the law existing the lessor of the rolling stock would have priority over the purchaser of bonds. Now, you propose, by changing these words, to invert this order of things and put the holder of bonds in a position ahead of the vendor of rolling-stock? Would it be right for this parliament to change the status of these two classes of people having dealings with the company? Why should the interest of the bondholder be more sacred than the rights of the man who rents rolling-stock to the company? If hon. gentlemen will look at the Railway Act, and read the interpretation clause, and see what is involved in working expenditures, they will understand what I mean. The Bill may be right, but I have grave doubts as to whether it would be correct legislation on the part of this House to change the status of those two classes of people, those who sold material to the company, and those who had a prior claim—to take that prior claim from them and give it to those who had only a second position at the time the transaction was made. I think the matter is of sufficient importance at all events that we should look more carefully into it before we adopt that provision.

Hon. Mr. BEIQUE—It would not have a retroactive effect. If there were such rights created as the hon. gentleman has suggested, it would not affect those rights. It would be merely for the future. The meaning of the law will be merely that for the future, from the time of the passing of this Act, the working expenditure will not rank before the bonds of the property and assets of the company, except the rents and revenues of the company. The Act will not have the effect of changing the rights of any person in the period extending from 1903 to the coming into force of this Act. It will have effect only after the passing of the Act in the future. The claims for the sale of rolling stock will be protected in other ways. Those claims will not be affected by this Act. I gave some attention to that point a few years ago, and I cannot understand that a law of that kind has been allowed to remain on our statute-book. It is a serious matter for bondholders, and it will very seriously affect the sale of bonds.

Hon. Mr. CASGRAIN—My hon. friend will know that when railways acquire rolling stock, they generally have to pay cash. If a railway wants to buy locomotives, or any kind of rolling stock, they have to pay cash. If they do not pay cash the locomotive is simply handed over to the company, or to the trustees of the bondholders, but remains in the name of the manufacturer, and any amount paid on account thereof is only considered as money paid for rent, and if they are not sure of getting their pay, the locomotive is generally marked 'rented to such a company by such a company.' Therefore if an execution is levied on the road, these locomotives can be removed and cannot be attached by any seizure. There cannot be any hardship upon the manufacturers of rolling stock, because they do not part with their stock till they get their money. But with regard to the bondholders, who have a first mortgage on the property, if the law should put some charge between the first mortgage and the property then the railway company will find some difficulty when they try to dispose of bonds. This provision must have been put in the Act by mistake. I interviewed the gentleman who drafted the Bill, and he told me that he had no recollection of the matter.

Hon. Mr. LOUGHEED—I suggest that it was put in advisedly, for this reason. Previous to 1903 a creditor, be he an employee of the road, a working man or any other individual occupying the status of a creditor, found it practically impossible to recover his debt from the railway. In what way could he have redress as against the rents and revenues of the road? But since the passing of that Act, immediately a creditor has a claim against the road and obtains judgment, he seizes some of the rolling stock and that is a tangible and well understood way of recovering his claim.

Hon. Mr. CASGRAIN—It cannot be done.

Hon. Mr. LOUGHEED—It is done almost every day, because the property and assets of the road are now made chargeable with all the liabilities of the road attending the running expenses. How hereafter will the creditor have any redress, unless he enters upon a very technical and very abstruse class of litigation, attaching the rents and profits of the road, asking for the appointment of a receiver, which will result in a receiver going in and taking possession of the road ?

Hon. Mr. CASGRAIN—When a creditor desires to sue a railway company and attach the property of the company, if there are any bonds, the bondholders immediately intervene, and the man is out his costs.

Hon. Mr. LOUGHEED—My hon. friend is amending the law in that regard. That is the object of the Act. The law provides that the rents and profits as well as the property and assets shall be liable for the running expenditure. Now you propose cutting out the property and assets which are the tangible method of realizing the claims against the company, and leaving the rents and profits, or revenues as we may term it, only available for the satisfaction of claims against the company.

Hon. Mr. POWER—Can the hon. gentleman give any instance where the employees of a railway company failed to get their money?

Hon. Mr. FERGUSON—If hon. gentlemen will look over the interpretation clause of the Railway Act in detail, they will find that the effect of this would be to put the bonds in a position above taxes.

Hon. Mr. CASGRAIN—Taxes remain.

Hon. Mr. FERGUSON—No, they do not. Under the Act, working expenditure is made to include not only rent and hire of rolling stock, but all rents, charges or interest on the purchase money of lands belonging to the company, purchased but not paid for. Why should the interest of the bondholders be placed above that of the owner of land sold to the company, on which the company has not made payment. Would that be right to put the bondholders' claim above salaries and wages of persons employed in and about the working of the railway?

Hon. Mr. CASGRAIN—Where do you find the word 'property' under the item of expenditure?

Hon. Mr. FERGUSON—In defining what 'working expenditure' means, the subsections includes all these things. Clause C reads:

> All rents, charges or interest on the purchase money of lands belonging to the company purchased and not paid for.

Why should the bondholder's right be put ahead of that of the vendor of this land to the railway company? Why should it be ahead of taxes due to the government or municipality? Why should it be placed above the salaries and wages of persons employed in and about the working of the railway? It is a far-reaching provision.

Hon. Mr. POWER—It is a remarkable thing that we had this law for forty years and it never caused any inconvenience or difficulty, and now hon. gentlemen see dreadful consequences if we go back to the law which existed up to 1903?

Hon. Mr. LANDRY—Why did they change?

Hon. Mr. POWER—One can readily understand that if the law remains as it is, now that attention has been called to its present condition, it would be almost impossible to secure the capital necessary to carry on the building of any railway in this country.

Hon. Mr. LOUGHEED—May I give my hon. friend an instance of where the old law worked a very great hardship upon creditors? I refer to the Baie de Chaleurs railroad, in which we, this session, provided that the creditors of long standing should be paid by the promoters, if I mistake not. I think I recall a clause that the Railway Committee inserted in the Bill that they should pay those creditors. They included a great number of working men who had worked for the company, creditors who had furnished supplies for the company, and who, through that employ-

ment and the furnishing of supplies, enhanced the value of the property, the security of the bondholders, and yet could not realise a dollar of their claim against that property, because of the superior claim of the bondholders. That is a case in point, and I think by a little industry one might recall very many instances of a similar character. At that time, if the law had stood as it is to-day, they would have had their redress against the tangible assets. They could have seized the property and assets.

Hon. Mr. POWER—The hon. gentleman from De Salaberry knows the history of the Baie de Chaleurs Railway better than almost any other member in this House. My recollection is that the working men were protected. I think they were subsidies given by this government and the provincial government, and as far back as 1891 we provided by legislation that the workingmen's claims should be paid out of the subsidy before the company could obtain it for any other purpose.

Hon. Mr. LOUGHEED—For what reason? For the reason that the property and assets were not available under the law.

Hon. Mr. POWER—Looking back at the history of the Baie de Chaleurs Railway, I do not think that the hon. gentleman would seriously bring that case up as one which is likely to occur again. I think it is a sort of romance.

Hon. Mr. LOUGHEED—Were the property and assets available for payment to the workingmen?

Hon. Mr. CASGRAIN—When the government enters into a subsidy agreement with any company, it is specially provided therein that the wages shall be paid, and also all the materials furnished, all the supplies and so on shall be paid, and if during thirty days, any contractor or company neglects to pay the workingmen, or for the supplies, then, upon notice being sent to the Department of Railways, the subsidies are hung up here, and the government has the right to pay the workingmen out of those subsidies.

Hon. Mr. LOUGHEED—But the days of subsidies to railways have gone by.

Hon. Mr. LOUGHEED.

Hon. Sir MACKENZIE BOWELL—It seems to me that so important an amendment to the Consolidated Railway Act must have been made for some reason or other.

Hon. Mr. LANDRY—And by the government.

Hon. Sir MACKENZIE BOWELL—And by the government. I take it for granted it was by the government, because it was a government Act. It was fought in this House for a long time, and some eighty or ninety amendments were made to it, but this point was not considered at the time the consolidation of the Railway Act was discussed; for that reason it seems to me cases arose similar to those to which attention has been drawn by the hon. leader of the opposition, that induced the Minister of Railways and those with whom he was in consultation as to the framing of the Act, to insert this very clause. Otherwise what would be the position of the labourer? Take a case of that kind to-day? If this law be passed, and there were not funds available to pay the labourer, where would he be? Would he have the power to go into court and sue at common law for his wages, and having a judgment, could he seize any property of the railway in order to satisfy that judgment? It seems to me that is a very important point to consider, that the removal of these words from the law as it stands to-day would be a very great incentive to the purchase of bonds by capitalists in a foreign country. I can readily understand how it would interfere with and probably prevent the sale of bonds, unless these words were removed, or some other security provided for the payment of bonds. But why you want to exempt certain properties and assets from the benefits that should accrue to the ordinary creditors, for the running expenses, is somewhat difficult to understand. If the bondholders expect to have any security for the money they have invested, it must be in the working and running of the road, and if the working and operations of the road should cease, what becomes of the bondholders and the money which they have invested in those bonds? They have either to take possession of the road, or lose all

they have put into it. Now in order to prevent these failures, which existed in the past, in the payment of ordinary debts for wages and supplies which went into the construction of the road and made it valuable, the committees of this parliament have over and over again, when a Bill to affect the sale of or amalgamation of any of these companies with another company is introduced, one of the first questions asked is what is to become of the creditors of the old railway company? And over and over again, a clause has been inserted in the Bill compelling the new company to pay these creditors in order to enable them to effect the sale or amalgamation which they were about making? There is no doubt about that being the practice. Anyone who has listened to this discussion must have come to the conclusion that the exemption of the property and assets of a railway from liability to those who furnish the companies with supplies, would affect to a very great extent the capitalists who desired to invest in the bonds. While that may be the fact, should they be in any position to prevent other creditors who have supplied that which was necessary to carry on the work from securing their pay? That is a point which strikes me very seriously.

Hon. Mr. DOMVILLE—Quite right.

Hon. Sir MACKENZIE BOWELL — I would suggest that we should allow this clause to stand, so that we may look more closely into the law at present on the statute-book, and ascertain the reasons which induced the government to insert these two or three words in the statute.

Hon. Mr. CASGRAIN—I move that the committee rise, report progress, and ask leave to sit again.

Hon. Mr. DOMVILLE—It looks to me like creating a preferential class of ownership. Why not apply the same principle to factories and so on, and say that these concerns need not pay any of their men? Why not say that these poor fellows who have worked and built the road should not be paid at all?

Hon. Mr. SCOTT—Can they interfere with a mortgage on the property? You would destroy public credit, by adopting such a principle.

Hon. Mr. LOUGHEED—May I point out to the hon. gentleman from De Salaberry that when this Bill was before the Senate in 1903, my hon. friend took charge of this particular clause and strongly urged upon the House the necessity of making the property and assets liable for the creditors' claims. If I may be permitted to read one remark which he made, at page 834 of the 'Senate Debates,' I will show that my hon. friend was extremely anxious that the property should be held liable for all municipal taxes.

Hon. Mr. SCOTT—It would be liable under any circumstances for that.

Hon. Mr. BEIQUE—I know it was a surprise to me later on.

Hon. Mr. LOUGHEED—I will read one statement of my hon. friend's which, if I can construe it properly, means that he was very much in favour of the clause then being submitted by the government:

> Railways must be sold and treated as one property and by diverting part of the railway as is provided for in this new subsection, it would open the door to these frauds that in giving security to a creditor by leaving out some of the property, forming part of the railway, a railway which would be foreclosed under the security, would be dismantled. This clause should be carefully guarded to provide against anything of the kind--dismantling a railway.

I must say that the statement is not as illuminating as I thought, but it would signify that my hon. friend was of opinion the property should be held as security for the creditors.

Hon. Mr. BEIQUE—The hon. gentleman may find me at fault, but I will give him this assurance, that when the Railway Act of 1903 was passed, I never noticed the change that was made from previous Acts in connection with that matter. It was a surprise to me. My attention was called to it some months after.

The motion was agreed to.

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

SECOND READING.

Bill (YY) An Act respecting the Crown Life Insurance Company.—(Hon. Mr. Lougheed.)

BILLS INTRODUCED.

Bill (116) An Act to amend the Exchequer Court Act.—(Hon. Mr. Scott.)

Bill (112) An Act to amend the Railway Act as respects the constitution of the Board of Railway Commissioners.—(Hon. Mr. Scott.)

Bill (152) An Act respecting Signal Dues at Halifax.—(Hon. Mr. Scott.)

Bill (158) An Act respecting the Meaford Harbour.—(Hon. Mr. Scott.)

Bill (163) An Act to authorize the Exchange of School Lands for other Dominion Lands.—(Hon. Mr. Scott.)

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

THE SENATE.

OTTAWA, Wednesday, May 20, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FISHING LEASES IN NORTHWEST WATERS.

INQUIRY.

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

1. If the leases for fishing in the lakes and rivers in the Northwest give an entire monopoly in such waters to the lessees?
2. Do the leases forbid assignment to other persons?
3. Are any rights reserved to settlers and farmers in the neighbourhood of such waters to take fish for home consumption?
4. Have any privileges been given the whaling company operating in the Pacific ocean west of Vancouver island? If so, what are they?

He said: I may say with regard to these questions that I hope the government has not given power to make assignments of leases on the Northwest rivers and lakes, and I hope the statement which I have heard that the United States people have been permitted to buy these leases is not correct. I should have included Indians in this question, and I hope reservations have been made to allow Indians to take fish for their sustenance in those lakes, and it will be a great boon to the settlers also if they are permitted to take the fish from the lakes.

Hon. Mr. SCOTT—The answers are as follows:

1. No entire monopoly or exclusive rights are conveyed.
2. Yes, without permission of the Minister of Marine and Fisheries, or except to the transferee stipulated in the lease.
3. Yes, to settlers, Indians, tourists and employees of the Hudson Bay Company.
4. None beyond those covered by the requisite license under which whale factories are operated.

The conditions under which such licenses are issued are set out in section 9 of the Fisheries Act.

Hon. Mr. MACDONALD (B.C.)—These answers are highly satisfactory, and I am glad to receive them.

MONEY PAID TO THE INTERCOLONIAL RAILWAY.

INQUIRY.

Hon. Mr. ELLIS inquired:

What is the total amount of money paid up to May 1, 1908, to the International Railway of New Brunswick, including also the Restigouche and Western Railway, out of the public funds of Canada on subsidy account?

Hon. Mr. SCOTT—The total amount of money paid to the Intercolonial Railway of New Brunswick, including also the Restigouche and Western Railway on subsidy account, up to May 1, 1908, is $178,408.07.

LEASING OF COAL LANDS.

MOTION.

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

1. That in the opinion of the Senate the regulations of the Department of the Interior respecting the leasing of coal lands should be amended so as to limit the acreage to be leased to any one person from 2,560 acres to one-quarter of that quantity.
2. That care should be exercised to prevent fraud and deception by applicants for leases making application in false or real names for more sections of land than one. That any person or persons practicing deception in making applications for a lease in a false name, or names, should be punished by withholding a lease—if not by prosecution.

He said: This is a highly important question, in the interests of the whole coun-

try. I am not going back to what has been done some years ago, except to mention that I think the government will not approve of giving any man or any company four or five hundred square miles of land in any province. Now it is a fact that leases or sales have been made of those large amounts, and I hope, if the conditions under which they are granted are not complied with, that the government will cancel them at once in the interests of the country. We all know the scarcity of coal and fuel in the Northwest, and we want to see that country settled by people who are happy and prosperous. Whatever affects the Northwest affects the whole Dominion; I know certainly that the prosperity of the Northwest affects British Columbia. There are many hon. gentlemen here who know more about the Northwest than I do, but I may say that some time ago the number of acres that any one could take up was 320, a reasonable area, but now it has been increased to 2,560; why, I do not know. It is too much to be allowed to any one. In the Public Accounts Committee a few days ago, an officer of the Interior Department stated that a man named Colwell had put in 325 applications, nearly all under bogus names. If there is a law to punish a man for doing a thing of that kind I do not know, but any law that may exist to prevent it should be enforced. and the man should be heavily punished. The officer dealing with him should have informed the authorities of what this man was doing. Fortunately, he only got 3,000 acres of land. It is a monstrous thing that a speculator doing anything like that should be allowed to go free. The officer who gave his evidence said that this applicant got bell boys at the Russell House to sign applications, and that he bought them off afterwards for $1 each. My sole object in bringing up this matter is my desire to preserve the fuel and timber of that country for the public. We know there are millions of acres of coal mines still to be taken up, and great discretion and commonsense should be exercised to prevent them falling into the hands of a favoured few. They should be kept for the benefit of the population settling in that part of the Dominion.

Hon. Mr. SCOTT—I shall be very glad to call the attention of the Minister of the Interior to the observations made by my hon. friend. I am not myself sufficiently familiar with the working of the Act, because we have not had any experience in this part of Canada, and, therefore, I asked the minister to give me his views so that I should not incorrectly make any statement to the House, or any statement that was not in accordance with the views of the department. I wanted the department to be responsible for the statement which is as follows:

The regulations for the disposal of coal mining lands at one time limited the area which might be acquired by one individual or company to 320 acres, but experience clearly showed that such an area was not sufficient to enable the person acquiring the same to successfully carry on coal mining operations as a business enterprise, and, in the large majority of cases, it was found necessary for a number of applicants for coal lands to combine and work their properties together, in order to acquire a sufficient area to justify the expenditure necessarily incurred in opening up a mine and installing expensive machinery for the economic handling of the output.

After careful consideration and inquiry, it was decided that four sections of 640 acres each would secure to an individual or company desiring to invest the large amount of capital involved in opening up and equipping a mine, a sufficient area for the purpose, but that a less area would scarcely justify such a large expenditure. The larger the area acquired and the larger the output of coal, the greater will be the chance for successfully carrying on the business, and the greater will be the profits derived therefrom, so that two or more lessees might, with advantage, unite with the view of establishing a larger business enterprise. The coal is found in seams so that, in many cases, a very large part of the area acquired under lease does not contain coal, as the applicant leases not only the coal seam, but also the balance of the quarter-section, half-section or section through which it passes.

The object of the regulations is to have the coal measures, the property of the Crown, developed, and a sufficient quantity of coal mined to meet all requirements; as well as to secure to the Crown the revenue derived from the rental and royalty specified in such regulations. As the coal mining rights are leased under certain conditions as to rental, royalty and operation, and as these conditions must be met by the lessee, it makes no difference who may submit the application for a lease, or in whose name such lease may be issued, so long as the lessee complies fully with the conditions of the regulations and provisions of the lease which are the same in all cases. When the rental and royalty are paid and the conditions of the lease as to operation are strictly complied with, the

public interest would not appear to extend to the name of the applicant or of the lessee.

As the conditions under which a lease of coal mining rights may be acquired are specifically set out in the regulations and in the lease, it would appear to be quite improper to discriminate as to the name of the person who may submit the application, or the name of the person in whose favour the lease may be issued.

Having given the House the benefit of this view, I presume that the hon. gentleman will be content to withdraw his motion.

Hon. Mr. MACDONALD (B.C.)—I should like to hear an expression of opinion on this subject from hon. gentlemen who are conversant with the condition of affairs in the Northwest. As I have already said, the only object I have in view in bringing up this matter is to benefit the country. We have had the opinion of the minister who administers the Department of the Interior; nevertheless hon. gentlemen need not be afraid to give an expression of their opinions to the House. Very often a minister may disagree with his colleagues, and I should like to hear what can be said for or against the motion I have submitted.

The motion was withdrawn.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired :

1. Over and above the $45,000 paid to Mr. Hoare as chief engineer of the company by the Quebec Bridge and Railway Company of which Mr. Parent is president, has he received any other sums of money from the Transcontinental Railway Commission, of which the same Mr. Parent is also president?
2. How much, in each year, for the years 1904-5, 1905-6, 1906-7 and 1907-8?
3. For what services?

Hon. Mr. SCOTT—I gave the answer in regard to Mr. Hoare, yesterday.

Hon. Mr. LANDRY—I beg pardon; the last portion of it was not answered, as to the services.

Hon. Mr. SCOTT—It was given to me as salary and expenses. The expenses were separate from the salary. I gave the salary for the four years.

Hon. Mr. LANDRY—Salary as what ?

Hon. Mr. SCOTT—I presume the hon. gentleman knows.

Hon. Mr. LANDRY—I will repeat the inquiry, and perhaps the hon. gentleman may get an answer to-morrow or the day after. It may stand.

Hon. Mr. SCOTT—I can get no further information than I have already given.

The inquiry was allowed to stand.

DIVISION OF BUSINESS BETWEEN HOUSES OF PARLIAMENT.

MOTION ALLOWED TO STAND.

Hon. Mr. McMULLEN moved :

That the Senate has passed the following resolution, proposing a joint committee re conference of both Houses, with a view of securing a better division of the Bills introduced at each session and devising means whereby the business of parliament may be expedited and the sessions shortened, be forwarded by the proper officer of the Senate to the House of Commons.

Ordered, that the said resolution be communicated to the House of Commons by one of the masters in chancery.

Hon. Mr. POWER—The motion says that the Senate passed the following resolution, but it does not give the resolution.

The SPEAKER—Instead of giving the resolution, the hon. gentleman has given the purport of it.

Hon. Mr. LANDRY—It will stand for improvement.

Hon. Mr. McMULLEN—The resolution that I now propose embodies the former resolution.

The SPEAKER—Is it the pleasure of the House to pass the resolution as it is framed ?

Some hon. MEMBERS—No, no.

The SPEAKER—If not, it will have to be re-cast. I would suggest that the hon. gentleman withdraw his motion and give another notice.

Hon. Mr. FERGUSON—Withdraw it altogether.

Hon. Mr. LANDRY—If the hon. gentleman wants to pair with me, I will withdraw one of mine.

The SPEAKER—The hon. gentleman understands that the resolution must repro-

duce his motion, or refer to the motion adopted at such a date.

The motion was allowed to stand.

QUEBEC BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Does the government know whether Mr. Edmond Taschereau, of Quebec, notary, was employed as notary and in that capacity signed the deed of agreement entered into on October 19, 1903, between the federal authorities and the Quebec Bridge and Railway Company, relating to the financial obligations contracted by the government with the said company?
2. How much was he paid for that transaction and by whom? By the government or by the company?
3. How much, in addition, did he receive from the commissioners of the Transcontinental Railway, for having as notary verified the titles of ownership of certain lands acquired by the aforesaid commission for the passage of its road?
4. Apart from what it has already paid him, does the Transcontinental Railway Commission still owe anything to Mr. Edmond Taschereau?
5. What amount? And for what services?

Hon. Mr. SCOTT—The answers are as follows :

1. Yes, Mr. Edmond Taschereau was employed as notary to the agreement of October 19, 1903, and witnessed the execution of the same between the government and the company.

2. The sum of $606.05, which included travelling expenses to Ottawa, deposit and copies of deed, paid by company.

3. The following sums of money were paid by the Transcontinental Railway Commission, to Mr. Edmond Taschereau, for services in connection with verifying titles and obtaining deeds of lands for right-of-way :

Bill of October 31, 1906..	$677 21
Bill of December 11, 1907..	520 00
Bill of April 13, 1908..	746 00

He was also paid $745.48, for disbursement for certificates from registrars, &c.

There is an outstanding bill of $184 rendered for attendances, which has not been passed, pending a rate to be fixed by the Solicitor General.

A QUESTION OF PROCEDURE.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to draw the attention of the House to a new procedure which this Chamber has been adopting, and which is not in accordance with our past method. When a Bill goes to a committee and amendments are made to it, those amendments are brought here, and we ask the concurrence of the House in the proposed amendments. In the mean time those amendments are printed in our Minutes, so that everybody may see what kind of amendments are made to the Bill; but I observe that in one or two cases we have set aside that procedure altogether. I will refer to a Bill which is now ready to pass. I take the report of the Standing Committee on Railways, Telegraphs and Harbours on Bill (H) An Act to incorporate the Dominion Lumbering and Power Development Company. That Bill was sent to the Standing Committee on Railways. That committee appointed a subcommittee, and the subcommittee redrafted the Bill altogether, and then when it came back to the committee, the committee acted, not on the original Bill, but on the re-drafted Bill, and the amendments that were made were not made to the Bill as originally sent to the committee, but on the Bill as re-drafted by the subcommittee. I contend that the report of the subcommittee should be reported by the committee to the House and printed in our Minutes, so that everybody may see what alterations have been made to the Bill. This is a new Bill altogether. The amendments made have been the object of the report, but the Bill which came back from the committee was the original Bill with this report :

> Your committee recommend that the Bill be amended to conform with the printed redraft thereof, herewith submitted, and that the title be changed, &c.

I think it is very irregular. The amendments made by the committee should be submitted to this House so that we may take cognizance of them. I am not going into the merits of the question itself, but am confining my remarks to the procedure. We should stick to our rules.

Hon. Mr. BEIQUE—The hon. gentleman is quite correct, as a general rule; but there are exceptions to all general rules and this is a case for an exception. As a matter of convenience, if the Bill is so changed that it is practically a new Bill which

would not be intelligible if the report were made as suggested by the hon. gentleman, the course which has been followed in this case should be adopted. There are precedents for it. For instance, I think the Mutual Reserve Insurance Company's Bill, and another Bill, in the same session, were reprinted by the direction of the committee so as to bring them before the House in a shape that they could be intelligently dealt with. If the usual course had been followed, it would have been impossible for the House to thoroughly understand the amendments. I think this is a case for an exception.

Hon. Mr. LANDRY—I do not agree with the hon. gentleman. It might be convenient for those on the committee, but I am speaking for the whole House. We know nothing of what took place in the committee, and, therefore, the amendments made in committee should appear on our minutes. We do not know what they are.

The SPEAKER—When the report was brought in, I quite understood that the Bill had been redrafted, but it did not occur to me that the original Bill itself had not been amended so that the amendments should appear in our minutes. There is no objection to a Bill being redrafted and reprinted, but the amendments should appear on the original of the Bill sent to the committee, so that they might appear in our minutes. The result of this change of procedure has been that there is no reprint of the Bill and the amendments do not appear in the minutes. The error in practice has been, although a redrafted Bill has been reported, that the amendments do not appear on the minutes.

Hon. Mr. POWER—I do not rise to question the decision of his honour the Speaker, but I agree with the hon. senator from De Salaberry, that where a long Bill such as the Bill in question was, has been referred to a committee and the committee instead of reporting certain amendments to the Bill report that the Bill should be redrafted in the form in which they submitted it, members of the House would find it inconvenient to try to insert those new clauses and compare them with the original clause of the Bill. On the other hand, I think the committee should report the draft Bill and it would be only proper that that draft Bill should appear in our minutes.

The SPEAKER—And translated.

Hon. Mr. LANDRY—As His Honour the Speaker has stated, it has deprived us of the French translation altogether.

DELAYED RETURN.

Hon. Mr. FERGUSON—Before the orders of the day are called, I should like to know if His Honour the Speaker has been able to lay on the table of the House the return I asked for on the 27th of March with regard to orders of the Railway Commission respecting railway crossings. I asked for three returns, two of which have been submitted, but the main one has not been furnished yet.

Hon. Mr. SCOTT—I think it has been brought down.

Hon. Mr. FERGUSON—One has not been brought down yet—at least I have not been able to find it.

THE QUEBEC TERCENTENARY.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the hon. Secretary of State if he has anything to say on the subject of the suggestion I made to invite the ex-Governors of the Dominion to be present at the Tercentenary celebration at Quebec?

Hon. Mr. SCOTT—It appears that it is an unwritten law of etiquette that a man who has been Governor General of Canada does not return, as he has no status in the table of precedence. He would come far below officials appointed long after him, so, for that reason, there has been rather a tendency on the part of Governors General to decline returning to Canada. They have no status when they come back. They come simply as individuals and take second place to individuals very much below their standing when they were Governors General. I believe that is the explanation.

Hon. Sir MACKENZIE BOWELL—No Governor has ever revisited Canada after his term expired, and for the reason suggested by the hon. Secretary of State.

Hon. Mr. LANDRY—If we cannot see the old Governors, can we see the report on the bridge question? I asked for it long ago, and we should like to see it before the festival.

Hon. Mr. SCOTT—I have paragraphs of it, not quite half a cord of it, but a considerable portion of a cord, which I should be very glad to bring down.

Hon. Mr. LANDRY—We were promised that we should see it very soon.

Hon. Mr. SCOTT—If the hon. gentleman is satisfied with what I have here, I shall bring it down.

Hon. Mr. LANDRY—Half a loaf is better than no bread.

THIRD READING.

Bill (68) An Act respecting the Edmonton, Yukon and Pacific Railway Company.—(Hon. Mr. Casgrain.)

SECOND READING.

Bill (XX) An Act to incorporate the Traders' Life Insurance Company.—(Hon. Mr. Jaffray.)

CANADA SHIPPING ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (NN) An Act to amend the Canada Shipping Act.

(In the Committee.)

On clause 13,

13. Section 591 of the said Act is repealed and the following is substituted therefor:

591. The master, owner or engineer of every steamboat, or the person in charge thereof, shall at the earliest opportunity after the occurrence of any event whereby the hull, or the machinery or boiler thereof, or any part of any or either of the same is, in any material degree, injured, strained or weakened, report such occurrence to the inspector who issued the certificate.

Hon. Mr. LOUGHEED—In my judgment it should be to the office of the inspector who issued the certificate and not to the inspector in person.

Hon. Mr. POWER—That would not help a great deal. The certificate might be issued from Quebec and the ship might be plying from Halifax, and the natural thing would be to hand the certificate in to the port from which it was sailing.

Hon. Sir RICHARD CARTWRIGHT—I find that the department think the emendation of my hon. friend the leader of the opposition is all right—to make it to the office of the inspector, where the certificate was issued.

The clause was adopted.

On clause 14,

14. Section 598 of the said Act is repealed and the following is substituted therefor:

598. Every inspector of steamboats shall, whenever he visits and inspects any steamboat, satisfy himself that such steamboat is properly furnished with lights and such means of making fog signals, in pursuance of the rules prescribed by Part XIV of this Act, and is also provided with the proper certificated officers in charge as required by Parts II and VII, respectively; and he shall refuse to grant any certificate with respect to any steamboat which he finds is not so provided.

Hon. Sir RICHARD CARTWRIGHT—The change is that apparently now the penalty is to refuse to grant a certificate.

The clause was adopted.

On subclause 2,

2. In the event of any change in the proper certificated officers following the issuing of a certificate of inspection to a steamer, the owner, managing owner or agent shall forthwith report in writing, by registered post, such change to the inspector or inspectors who issued such certificate, with the name, grade, and number of the certificate held by the officer so appointed; and in the event of the owner, managing owner or agent not doing so, such vessel shall be deemed to be making a trip or voyage without a certificate of inspection.

Hon. Mr. LOUGHEED—In the fourth line of this subclause we should insert 'to the office of the inspector or inspectors who issued such certificates.'

Hon. Mr. McGREGOR—It should be 'to any qualified inspector.' The inspector who issued the certificate might be in Vancouver or in Montreal. Supposing the ship is in Vancouver, and the inspection had taken place in Montreal, how are they going to get the inspector?

Hon. Sir MACKENZIE BOWELL — Or suppose the inspector were dead?

Hon. Sir RICHARD CARTWRIGHT—It seems to me, the introduction of the

words 'office of the inspector' would answer. Of course I am not conversant with the details, but it seems to me there is a very considerable convenience in having all these reports made to one particular office, and that that office should be the office of the inspector who originally issued the certificate. Prima facie it would seem that that was a very proper thing to do, and all they are required to do is to report in writing by registered post.

Hon. Mr. SCOTT—There is no objection to change that and make it read 'to the office of the inspector who issued such certificate.'

Hon. Sir RICHARD CARTWRIGHT—That would bring it in harmony with clause 13.

The clause was amended and adopted.

On clause 15,

15. Section 621 of the said Act is amended by striking out the word " passenger " in the first line thereof.

Hon. Sir MACKENZIE BOWELL—What was the effect of the amendment made by this clause ?

Hon. Sir RICHARD CARTWRIGHT—At present this applies only to passenger steamers. By striking out the word 'passenger' it would apply to all vessels and would compel all vessels to provide themselves with the different equipments mentioned in the Act.

The clause was adopted.

On clause 17,

17. Paragraph (c) of subsection 3 of section 640 of the said Act is amended by inserting the words 'or tug boat' after the word 'steamboat' in the first line of the said paragraph.

Hon. Sir RICHARD CARTWRIGHT—This clause is to enable them to specify the class of engineer who is required to serve on tugboats.

Hon. Mr. POWER—With respect to clause 17, I am not questioning the fact that it is desirable that tugboats should have certificated engineers; but there is a great difficulty, speaking in regard to the Atlantic provinces, in getting those certificated engineers; and, as far as I am aware, there have not been many accidents happening to tugboats. It is putting a difficulty in the way of doing business.

Hon. Mr. ELLIS—Where there are quite a number of tugboats you may not be able to get a first-class engineer for every boat. There seems to be no reason to a practical man why these tugboats should be compelled to have a first-class engineer, any more than certain other vessels.

Hon. Sir RICHARD CARTWRIGHT—This clause rather extends than diminishes.

Hon. Mr. SCOTT—The department say 90 per cent of the engineers are qualified, and they think that the other 10 can readily qualify. Therefore there should be no objection to the clause.

The clause was adopted.

On clause 21, as to deck loads in winter.

Hon. Sir RICHARD CARTWRIGHT—This amendment is designed to make the Canadian law, which is now based on the sections in the Imperial Merchants Shipping Act of 1906, exactly similar to it. When the amendment to the deck load law was passed by the Canadian parliament, in 1906, it was modelled on the Bill then before the British parliament. The latter underwent some changes before being assented to. The proposed amendment contains those changes which are of a nature to make the meaning of the requirements clearer. This is to bring our law into exact conformity to the imperial law.

Hon. Sir MACKENZIE BOWELL—Does this restrict the loading of vessels to a greater extent than the old law?

Hon. Sir RICHARD CARTWRIGHT—To some extent, I understand, it does restrict it; but it makes it conform exactly to the requirements of the imperial Act.

The clause was adopted.

On clause 35,

35. The said Act is amended by inserting the following section immediately after section 806:

806a. There shall be no appeal from any decision of a court holding any formal investigation under this Act, except to the minister for a rehearing under the provisions of section 806.

2. No proceeding or judgment of a court in or upon any formal investigation shall be quashed or set aside for any want of form,

nor shall any such proceeding or judgment be removed by 'certorari' or otherwise into any court; and no writ of prohibition shall issue to any court constituted under this Act in respect of any proceeding or judgment in or upon any formal investigation, nor shall such proceeding or judgment be subject to any review except by the minister as aforesaid.

Hon. Mr. LOUGHEED—Can my hon. friend say why an appeal to a court of competent jurisdiction is taken away, and absolute authority is vested in the minister? It seems to me to wipe out a very important redress which a master might have. Under section 2 of clause 35, the jurisdiction of the ordinary judicial tribunals is entirely cut out.

Hon. Sir RICHARD CARTWRIGHT—Yes, that is so. No doubt the object of the amendment is to do away with the modes of attacking the judgment of the court. Of course it is a very fair question for discussion, but I think, in all probability, that in this class of case the ends of justice would be as likely to be met by making the decision of the minister final as they would be by sending it through three or four courts.

Hon. Mr. LOUGHEED—We have admiralty courts, and I am assuming that they are vested with jurisdiction to hear an appeal from the finding of the board. That jurisdiction is entirely removed—at least I would say so.

Hon. Sir RICHARD CARTWRIGHT—I imagine it to be so. The reason given me is that they desire to make the decision of the minister final. I think I might say to the hon. gentleman that in the vast majority of cases the minister rather leans to the side of mercy than the side of strict justice.

Hon. Mr. SCOTT—They say that when the officer—Captain Spain for instance—is sent to inquire into a particular case, he is served with a certiorari, and the case is taken out of his jurisdiction altogether before he can make a report upon it.

Hon. Mr. LOUGHEED—It seems to me that the owners of vessels should have some remedy from the officers of the department. It simply reduces itself to this: that they will have to rely hereafter upon the officers of the department as possessing superior knowledge to an admiralty court. If we have organized admiralty courts, and appointed judges competent to deal with questions of this kind, they certainly should be very much further removed from any influence in the way of interest, prejudice or sympathy, as the case may be, than an officer of the department. I cannot very well appreciate vessel owners being satisfied with a law which will take from them the right to appeal to the ordinary tribunals of the country, and vest practically absolute power in the officers of the department. True, it may be said that the finding of the minister will be final; but we know that a minister simply acts in a perfunctory way, referring the matter to the officers of his department. They may be actuated by prejudice, sympathy, interest of feelings of a kind, and it seems to me that the jurisdiction of the admiralty court should certainly not be ousted in cases of this kind.

Hon. Mr. BEIQUE—The jurisdiction of the court is not ousted, but it certainly is made final. It takes away any appeal from the jurisdiction of the court, except that the minister is entitled to grant a rehearing.

Hon. Mr. LOUGHEED—But my hon. friend will remember that the court spoken of here is not the ordinary judicial tribunal. The court consists of the assessors——

Hon. Mr. BEIQUE—It seems to me there is a great deal in the point which the hon. gentleman takes.

Hon. Mr. LOUGHEED—Supposing the court be made up of officers of the government, and from that court are excluded the judges referred to in that section, then it vests final authority in the officers of the department.

Hon. Mr. ELLIS—Clause 26 provides that in a case of collision, where a vessel, without reasonable cause, fails to render to another vessel such assistance as is practicable and necessary to save them from any danger, and so on, they are subject to a penalty. I think it is very drastic. Should that man not have a right to appeal to the ordinary civil courts in

such a case? I can understand with regard to the civil service that there is a desire on the part of the officials to stand by each other. They form a kind of organization, not an absolute organization, with secretary and president and so on, but they have their ideas and their system, and the minister is very apt to be entirely influenced by his subordinates; and if a minister does not stand by his subordinates, he soon loses caste with them, and is perhaps driven by them into a certain line of conduct. I would suggest to the hon. Minister of Trade and Commerce to consider whether he would approve of that.

Hon. Sir RICHARD CATWRIGHT—There is another clause that I wish to reserve, and I shall reserve this also if the hon. gentleman desires it, and confer with the Minister of Marine and Fisheries and report to the House afterwards.

Hon. Mr. LOUGHEED—The hon. Secretary of State points out that the courts at one time intervened by certiorari and removed the case out of the hands of Commander Spain. There may have been the best of reasons for doing so.

Hon. Mr. POWER—We should bear in mind that these inquiries are investigations into the acts of captains and other officers of vessels who come peculiarly within the jurisdiction of the Department of Marine and Fisheries, and there is another circumstance that it is very desirable that these investigations should not be protracted, I mean that the decision should not be long postponed, and if you open the door to appeals of all sorts on technical grounds, the injury done to trade will, in some cases, be very considerable. We should bear that in mind. I think the minister is doing the right thing to let the clause stand.

Hon. Sir RICHARD CARTWRIGHT—The department deals with certificates exclusively. That would hardly be a thing that would come in any shape or way within the jurisdiction of a court. The department informs me that this clause does not prevent an appeal by the owners to the Admiralty Court.

Hon. Mr. ROSS (Halifax)—Let us suppose a case; suppose two steamers entering port come into collision and one is severely damaged while the other is only slightly damaged. The vessel slightly damaged would want to proceed on her voyage as early as possible; hence the necessity of an early inquiry to avoid delay. Then, after the report would be made, the owners of the injured vessel would likely libel the other steamers. We had a case of the kind in Halifax where the decision was against one steamer in the Admiralty Court. It was referred to the department at Ottawa and the decision was confirmed. It was referred afterwards to the Supreme Court and the decision was reversed.

The clause was allowed to stand.

On clause 3,

Hon. Mr. POWER—The more this clause is considered, the more objectionable it appears. I fancy it was drawn with reference to a condition of things on the great lakes. Whatever the condition of things may be on the lakes, this clause, if put into operation on the Atlantic coast, would be most injurious. The truth is that at the present time there is a shortage of qualified officers on the Atlantic coast, and the effect of making this clause law there would be very injurious indeed. As it is now, there are a number of Norwegian captains and mates serving in ships in the maritime provinces. These men very often begin pretty low down in the service.

Hon. Mr. SCOTT—It will not affect the Norwegians.

Hon. Mr. POWER—If the hon. gentleman is in a position to state positively that Canadians, without being naturalized in Norway can become masters and mates there, then this would not apply to the case of Norwegians. There is no reason why a rule which suits one place and does not suit another should be made applicable to the two places, and I would suggest the addition of a subclause something to this effect:—'Such refusal,' that is the refusal to admit to examinations 'may apply to all Canada or may apply to one or more provinces, ports or places at the discretion of the minister.'

Hon. Mr. SCOTT—That would be one law for one place, and another law for another.

Hon. Mr. POWER—Certainly, and there is good reason for a difference. The condition of things on the lakes is different from the condition of things on the coast. By a clause like the one I have suggested, you can avoid the difficulty of applying the same rule to both.

Hon. Mr. BEIQUE—Under the clause as drafted, the minister is given discretion, and, therefore, the suggested clause would not add anything to that discretion. He may refuse or permit the examination to be made.

Hon. Mr. POWER—The minister could not issue instructions in each particular case. That is not to be supposed. The minister could not say in the case of two Norwegians applying to be examined for certificates in Halifax that he would deal with each case separately. He must have some general rule on which to go.

Hon. Sir RICHARD CARTWRIGHT—I am quite willing to let the clause stand. I want to confer with the minister about it.

The clause was allowed to stand.

Hon. Mr. POWER—The attention of some members of the other House was called to clause 4, and they said it would be most mischievous and injurious in the lower provinces and they hoped that the minister would reconsider it. I do not know whether any of those gentlemen have sought an interview with the minister or not.

Hon. Sir MACKENZIE BOWELL — If this were imperative, the objections might be as strong as they are represented to be; but if the minister has discretion to say yes or no, the objections do not apply. It is left entirely with the minister to act on the information which he may receive from those who are interested. If the law said distinctly that no one except a person domiciled in the country for a certain length of time should receive a certificate, I could understand the objection of the hon. senator from Halifax; but if he has any confidence in the minister, under such circumstances, I think the clause is wide enough, giving him discretionary power to be exercised either for good or evil.

Hon. Mr. ELLIS—The hon. senator from Hastings takes the correct view of it. If two foreigners should come up for examination and the minister should be influenced, rightly or wrongly, against one and in favour of the other, it would be an illustration of the old scriptural remark, one would be grinding at the mill and the other would be left. I hope the hon. Minister of Trade and Commerce, so long as he is in the cabinet, shall use his influence to prevent clauses 4 and 6 coming into force. Canada is continually talking about its loyalty, and it is a very improper thing indeed for a British colony to put such legislation in force as against British ships.

Hon. Sir RICHARD CARTWRIGHT—These two clauses can only come into force after being approved by the British government.

Hon. Mr. ELLIS—I was just going to mention some great men who were never naturalized. Take the case of the two Cabots. Then Christopher Columbus remained an Italian, though he founded the glory of Spain on this continent. There are hundreds of cases where men have entered the service of foreign countries, and so with British ships, as long as they have good, strict laws of their own, we should not make the restrictions on our own ships apply to them. We should be more liberal.

Hon. Mr. POWER—I agree with the hon. gentleman that we should be more liberal as to the application of clauses 4 and 6 but I cannot agree with him or the hon. senator from Hastings as to the amending of clause 3. The new clause is as follows:

> The minister may refuse to admit to the examination mentioned in the two preceding sections any person domiciled in Canada who is a subject or citizen of a country in which British subjects do not enjoy similar privileges in respect of such examinations.

It is clear that the objection is not on the ground of illiteracy but because these people belong to countries where British subjects do not enjoy the same privileges. I have pointed out that we are in need of more qualified officers in the lower provinces.

Hon. Sir RICHARD CARTWRIGHT—I will confer with the minister in charge of the department on the subject. As I have stated, clause 4 can only come into force if approved by the British government; and in any case it would not be put in force until after proclamation by the Governor in Council.

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

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of Whole on Bill (PP) An Act to amend the Railway Act as regards preferential charges created by the issue of securities.

(In the Committee.)

Hon. Mr. CASGRAIN—I have made inquiries since yesterday, and find that no reasons can be given to justify the change made in the law in 1903, and I, therefore, think we should revert to the law as it existed for forty years and more before 1903.

Hon. Mr. BEIQUE—With reference to the point which was discussed yesterday, and the suggestion made by the hon. leader of the opposition in regard to wages, I would suggest that section 141 be amended to read as follows :

Subject as herein provided, the payment of penalties and working expenditure——

I would strike out the word 'the' because it will not cover all the working expenditure, and I would add after 'working expenditure of the railway' the following :

The payment of arrears of salaries and wages mentioned in paragraph F of No. 34 of section 2 of this Act for a term not exceeding three months.

It would provide for the payment of three months' salaries and wages. As a matter of fact this principle governs in the province of Quebec.

Hon. Sir MACKENZIE BOWELL—That would not cover a debt incurred say for ties. Suppose the manager directed the purchase of a thousand ties from some farmer, if I understand the intention of the promoter of this measure, the bondholders would take precedence over and above the farmer who sold these ties to the railway. Take another case : supposing it were necessary to raise money to pay for those ties, and the manager or the director had gone into the bank to borrow it the bank would be cut out from the position of collecting the notes or the sum due them by the contractors, even under the clause as amended. Now it might be absolutely necessary in the interests of the railway to get the ties and being in the interests of the railway it would necessarily be in the interest of the bondholders, because if they did not receive the ties which were necessary to enable the railway to be worked and run, the bonds held by the bondholders would be of no value, except to the extent of the railway itself. It strikes me that the effect of the amendment would be to cut out the claim of the bank. The hon. gentleman says he has made inquiries, and can find no explanation of why these words were added to the section as it existed prior to the introduction of the Railway Act. I do not suppose for a moment that he has interviewed, except by the means of a medium, the gentleman who introduced the Bill and was responsible for the adding of these words, when he was the then Minister of Railways, because he could not reach him, except through the means I have suggested. I cannot help thinking that there was a good and sufficient reason for the placing of these words in the law as it stands upon the statute-book ; nor can I see any reason why a bondholder should be in any better position than a mortgagee. If a man takes a mortgage upon a man's property, the property is held for the face of the mortgage ; but if the person who borrows the money fails to pay the interest, the man who holds the mortgage has the right to go into court and recover, and, if he gets judgment, to seize any other property, goods and chattels which may be upon the property. Why should a bondholder be placed in any better position than any other man?

Hon. Mr. BEIQUE—I do not see that the bondholder is placed in any better po-

sition than in the case suggested. As to whether the change was made advisedly or not in 1903, I have consulted the 'Hansard,' and by following the discussion which took place in the House of Commons and in this House—and hon. gentlemen will remember that the Bill was dealt with for a considerable time in both Houses. There was a great deal of attention given to the Bill, and when changes were made, as a rule, they were discussed, or attention was drawn to the fact that the changes had been made for such and such reasons; but if the hon. gentleman will look at 'Hansard' he will find that this clause was not referred to in the House in any shape or form. Therefore, we may infer that it was overlooked; that it was in the drafting that the insertion of these words was actually made. The hon. gentleman asked. if it would be fair to prevent the farmer or contractor selling ties to a railway company taking rank before the mortgagee. Well I say yes, he should not take rank before the mortgagee, otherwise the railway company may purchase fifty thousand dollars or a hundred thousand dollars' worth of ties, and what knowledge will the mortgagee have that liabilities are being accumulated which will take rank before his claim? He is supposed to have the first charge upon the property when he advances his money. He was given the first mortgage, and in the course of five or ten years it would be in the power of the company to build up claims by purchasing all kinds of supplies and obtaining large credit. Supposing the ties are purchased for fifty thousand dollars. A judgment is taken. The judgment will be good for thirty years, and at the expiration of say twenty years, he will be entitled to come and take rank before the mortgagee. Is that fair? Would anybody purchase bonds with a law of that kind? I suppose nobody would do it knowingly. If the company is not able to purchase ties, there is the other recourse. The Exchequer Court Act was amended in 1901 for the purpose of providing that if a railway company is unable to maintain its railway in operation, then at the suit of the mortgagee, or at the suit of any of the creditors, with permission of the minister, a receiver may be appointed, and that receiver has the power of purchasing ties or improving the property, and any certificate issued by the receiver will take rank before the bonds; so that the public is amply protected, it seems to me, and if we provide for the salaries and wages, as I have suggested, we would be going far enough.

Hon. Mr. ROSS (Middlesex)—This Bill is rather puzzling. It deals with two classes of property, and it deals also with two classes of creditors. One class of property with which it deals is what is called the railway. That means the road bed, the rolling stock and the whole equipment of the railway, as we find in the interpretation clause, which reads as follows:

> A railway means any railway which the company has authority to construct or operate, and includes all branches, sidings, stations, depots wharfs, rolling-stock, equipment, stores, property, real or personal, and works connected therewith and also any railway bridge, tunnel or other structure which the company is authorised to construct.

That is what we understand by the railway. Then there is another, which is not property in that sense, consisting of the revenue of the railway. As I understand it, the bondholders have a lien, not only upon the railway under section 138, on the railway proper, but also upon the revenues and income of the railway. That is their security. That is simply security so far as the bondholders are concerned. Now, in the Bill as it stands, the creditors are to have a similar security, but the hon. gentleman who proposes an amendment wants to withdraw from the security which the creditors of the railways have under the Act as it now stands, what is defined as property and assets, placing the creditors of the railway over any ordinary liability as to wages, or it may be supplies of any kind, in a different position to the bondholders. The question which has perplexed me a good deal is whether these two classes of creditors—the bondholder is a creditor in posse, the conditions of his mortgage are not active until the railway becomes insolvent—what puzzles me is whether the bondholder, as creditor in posse of the road should be placed in a different position to the other creditors? I have only two answers to that condition of

things. The first is that for forty years railways were conducted under the condition in which the bondholders had as a security the property of the railway, and its income, and under that condition the bondholders were perfectly safe. Now, we have had forty years' experience of that, and that experience has been quite satisfactory, I have every reason to believe—so I am assured. The condition in which we want to place the creditors is the condition in which they were for these forty years before the Act of 1903 was passed. After forty years' experience of these conditions, the House ought to feel a reasonable guarantee that these conditions were not faulty, unreasonable or injurious to any party. We are simply asked to restore those conditions by the amendment of my hon. friend. I do not think the proposition is a very unreasonable one. If it can be shown that under the old conditions harm had come to the creditors of a road, I would say do not pass the amendment, but it does appear to me that possibly if this amendment is allowed to stand, harm may come to future mortgagees or to those who make loans to railway companies. I can understand that a bondholder who feels his security comes ahead of everything, ahead of the working expenses of the road and the wage-earners, is in a strong position; but if he feels that the creditors of the road may attack the corpus of the road—that is the property and assets—as they can under the present law, he feels his position is not so good. Supposing we make the bondholder as secure as he was prior to 1903, what harm can be done? If we place the capitalist in a less secure position than he was prior to 1903, is capital likely to be invested in railway enterprises? I think it would not be. Capital is exceedingly sensitive. Without capital we cannot go on. If, on the other hand, it can be shown that the creditors of the road, or those who were dependent on the road for wages had been prejudiced by the old condition of things, then I say we should protect the ordinary creditors. The weight of evidence, to my mind, is in favour of the old condition, under which no harm can come, under which capital has been freely invested in Canadian railways, and under which wage-earners and the ordinary creditors of a road have not suffered much disadvantage. Of course, banks may be less ready to advance money for the purpose of ties or betterments. That may be all very well. A railway will generally bear a debt to its ordinary bonding capacity, although if more money were wanted for ties or betterments, then the railway could put on a second mortgage as was done in the case of the Grand Trunk, and as was really done in the case of the Canadian Northern so far as it runs through Ontario. There is always an opening for an improvement of the road: but to say that a condition of things that existed forty years ago ought to be changed, without any evidence that that change was necessary, is, to my mind, anticipating legislation that was not really called for. As to the insertion of the words where it is proposed to strike them out, on looking closely into the matter, I can see how the draughtsmen could very naturally place those words there; but a draughtsman with full knowledge of railway conditions would not insert them without calling special attention to it. I think the amendment proposed by the hon. gentleman from De Salaberry is opportune, although I do not feel that it is specially called for. Railway men get their pay at thirty days. No railway can operate if the workmen go on strike. Wages may be the condition which it is proposed to attach by his amendment to the liabilities of railways, and it may perhaps add additional security or guarantee, although I do not think in the experience of Canada for fifty years in railroad matters even, that that condition is required. However, as it is perhaps a kindness shown to those people depending for their daily wages, I will accept that amendment as one that can do no harm and will have a tendency to place those who might otherwise feel in a helpless condition, and that their interests were prejudiced. So far as I can understand the question, I incline to the view that we had better restore the old condition of things, as no harm has come to anybody from it, and that amendment which is proposed by my hon. friend to the Bill is

one which this House might safely pass in the light of past experience.

Hon. Mr. LOUGHEED—With reference to the amendment proposed by the hon. gentleman from De Salaberry, I am of opinion it does not go sufficiently far. As I took the opportunity of observing yesterday, the property and assets of a railway company are about the only tangible means out of which can be realized the claim of the creditor. I think—in fact I have no doubt—that those words were put in advisedly by the Department of Railways in consolidating the Act. It must have been within the mind of the department that scarcely a small railway was to be found within the Dominion of Canada that had not piled up very large liabilities owing to the workingmen, owing to persons who had furnished supplies, and which claims had not been liquidated, and, owing to the complicated nature of realizing a claim out of a railway, those claims stood. Hon. gentlemen who have occupied seats upon the Standing Committee on Railways must recall that nearly every session there came a complaint before the committee of unsatisfied claims against railways. While I may not be able to designate the railways, yet I have a distinct recollection of many instances that have arisen in this direction. Railways in Manitoba, railways in Ontario and railways in Quebec that were afterwards absorbed by the larger railways, or were re-organized by new promoters. Now can my hon. friend who suggests this amendment show any good reason why a firm supplying material for betterments should not have a remedy for the collection of the claim against the property and assets of the company? The property itself, which is the security held by the bondholders, will have been enhanced manifestly to the amount of the betterment which has been made upon the road. If ties, as the hon. gentleman from Hastings has instanced, or if rails have been purchased, why should not the property, the same as a building under the ordinary lien law passed by the province, to the extent it has been enhanced by the furnishing of those supplies be available for the recovery of the claim held by those who furnished the supplies? We know very well that it is an established principle amongst railway men, amongst all well-conducted railways, that betterments are chargeable, not to capital, but to revenue. Then if the betterments which are made upon the road from time to time are made chargeable to revenue, and that revenue is insufficient to satisfy the payment of those betterments, is it logical to say that the persons furnishing those supplies should not be able to recover from the corpus which they have improved to the extent of the betterments? I can easily imagine any hon. gentleman calling up an instance where bondholders might induce the management to improve a small road very substantially through purchase upon credit of supplies, such as ties and rails, cars, rolling stock and so on, and thus by practically a system of fraud enhance the value of their property to a very large extent, and then snap their fingers at the persons who had furnished those supplies. My hon. friend has referred to the machinery furnished to creditors, mortgagees and others, for realizing upon the railway, through the Exchequer Court. My hon. friend can see how the workingman should have an exception made in his favour, but the merchant who furnishes supplies, and cannot have a large claim against the railway, is scarcely in a position to set in motion the machinery of the Exchequer Court, and ask for a receiver, in order that he may collect a couple of thousand dollars from a railway. As pointed out yesterday, almost every mile of railway that has been constructed within the Dominion of Canada, and particularly those railways over which the Dominion of Canada has jurisdiction have generously been bonussed by the Dominion government, and the public are entitled to protection, it seems to me, to a degree beyond that afforded to the bondholder. Every facility should be furnished by law whereby the creditor who has bona fide furnished supplies to the road for betterments thus enhancing the security, could be able to realize out of the road the amount of his claim.

Hon. Mr. SCOTT—The only answer I wish to make to my hon. friend's comments is this: If his views had prevailed the last fifty years the railway mileage of Canada would be many thousand miles less

than it is to-day. It is impossible to expect capital to come in and take a mortgage on a railway subject to all the exemptions my hon. friend has stated. A mortgage on a railway should be like a mortgage on any other property. If I have a mortgage on a farm, the working expenses of the farm, the payment of wages to the men, &c., would not be a first lien.

Hon. Mr. LOUGHEED—In the construction of a building, the wages of the men employed in the work of construction would take precedence of a mortgage, under the lien law.

Hon. Mr. SCOTT—That is under a provincial law giving special privileges to the men employed in putting up the building, but that is an entirely different case from this. If this amendment were adopted, it would weaken Canadian securities abroad. We must borrow money abroad. I do not hesitate to say there are hundreds of millions of dollars in mortgage bonds held on the good faith of the Parliament of Canada not weakening the security, and I venture to add this, that if a proposition such as my hon. friend has suggested as a proper one, were acted upon, he would not get any capital advanced.

Hon. Mr. LOUGHEED—I am dealing with the law as it is to-day. Why did not my hon. friend show the same solicitude for the bondholders in 1903 when we passed the Bill ?

Hon. Mr. SCOTT—I have no knowledge of it whatever. If I had I would certainly have opposed it, because I think the concession in favour of the non-bonded creditors is ample, and they ought not to interfere with the substantial security the capitalist has. Without their being heard from, are you going to take away a security that they regard as sound?

Hon. Mr. LOUGHEED—We do not; your government has done it.

Hon. Mr. SCOTT—No, I do not think a member of the government ever knew about this—ever heard of it. I understand from the hon. gentleman in charge of this Bill that he has questioned the Law Clerk who drew up the Act of 1903 and he cannot recall any conversation about it. He repeated the words because he saw them in a former sentence, without attaching meaning to them in the sentence under discussion. I should object to any amendments calculated to weaken the security of the bondholder. It is a clear breach of faith. I have looked over the mortgages filed with the Secretary of State, and the form used is under the old law—all the mortgages are. I am not prepared to say that if we make the change it would affect the interests of any of the mortgagees. It speaks of the law as it will prevail when this amendment is given assent to. The first opinion I formed after reading it was that it was the law the court would have to recognize and they could not see that the bond was issued before it.

Hon. Mr. FERGUSON—My hon. friend has ventured the opinion that if this law of 1903 had been in operation for forty years before, we would have very few railways built in Canada.

Hon. Mr. SCOTT—I spoke of the comments of my hon. friend from Calgary, which went further than the proposed change in the Act of 1903.

Hon. Mr. FERGUSON—Does my hon. friend undertake to say that the operation of this law, as it was amended in 1903, has interfered with the sale of bonds or with the building of railroads in Canada?

Hon. Mr. SCOTT—It certainly would——

Hon. Mr. FERGUSON—Not 'it would,' but has it?

Hon. Mr. SCOTT—I cannot answer that question, because the man who put his money in a railway believed he got a mortgage as he understood it. The law relating to mortgages has prevailed for centuries, and when a man has a mortgage on property, nobody can come in and cut him out of it.

Hon. Mr. FERGUSON—No law that was passed was retroactive in any sense whatever. My hon. friend seems to think these words in the Act of 1903 crept in without the knowledge apparently of anybody.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I ask the hon. gentleman to think over this for a moment. The words used in the Act of 1903 were very important words. Their insertion had a distinct and clear meaning. Does any one suppose that those words came in there by some clerical error? They involved a very important principle and a principle which I think the longer it is discussed the more clearly it appears that it is right. Now there is no question in my mind that that change was not made in the Act of 1903 without very careful consideration, and there must have been some very good reason for putting it there. The hon. gentleman who had charge of that Bill in its earlier stage was Mr. Blair; he was a very able man. He had been Minister of Railways for many years and had very able assistance in his department. Mr. Hansard, the law officer of the department, was a very experienced man, and these words were put there in his time, and we cannot come to any other conclusion than that they were put there with due deliberation and for good reason. Now it is proposed to remove these words, and my hon. friend does not know that any harm has arisen from their being in the Act for five years.

Hon. Mr. SCOTT—Because there is not a lawyer who knew they were there. If you look at the mortgages filed in the Secretary of State's office, you will see that they do not include this exception.

Hon. Mr. FERGUSON—My hon. friend says that nobody knew these words were there. Two years ago the hon. member from De Salaberry introduced a Bill in this House to remove these words. I think most people knew they were there by that time, anyway, if nobody knew it before. Are we to suppose that able lawyers in Canada and elsewhere, negotiating the sale of bonds railways, never looked into this change of the law and did not know up to this time that the change was made?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I cannot accept that, because I think it is so very unreasonable. The hon. member should not expect this House to accept it without some evidence in support of it. Now, after five years' experience, we find an application made to this parliament to change the law. Does not the hon. gentleman think it necessary for those who are pressing for this change to show some harm that had arisen through the existence of these words in the Act? They do not show that any harm has been done, and, therefore, it seems to me that there must be some particular instance that has arisen in connection with some railway, perhaps a matter of very little importance to the general public, and yet it must be for some such reason as that that this change is proposed. I want to point out that the change of the Act in 1903 made the Act sensible, which it had not been up to that time, and which it will not be if this amendment is passed. The amendment of 1903 puts government taxes—municipal and provincial government taxes—before the bondholders' interest. Now we are proposing that we will put a part of the working expenses of a railway, the government and municipal taxes—in a position of inferiority to the interest of the bondholders. I know the hon. Secretary of State made a very strong statement yesterday about that. He said: Oh, no, the taxes would be all right. They may be, under the British North America Act, but that only shows what kind of legislation we are attempting here when we are putting up a Dominion statute to interfere with the British North America Act. Refer to paragraph No. 34 of section 2, and run down to letter (e) in that paragraph and you will find it includes as working expenses 'all rates, taxes, insurance, and compensation for accidents or losses,' and this Bill puts them in a position of inferiority, secondary to the payment of the bondholders' interest.

Hon. Mr. SCOTT—Every property is liable for taxes, of course.

Hon. Mr. FERGUSON—But my hon. friend is declaring by this Bill which he supports, that the bondholders' interest is to have priority over taxes.

Hon. Mr. SCOTT—Nothing of the sort.

Hon. Mr. FERGUSON—My hon. friend shakes his head.

Hon. Mr. SCOTT—Yes, I say nothing of the sort.

Hon. Mr. FERGUSON—It is lamentable to see my hon. friend when important measures are before this House, showing that he does not understand their contents.

Hon. Mr. SCOTT—I state that the hon. gentleman is absolutely wrong in the allegation he makes.

Hon. Mr. FERGUSON—I have the clause before me.

Hon. Mr. SCOTT—I will not discuss it with the hon. gentleman.

Hon. Mr. FERGUSON—I cannot help that. Under the Bill it is proposed to put working expenditure to rank below the bondholders' interest—is not that what is proposed in this Bill?

Hon. Mr. CASGRAIN—Not to the bondholders' interest at all.

Hon. Mr. FERGUSON—If my hon. friend's Bill is carried, then the working expenditure will come next to the bondholders' interest, and a part of the working expenditure is taxes. Turn to subclause 34, of section 2, letter (e) and there you will see 'all rates, taxes, insurance, and compensation for accidents and losses,' included in working expenditure, and my hon. friend the Secretary of State is supporting an amendment to the law, which will give taxes a position inferior to the interest on the bonds.

Hon. Mr. SCOTT—I am not supporting the amendment. I was against the amendment. I was against any alteration in the law made in 1903.

Hon. Mr. FERGUSON—The amendment proposed by the hon. senator from De Lanaudière?

Hon. Mr. SCOTT—I am speaking of the amendment proposed to-day.

Hon. Mr. FERGUSON—The Bill of the hon. senator from De Lanaudière is the one the hon. gentleman is so strongly supporting.

Hon. Mr. SCOTT—Not at all.

Hon. Mr. LOUGHEED—Is the hon. gentleman opposed to the amendment of the hon. senator from De Lanaudière?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—The first amendment was to expunge two words; I was supporting that. The next amendment——

Hon. Mr. FERGUSON—Is not my hon. friend supporting the Bill that we have before us?

Hon. Mr. SCOTT—Yes, but not Mr. Béique's amendment.

Hon. Mr. FERGUSON—We are not speaking about Mr. Béique's amendment; I am talking about the Bill which the hon. gentleman is supporting so very strenuously, and I say that that Bill, as far as the parliament of Canada can do it, is putting taxes in a secondary position to the bondholders' interest.

Hon. Mr. SCOTT—No, we cannot do that.

Hon. Mr. FERGUSON—My hon. friend says we cannot do it, but he is trying to do it as far as he can, and it shows how silly this Bill is, because we are doing something which will not stand in a court of law, for there is no doubt the provinces have power to deal with property and civil rights and can tax property and collect taxes before the bondholders can collect their money.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—But my hon. friend strenuously supports a Bill giving priority to the bonds over the taxes.

Hon. Mr. SCOTT—No. I am not going to answer the hon. gentleman again.

Hon. Mr. FERGUSON—I hardly know how to account for my hon. friend's hallucination, for that is the position in which he really stands. I take the position that the Act of 1903 must have been amended in a deliberate manner in this particular. It was in the hands of a very able man; my hon. friend was a member of the government himself and they made this amendment and they cannot show us, after five years, that any harm or injury whatever has resulted from the operation of that Act.

Hon. Mr. CASGRAIN—Nobody knows it is there.

Hon. Mr. FERGUSON—We have had no instance presented to us where any harm has occurred, and now they come and ask us to revert to the old order of things. My hon. friend from De Salaberry stated when we were in committee yesterday, that the question of wages is worthy of consideration. I do not think we need concern ourselves very much about the matter of taxes. I only brought that up to illustrate the erroneous state of mind in which my hon. friend the Secretary of State exists. The hon. member for De Lanaudière is trying to put taxes in a place of inferiority to the bondholders' interest, but I do not think he can do it. However, we can put the wages in that position, and I do not think that the amendment which the hon. senator from De Salaberry has moved will make any improvement in that respect. With due deference to the hon. gentleman, I think that this amendment will leave the matter just where it is now, or where it will be after the major part of this Bill passes. Turn to section 141, which is proposed to be amended, and you will find it will read this way after the amendment is incorporated in it:

> Subject, as hereinbefore provided, to the submment of penalties and working expenditure of the railway, and to the payment of arrears of salaries and wages mentioned in paragraph (f) of section 34 of section 2 of this Act for a term not exceeding two months, &c.

Then it goes on, and all this is subject to the words 'as hereinbefore provided to the payment of penalties, and working expenditure of the railway.' The penalties and the working expenditure of the railways, if the first and main provision of the Bill is passed, will be given a status, and this amendment will be subject to that, and as wages is a part of the working expenditure, declared to be so by the Act, wages will remain in the position it occupied before, and that is a position secondary to the interests of the bondholders. I therefore think that this amendment will not change the position of things in the slightest respect, because this provision with regard to wages will be subject, as hereinbefore provided, to the payment of penalties and working expenditure of the railway, and the secondary standing of the working expenditure of the railway will be settled with if the amendments of the hon. senator from De Lanaudière becomes law. Therefore, I think this amendment will not put the wages in a better position than before the amendment was proposed. I have put my views on record. I do not feel that it will affect me any, but when we are going to make this change in the law, we should have some good and substantial reason for it. We should be shown that the Act passed in 1903 has worked some harm, that it has prevented bondholders investing their money, that it has in any case operated in wronging the bondholders and preventing them getting their just rights. As none of these things have been shown, it seems to me it would be much better to let the law stand as it is at present.

Hon. Sir MACKENZIE BOWELL—This discussion must be very interesting to those who have remained in the chamber and listened to it. I am quite sure that any senator who has witnessed the exhibition of apparent temper on the part of our usually genial friend the Secretary of State will be pleased to know that something has occurred to arouse him from the lethargy which has characterized him for many months past. I have noticed, in my experience, that whenever the hon. gentleman shows temper there must be some reason for it behind the mere question before the House. Might I ask him if anything has occurred in connection with the sale of the bonds, debentures or other securities connected with the Grand Trunk Pacific Railway, that has led to the introduction of this amendment to the Railway Act?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Has any objection been taken in the money market of England to the law as it stands affecting the securities which have been offered in the money market, in order to carry on that great work? We have heard it rumored, and it has been stated in the newspapers, and if my memory serves me rightly a Bill has been introduced in the House of Commons by the Finance Minister, asking for some change in the law in reference to the Grand Trunk Pacific Rail-

way scheme; is it for the purpose of granting greater security to those who are asked to lend their money upon the securities offered by the Grand Trunk Pacific Railway Company? I have heard it hinted that one or two of the great bankers in Europe have declined to advance more moneys, first the Rothschilds, and next another firm, and now the company have reverted to their own financiers the Barings, and they say it is impossible to raise money on the securities at present with only a 3 per cent guarantee on the part of the government. Is that correct? Or if that is not correct, has objection been taken to the purchase of these bonds on account of these words being in the Act? Is it the one reason or the other mentioned in the rumours current in the press and in the lobbies? Or perhaps the hon. gentleman could tell us the purport of the Bill which has been foreshadowed by the Minister of Finance in the lower House? I fail to see in the newspaper reports that he has given any explanation of the Bill he has introduced. This gives an apparent confirmation of the rumours which have been in circulation, and is it in order to prevent the possibility of a collapse of the undertaking that my hon. friend has introduced this Bill? Having put these questions to the hon. Secretary of State, let me turn my attention to the hon. gentleman who introduced the Bill.

Hon. Mr. SCOTT—Does my hon. friend want an answer to his questions?

Hon. Sir MACKENZIE BOWELL—Certainly.

Hon. Mr. SCOTT—No. This has no possible connection with any legislation proposed in the other House. My attention was never drawn to it, except when the hon. gentleman introduced the Bill here, and I have spoken entirely from my own judgment as to what was proper between the mortgagee and the mortgagor, applying the general principle of the law. I did not hear of any cases; I have not examined. There are lots of mortgages in the Secretary of State office, but I only took up one before coming out to see what it covered, and it covers everything.

Hon. Sir MACKENZIE BOWELL.

Hon. Sir MACKENZIE BOWELL—A mortgage on what?

Hon. Mr. SCOTT—On a railway—bonds or debentures issued by a railway. They are secured by a mortgage, and they have to file an original of it in the Secretary of State's office. Before coming out, I just called for one of the mortgages—I do not recollect the date of it—and I saw that this particular mortgage that I looked at covered everything, so that lawyers drawing up such a document, whether the law warranted it or not would put in everything.

Hon. Mr. LOUGHEED—It could not cover more than the Act calls for.

Hon. Mr. SCOTT—No, but the lawyers inserted everything. I have not read the Bill introduced by the Minister of Finance, but I think it refers to changing the securities of the Grand Trunk Pacific. It has no reference to this legislation.

Hon. Sir MACKENZIE BOWELL—I can readily understand now, from the explanation of the hon. gentleman, and his utterances a few moments ago, that when he took charge of the railway Bill he knew nothing about it. It is not the first time that that has occurred in this House. The very principle on which they carry on the government leaves a minister——

Hon. Mr. SCOTT—This Bill has not been before the government. I had no cognizance of it until I saw it moved here.

Hon. Sir MACKENZIE BOWELL—You govern the country on the one man principle. Most people understand that our system of government is joint responsibility on the part of every member of the government. No single member of the government can be held responsible for what takes place; the combination which forms the government is equally responsible. I am not going to deal with that question now. I have done so often in the past and have shown the impropriety of attempting to govern the country upon the principle which has prevailed for some time past. It being six o'clock I move the adjournment of the debate.

Hon. Mr. CASGRAIN—The hon. senator from Marshfield thought there was some machination going on, that some great question of state depends on this Bill. I wish to say that I had no conversation with any member of the government or any member of the Senate about this measure until my attention was drawn to the subject some time in the winter in Montreal. The person who did so asked me if a railway bond was a first lien on the road. He said to me, 'You ought to know better than anybody, being chairman of the Railway Committee.' He said that the working expenses go before a bond, and he took out the Railway Act and showed it to me. I said, 'It is evidently a clerical error in the law of 1903, and it should be corrected.'

The motion was agreed to.

Hon. Mr. McKAY (Truro) from the committee reported that they had made some progress with the Bill and asked leave to sit again.

CANADA TEMPERANCE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. McGREGOR moved the second reading of Bill (WW) An Act to amend the Canada Temperance Act.

Hon. Mr. POWER—I suppose it is understood that by consenting to the reading of the Bill a second time now, we do not commit ourselves to the principle?

Hon. Mr. SCOTT—Certainly not.

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, May 21, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine procedings.

BILL INTRODUCED.

Bill (BB) An Act for the relief of Hattie Spratte.—(Hon. Mr. Perley.)

DELAYED RETURNS.

Hon. Mr. LANDRY—Is there any news of that correspondence which took place between the military authorities in Ottawa and Colonel Pellatt? An order was given three months ago that this correspondence should be brought down.

Hon. Mr. SCOTT—Will the hon. gentleman write me a note, so that I can have it on my mind?

Hon. Mr. LANDRY—Yes, and I will remind the hon. gentleman that I wrote him a note calling attention to the fact that a few weeks ago I sent back a return submitted by the government in respect of the employment of some troops here in Ottawa during the Fenian troubles of 1865-6. That return was incomplete, and I asked that it be completed, and I have not heard of it since.

Hon. Mr. SCOTT—Nor have I.

Hon. Mr. LANDRY—Perhaps if I write another note, it will be also forgotten.

Hon. Mr. SCOTT—I will call attention to it.

GRAND TRUNK PENSION SCHEME.

INQUIRY.

Hon. Mr. FERGUSON rose to:

Call the attention of the Senate to the following clipping from the Montreal 'Daily Star,' of April 1, last:—

Grand Trunk Pension Scheme a Success.

In an interview this morning with the 'Star,' Mr. William Wainwright, assistant to the general manager and comptroller of the Grand Trunk Railway, expressed his complete satisfaction with the new pension scheme as placed in operation by the company on January 1st. The three months' trial, he declared, had convinced the officials that the inauguration of a pension fund was a wise moven and the money was well spent. He believed that company would save in the damages account alone enough to meet the cost of carrying the fund along.

And will inquire if the government will procure and lay on the table of this House authenticated copies of all rules, by-laws and regulations made by the Grand Trunk Railway Company under sections 5, 6, 7 and 8 of chapter 69 of the Acts of Canada of the year 1907.

Hon. Mr. SCOTT—I may say that in a letter from Mr. Wainwright he says that the interview referred to in the 'Star' never took place, and he was away at the time, and they used his name without au-

thority. I submit a copy of rules and regulations of the Grand Trunk Railway as to pension fund, in accordance with the hon. gentleman's request.

THE BUSINESS OF THE SESSION.

MOTION.

Hon. Mr. McMULLEN moved :

That the resolution passed by the Senate on the 12th instant, proposing a Joint Committee of Conference of both Houses, with a view of securing a better division of the Bills introduced at each session and devising means whereby the business of parliament may be expedited and the sessions shortened, be furwarded by the proper officer of the Senate to the House of Commons.

Hon. Mr. DeBOUCHERVILLE—This motion does not correspond with the motion which I find in the minutes of the 13th of May, and to which it refers. The motion carried on the 13th inst., is as follows:

That the Senate deems it expedient to invite the House of Commons to co-operate with it by means of a Joint Committee to consider the advisability of devising methods whereby a more equal division of the initiation of private and public legislation may be secured between the two branches of parliament, and adopting rules governing debate which will limit the time of discussion so as to better expedite business.

I think it would be more regular to follow the language of the resolution adopted by the House.

The SPEAKER—The point raised by the hon. gentleman is that the statement in the motion now before the House does not exactly cover the resolution passed on the 13th of May; but I consider that the narration in the motion before us is but a summary of the resolution; it is not this motion that will be sent to the House of Commons, but the motion of the 13th of May last. Therefore it is sufficient if the resolution of the 13th of May is properly indicated, and I consider that this motion is in order.

Hon. Mr. PERLEY—It is exceedingly indiscreet for the Senate to undertake to dictate to the House of Commons how they should do their business and whether they should make long speeches or short speeches. The House of Commons is a representative body elected by the people, and responsible to the people for the way they transact the business of the country. We in this Chamber are not responsible to the people in the same way, and we are overstepping the mark when we undertake to say to the members of the popular branch how they shall conduct their business. For that reason, I shall oppose this motion. The hon. gentleman said the other day that he would have the closure adopted to prevent long speeches, and he also undertook to say that the length of the session was due to the long speeches in the House of Commons and the desire of members to obstruct legislation. I do not think that is correct. The members of the House of Commons are trying to do their duty to their constituents. They are elected to carry on the affairs of the country, and are responsible to the people for the way they discharge their duty. I find in looking over the history of this session, last session and the session before, that a great deal of time has been spent in the House of Commons in defending the rights of the people as against certain persons to whom the government pay large amounts of money in an improper manner, and when a motion is made to appoint a committee to look into the misconduct of certain officials, the passage of the motion is obstructed by long discussions. Then, when an inquiry is granted, and the investigation begins before a special committee, certain members try to prevent that inquiry being effected in every way they can. My idea is that members are elected to work in the public interest and not to help the government or any person in the government employ. If a government official does wrong, it is as much the duty of the government as of the opposition to hold that official responsible for his conduct, and it would be much better if the government would see that the affairs of the country are conducted in a proper manner instead of protecting people who are doing wrong. For the last two sessions it has been one continual inquiry into the administration of affairs by government officials. It is said that we cannot purchase anything for the government except through middlemen, and the money of the country has been expended in various improper ways. We have had the Arctic expedition inquiry, the Atlantic Trading

Company affair, and now we have an inquiry into the management of the Marine and Fisheries and other departments. All these inquiries delay the House. It is not the length of the speeches members make. It is the inquiries that cause the delay—the way they are obstructed in trying to get at the bottom of these things, and that is why parliament is kept in session so long. I do not hesitate to say that parliament ought to get through the business in three months, if everyone undertook to do his duty and expedite legislation. But you will find in the other House there is obstruction from start to finish whenever there is a demand for an inquiry. A large number of members in the Commons, on the government side, undertake to protect people who have stolen money or done something wrong. If the government were anxious to see that good, honest men were employed, then there would be no inquiries of this kind, and we would have shorter sessions. The reason the sessions are long is because the opposition do not see fit to let things go by default, and permit the government to take everything in sight, and when they are obstructed in making these inquiries, it has, to a large extent, to do with the prolonging of the session. The hon. gentleman is entirely wide of the mark when he states that the long speeches are the cause of the trouble. Members are elected to the House of Commons to represent certain constituencies, and they have to do their duty.

Hon. Mr. MITCHELL—It is only a few months ago that the hon. gentleman made the statement in Toronto that this House was no good. Now he states that the other House is no good.

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

Hon. Mr. MITCHELL—I do not know where the hon. gentleman stands——

Hon. Mr. PERLEY—I rise to a point of order. This House did some good when it thwarted the Drummond County Railway Bill.

The SPEAKER—I do not think there should be any discussion on the merits of the motion passed by this House on May 13. The motion now before the House is simply to send the resolution to the House of Commons. Of course the House can divide on the motion itself, but there is a general principle that a debate cannot be repeated on the same question, and I would draw the attention of hon. gentlemen to that point.

Hon. Mr. LANDRY—I rise to a question of order. The motion, as it is presented to the House, is that a resolution passed by the Senate on the 13th instant proposing a joint committee of conference of both Houses, &c., be forwarded by the proper officer of the Senate to the House of Commons. When this House passes a resolution like the one passed on May 13, we do not proceed in that way. The following is the resolution passed by this House on May 13:

> That the Senate deems it expedient to invite the House of Commons to co-operate with it by means of a joint committee to consider the advisability of devising methods whereby a more equal division of the initiation of private and public legislation may be secured between the two branches of parliament, and adopting rules governing debate which will limit the time of discussion so as to better expedite business.

I may call attention to the fact that those two things are quite different, but that is not the point I want to raise? When we pass a resolution in this House asking for a joint committee, we send a message. We do not take the resolution and lay it on the table. I will refer to page 52 of the Minutes of the House of Commons of this year, where I find the following:

> Resolved that a message be sent to the Senate requesting that their honours will unite with this House in the formation of a joint committee of both Houes on the subject of the printing of parliament, &c.

I think this resolution is not the proper one. We should send a message requesting that their honours will unite with this House. This message I have read is one that was sent to the Senate; but when we send a message to the House of Commons it is 'that a message be sent to the House of Commons by one of the Masters in Chancery informing that House that the Senate has invited them to form a committee, or asking them to join with the Senate in the appointment of a joint committee.'

I think the mere fact of sending a resolution and throwing it on the table of the House is not convenient. It might be left on the table.

The SPEAKER—I believe that the hon. gentleman from Stadacona is right; but if this resolution is adopted, then, as with Bills that pass through this House, I will perforce order that a message be sent to the House of Commons with the resolution passed on May 13.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LANDRY—Yes, but the motion should be that a message be sent with the resolution. We have no motion at all.

Hon. Mr. BEIQUE—I was not here when the motion was debated and voted upon, but, unless by unanimous consent, we cannot extend it, and I would suggest to the hon. gentleman from Wellington that he should consider as an amendment to the last part of his motion, that he should simply refer to the shortening of the session and not enter into details. It might be considered impertinent on the part of this House to furnish these details.

Hon. Mr. McMULLEN—I am quite willing to accept the proposed amendment.

Hon. Sir MACKENZIE BOWELL—I object to any amendment.

The SPEAKER—No amendment can be made to this resolution, except it be withdrawn and proposed anew.

Hon. Mr. PERLEY—It has been withdrawn twice now.

Hon. Mr. BEIQUE—It can be done by unanimous consent of the Senate.

The SPEAKER—I have already stated that it is not this motion which will go to the House of Commons, but it will be the motion which was passed and which cannot be amended by this resolution. This is but a summary of the resolution of the 13th May. I take for granted this motion is that the resolution passed by the Senate on the 13th May be sent to the House of Commons, and I believe the motion is in order.

Hon. Mr. LANDRY.

Hon. Mr. POWER—The motion is in order, and the House can pass that motion, but the uniform practice is to move that a message be sent to the House of Commons. That is supposed to be a more respectful way of dealing with the other chamber, and I think just now we had better show the utmost respect and deference to the feelings of the other House.

The SPEAKER—If the hon. gentleman from Wellington desires to withdraw his motion and present it with that other proviso that a message be sent to the House of Commons, &c., he may do so.

Hon. Mr. McMULLEN—I made every endeavour to meet the suggestions thrown out from time to time. I have already ended it. I am quite willing to accept the suggestion made by the Speaker, that he will forward the motion as it was passed on the 13th May, with a copy of this resolution as authority for so doing. I think that is all that is required.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. Speaker to rule that this was a motion which could not be discussed because the Senate had debated the subject upon a former occasion? If I am to understand the Speaker's ruling goes to that extent, I shall take exception to it. My impression is that we have a right to discuss the merits of every motion before the Senate, and to give our reasons why we oppose its adoption or why we are in favour of it being passed. I think the Speaker would be quite right in ruling that we had no right to refer to or comment on a former debate. If I understood the Speaker's ruling to go only to that extent, I could have no objection. For my part, I expressed myself, when the resolution was before the House, as being opposed to the whole proceding for reasons which I gave at the time, and that I should try and stop, so far as the rules of parliament will permit me, any further step being taken in the matter, and in affirming my position and that of those who take the same view that I do, it strikes me we would have a right to give our reasons why we object to the motion being carried. I am not going into that discussion just now, because my hon. friend from Wellington has consented

to withdraw his motion as suggested by the hon. gentleman from Stadacona, and also by the hon. Speaker. When it comes up again, I shall claim the right to give my reason why I oppose it.

Hon. Mr. FERGUSON—So far as I have been able to follow the observations made, and the ruling of the Chair, the hon. gentleman proposes to withdraw his motion and submit another. We have had this matter before us many times, and perhaps a word or two in line with what the hon. gentleman from Hastings has said might not be amiss at this moment. I think we have gone quite far enough on this question. It comes very near to being a reflection on the House of Commons, and I think we should abstain, as the hon. gentleman from Halifax has said, at this time or at any time from doing that. Something may be said in debate, but when we come to a formal resolution embodying something of that character, it is rather a serious matter. It is well known that the general criticism on the House of Commons both in this Chamber and elsewhere is that the debates are too long. It is equally well known that the criticisms on this House, both in the House of Commons and out of it, is that we take too many adjournments. Supposing we were just to change two words in this resolution, and supposing it were sent from the House of Commons to us, what would we say? Supposing the resolution read in this way:

> That the House of Commons deems it expedient to invite the Senate to co-operate with it by means of a joint committee to consider the advisability of devising methods whereby a more equal division of private and public legislation may be secured between the two branches of parliament, and adopting rules governing adjournments which will limit the time of adjournments so as to better expedite business.

If such a resolution as that were passed in the House of Commons and sent to us, we would be apt to regard it as impertinent. We are quite able to regulate our own adjournments, and I should think the House of Commons are equally able to consider the matter of the length of their debates and speeches. If the tables were turned, and a resolution to interfere with our rights and privileges with reference to adjournments were sent to us from the House of Commons we would be very apt to regard it as a gross infringement of our privileges, yet that is precisely what we are proposing to do to the other chamber, because everybody must know that this resolution aims at curtailing the length of discussions in the House of Commons and not in the Senate. The hon. gentleman has had his resolution agreed to in this House. The moral effect of it, if any, is felt. It has all the effect it will have. Why not stop there and not send this resolution to the House of Commons at all, because it will certainly create friction, and be regarded as an infringement of the privileges of the Commons.

Hon. Mr. McMULLEN—I cannot understand how my esteemed friend from Marshfield always seems ready to be virtually my godfather in any matter I bring before the House. He is always prepared to suggest things that I should do. I am not, perhaps, as well versed in parliamentary procedure as he is, but I would respectfully suggest to him that he keep his suggestions, so far as I am personally concerned, to himself after this. Now I am willing to meet any reasonable suggestion that the House has to make with regard to this matter. I was honest in the motion I submitted to the House, and am still. I have no party end in view. It has not been placed in my hands by any one to accomplish anything. I am not acting under the inspiration of anybody. I act solely on my own responsibility as a member of this House, without being advised or instructed by any one. I have a great deal of respect for my esteemed friend from Hastings; he is an old parliamentarian, and he has made a suggestion with regard to the improvement of the resolution. I am willing, if the House thinks best, to drop the present resolution and move one in accordance with the suggestion of the hon. senator from De Salaberry.

Hon. Mr. MITCHELL—I would go a little further than the hon. senator from Marshfield. I think the motion should be withdrawn. It is a reflection on this House that it was ever brought up or even discussed. Although my hon. friend from

Marshfield says the discussion was well enough but the motion should be dropped, I go so far as to say that the discussion was a reflection on this House. The government has done all in its power to expedite the business of this country and has been blocked for reasons which I do not think we should go into in this chamber. The matter should be dropped once for all.

Hon. Sir MACKENZIE BOWELL—I agree with the hon. gentleman.

The motion was withdrawn.

QUEBEC BRIDGE COMPANY.

INQUIRIES POSTPONED.

The notices of motion being called:

No. 7.

By the Hon. Mr. Landry:—

May 6—That he will inquire of the government—

Over and above the $45,000 paid to Mr. Hoare as chief engineer of the company by the Quebec Bridge Company, of which Mr. Parent is president, has he received any other sums of money from the Transcontinental Railway Commission, of which the same Mr. Parent is also president?

How much, in each year, for the years 1904-5, 1905-6, 1906-7 and 1907-8?

For what services?

No. 8.

By the Hon. Mr. Landry:—

May 13—That he will inquire of the government—

Does the government know whether Mr. Edmond Taschereau, of Quebec, notary, was employed as notary and in that capacity signed the deed of agreement entered into on October 19, 1903, between the federal authorities and the Quebec Bridge and Railway Company relating to the financial obligations contracted by the government with the said company?

How much was he paid for that transaction and by whom? by the government or by the company?

How much in addition, did he receive from the Commissioners of the Transcontinental Railway, for having as notary verified the titles of ownership of certain lands acquired by the aforesaid commission for the passage of its road?

Apart from what it has actually paid him, does the Transcontinental Railway Commission still owe anything to Mr. Edmond Taschereau?

What amount? And for what service?

Hon. Mr. LANDRY—I would ask the hon. leader of the House if he has any additional information with respect to the payments to Mr. Hoare?

Hon. Mr. SCOTT—No, I have not.

Hon. Mr. LANDRY—Can the hon. gentleman give a reply to any of these questions?

Hon. Mr. SCOTT—No. For No. 7 I do not see that I can get any further information. I have given my hon. friend all the information I could get. It is stated there the money was paid for salary.

Hon. Mr. LANDRY—What salary? If it is the salary attached to some position which he occupies, what is the position? What was the salary paid for? I will amend No. 7 and put the question so that it will be understood by the general public. I see it is not understood by the hon. leader of this House.

Hon. Mr. SCOTT—The hon. gentleman knows all those facts much better than any member of the government. All the little scandals about Quebec are ventilated in this chamber, and the hon. gentleman knows all about them himself. He wants to probe into matters that I have no control over and cannot get.

Hon. Mr. LANDRY—I know the party that I mention here is an engineer in Quebec. I know that he has been employed by Mr. Parent, Mr. Parent acting as president of the National Transcontinental Railway, and that he has given him the sum of money which my hon. friend showed me by his answer yesterday; but I want to know in what capacity Mr. Hoare was acting when he received such salary. Was it as an engineer or what?

Hon. Mr. SCOTT—Apparently as a salaried officer, because the details and expenses connected with the office were given for each year.

Hon. Mr. LANDRY—But he is not the engineer of the National Transcontinental Railway. He is engineer of the Quebec Bridge Company, and I want to know if that salary is given him as engineer of the Quebec Bridge Company or of another company? I will put it in a way that will enable the hon. leader of the House to get an answer from the department. I therefore ask permission to drop No. 7 and to let No. 8 stand.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to know if any progress has been made in printing the report of the bridge disaster inquiry?

We have nothing before us yet. The commissioners have made their report to the government, that report was sent to be printed months ago, and I should like to know when we are to have it?

Hon. Mr. SCOTT—I mentioned yesterday that I had received a part of the printing. I could bring down a part of it at any time.

Hon. Mr. LANDRY—And when will the other part be printed?

Hon. Mr. SCOTT—I cannot tell.

Hon. Mr. LANDRY—Is it translated?

Hon. Mr. SCOTT—I could not tell the hon. gentleman. It is quite impossible.

Hon. Mr. LANDRY—By reading it, the hon. gentleman could see if it is in French or in English.

THIRD READINGS.

Bill (88) An Act to incorporate the Architectural Institute of Canada.—(Hon. Mr. Béique.)

Bill (TT) An Act respecting certain patents of the General Chemical Company.—(Hon. Mr. Kerr.)

JUVENILE DELINQUENTS BILL.

SECOND READING.

Hon. Mr. BEIQUE moved the second reading of Bill (QQ) An Act respecting Juvenile Delinquents.

He said: This Bill is copied in a great measure from the Bill introduced last session by the hon. Secretary of State, which was so favourably received by this House. The measure is intended to apply and extend the principle of the probation of offenders, as it was enacted in England as early as 1807. It was only in the last session of the British parliament, in 1907, that a measure was adopted to provide for the appointment of probation officers. I have here The Practical Statutes of 1907, edited by James Sutherland Cotton, a barrister at law, in England, and I find in the notes, accompanying the Act passed by the British parliament last year, the following amongst other remarks:

The triennial returns presented to parliament concerning the operation of the Probation of First Offenders Act, 1887, show that from January 1, 1888, to December 31, 1905, no less than 50,289 persons were saved from prison under its operation in the Metropolitan Police District, the west riding of Yorkshire, Lancashire, Staffordshire, Warwickshire and Durham. Of these only about one-tenth were called up to receive judgment, or are known to have been subsequently convicted of a fresh offence. But authorities agree that the beneficial results of the Act would have been greater if the persons whose sentences were suspended could have been assisted by a probation officer during their term of probation. The object of the present statute is to provide for the appointment of such officers and also to afford the means of avoiding a record of conviction altogether.

If we refer to the Act as passed by the British parliament in 1907 and which was merely extending the provisions already in the law, but providing for the first time for the appointment of probation officers, we find the following provisions:

(1) Power of courts to permit conditional release of offenders, 1 Edward 7, chapter 20. (1) Where any person is charged before a court of summary jurisdiction with an offence punishable by such court, and the court thinks that the charge is proved, but is of opinion that (1) having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed it is expedient to inflict any punishment or any other than a nominal punishment or that it is expedient to release the offender on probation, the court may without proceeding to conviction, make an order either,

(i) dismissing the information of charge; or

(ii) discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear for a conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

(2) Where any person has been convicted on indictment of any offence punishable with imprisonment, and the court is of opinion that having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than nominal punishment, or that it is expedient to release the offender on probation, the court may, in lieu of imposing a sentence of imprisonment, make an order discharging the offender conditionally on his entering into recognisance with or without sureties, to be of good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order.

3. The court may in addition to any such order, order the offender to pay such damages for injury or compensation for loss (not exceeding in the case of a court of summary jurisdiction ten pounds, or if a higher limit is fixed by any enactment relating to the offence, that higher limit) and to pay such

cost of the proceedings as the court thinks reasonable, and, if the offender is under the age of sixteen years, and it appears to the court that the parent or guardian of the offender has conduced to the commission of the offence, the court may under and in accordance with the Youthful Offenders Act, 1901, order payment of such damages and costs by such parent or guardian.

A recognisance under this Act may contain such additional conditions as the court may, having regard to the particular circumstances of the case, order to be inserted therein with respect to all or any of the following matters:

(a) For prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places;

(b) As to the abstention of intoxicating liquor, where the offence was drunkenness or an offence committed under the influence of drink;

(c) Generally for securing that the offender should lead an honest and industrious life;

(2) The court by which a probation order is made shall furnish to the offender a notice in writing stating in simple terms the conditions he is required to observe:

(3) Probation officers—(1) There may be appointed as probation officer or officers for a petty sessional division such person or persons of either sex as the authority having power to appoint a clerk to the justices of that division may determine, and a probation officer when acting under a probation order, shall be subject to the control of petty sessional courts for the division for which he is so appointed.

Then there are provisions for release, and provisions in case offenders fail to observe the conditions of release. As a matter of fact, the British Act covers in a great measure the same ground that is covered by the draft Bill now before the House. I have been furnished a copy of the Bill which is now before the Imperial Parliament, and which by this time may have been adopted. The title of it is :

'An Act to consolidate and amend the law relating to children and young persons, reformatory and industrial schools and juvenile offenders, and otherwise to amend the law with respect to children and young persons.'

I find that by this Bill the Imperial Parliament is invited to go still further and to practically adopt a measure similar to those adopted in some twenty different states in the United States of America.

The Bill now before the British parliament provides :

Juvenile Offenders.

89. Where a person apparently under the age of sixteen is apprehended with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which such person is brought, shall inquire into the case and may in any case, and shall—

(a) unless the charge is one of homicide or other grave crime; or

(b) unless it is necessary in the interest of such person to remove him from association with reputed criminals or prostitutes; or

(c) unless the officer has reason to believe that the release of such person would defeat the ends of justice, release such person on a recognisance with or without sureties for such an amount as will, in the opinion of the officer secure the attendance of such person upon the hearing of the charge, being entered into by him or by his parent or guardian.

90. Where a person has apparently under the age of sixteen having been apprehended is not released as aforesaid, the officer of police shall cause him to be detained in a place of detention provided under this Act until he can be brought before a court of summary jurisdiction, unless the officer certifies—

(a) that it is impracticable to do so; or

(b) that he is of so unruly a character that he cannot be safely so detained; or

(c) that by reason of his state of health or of his mental or bodily condition it is adadvisable to so detain him.

91. A court of summary jurisdiction on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a place of detention provided under this part of this Act and named in the commitment to be there detained for the period for which he is remanded or until he is there delivered in due course of law.

93. (1) Where a child or young person is charged before any court with any offence for the commission of which a fine, damages, or costs may be imposed, and the court is of opinion that the case would be best met by the imposition of a fine, damages or costs, whether with or without any other punishment, the court may in any case, and shall, if the offender is a child, order that the fine, damages or costs awarded be paid by the parent or guardian of the child or young person, instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) Where a child or young person is charged with any offence the court may order his parent or guardian to give security for his good behaviour.

(3) Where a court of summary jurisdiction thinks that a charge against a child or young person is proved the court may make an order on the parent or guardian under this section for the payment of damages or costs or requiring him to give security for good behaviour without proceeding to the conviction of the child or young person.

As I said a moment ago, we cannot get a better example than the British parliament. We know they are always careful especially as far as legislation is concerned,

and the moment they have adopted legislation such as is embodied in the present Bill, we can safely adopt it. It will be but proper for me to call the attention to the state of our law in regard to this subject. Hon. members will find that in the year 1894, an Act was passed bearing the following title: 'An Act respecting arrest, trial and imprisonment of youthful offenders.' The preamble of that Act reads as follows:

Whereas it is desirable to make provision for the separation of youthful offenders from contact with older offenders and habitual criminals during their arrest an trial, and to make better provision than now exists for their commitment to places where they may be reformed and trained to useful lives, instead of their being imprisoned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Then there were provisions with regard to the trial of young persons under the age of sixteen which should take place without publicity and separately, and apart from the trials of other accused persons. This applied to the whole of the Dominion of Canada. There were other provisions which applied only to Ontario. It was in regard to the imprisonment of persons under the age of sixteen. They were, pending their conviction, to be kept in custody separate from older persons charged with criminal offences, and separate from all persons undergoing sentence of imprisonment, and not locked up with older persons or other criminals. There were other provisions, but they applied mainly to Ontario. This statute remained on our statute-book till 1906, and the provisions of that statute were embodied in the revised statutes. We now find that these provisions are in chapter 148 of the Revised Statutes, sections 28, 29, 31 and 40. These provisions did not go far enough, and, as I have said, they applied mainly to Ontario. They did not deal at all with any protection to youthful offenders after the sentence had been passed upon them, or give power to the judge to reserve the sentence and to deal with them in any other way than with other persons. We have further provisions in the Revised Statutes which apply to the several provinces. Those applying to the province of Ontario are to be found in sections 49 to 54, 62 to 70 of chapter 148 of the Revised Statutes. I will refer specially to sections 67 and 68. 67 reads as follows:

If any child appearing to the court of justice before whom the child is tried to be under the age of fourteen years, is convicted of any offence against the law of Canada, whether indictable or punishable on summary conviction, such court or justice instead of sentencing the child to any imprisonment provided by law in such case, may order that the child shall be committed to the charge of any home for destitutes or neglected children, and approved by the Lieutenant Governor of Ontario in Council, or to any certified industrial school.

Then section 68 reads as follows:

Wherever an information or complaint is laid or made against any boy under the age of twelve years, or girl under the age of thirteen years, for the commission of any offence against the law of Canada, whether indictable by punishment on summary conviction the court or justice seized thereof shall give notice thereof in writing to the executive of the children's aid society if there be one in the county, and shall allow him opportunity to investigate the charges made and may also notify the parents of the child, or either of them, or other person apparently interested in the welfare of the child.

2. The court or justice may advise and counsel with the said officer and with the parents or such other person and may consider any report made by the said officer upon the charges.

3. If, after such consultation and advice and upon consideration of any report as made and after hearing the matter of information or complaint, the court or justice is of opinion that the public interest and the welfare of the child will be best served thereby, then, instead of committing the child for trial or sentencing the child, as the case may be, the court or justice may, by order,

(a) authorize the said officer to take the child and, under the provisions of the law of Ontario, bind the child out to some suitable person until the child has attained the age of twenty-one years, or any less age; or

(b) place the child in some approved foster home; or

(c) impose a fine not exceeding ten dollars; or

(d) suspend sentence for a definite period or for an indefinite period; or

(e) if the child has been found guilty of the offence charged or is shown to be wilfully wayward and unmanageable, commit the child to a certified industrial shool, or to the Ontario Reformatory for boys or the Refuge for girls, as the case may be, and in such cases the report of the said officer shall be attached to the warrant of commitment.

Then there are provisions respecting the religion of children. They are to be committed to Protestant or Catholic institutions as may appertain. We can see by these provisions that the whole principle of the Bill which is now before this House

was embodied in our statute, but it applied mainly to Ontario, because Ontario was a province which had for many years on its statute-book the most advanced legislation on the matter. There are also provisions which are applicable to the province of Quebec in the same Act—sections 79 to 86. Other provisions are applicable only to Nova Scotia. They are to be found in sections 90 to 97 inclusive; 105 to 112 inclusive; 115 to 126 are applicable to New Brunswick only. Sections 132 to 134 applicable to Prince Edward Island only; sections 128 to 142 to Manitoba. We have also in the criminal code a few sections applying to the matter, and they are to be found in section 800 and following. They do not go far enough. As I stated, the province of Ontario have had for a number of years very advanced legislation in the matter, and during the last session of parliament, they have still extended the operation of their Act as it stood on their Revised Statutes of 1897. I find that they have this provision:

The Lieutenant Governor in Council may appoint an officer to be known as the superintendent of Neglected and Dependent Children, whose salary shall be paid out of such moneys as may be appropriated for that purpose by the legislature, and it shall be his duty,

Superintendent of Neglected Children.

4. The Lieutenant Governor in Council may appoint an officer to be known as the superintendent of Neglected and Dependent Children, whose salary shall be paid out of such moneys as may be appropriated for that purpose by the legislature, and it shall be his duty.

(a) To establish and assist in the establishment of Children's Aid Societies;

(b) To advise such societies and instruct them as to the manner in which their duties are to be performed;

(c) To see that a record is kept by such societies of all committals and of all children placed in foster homes under this Act and of such other particulars as may be deemed desirable;

(d) To direct and supervise the visiting of any place where a child is placed pursuant to the provisions of this Act;

(e) To visit and inspect industrial schools and shelters as may be directed by departmental regulations;

(f) To prepare and submit an annual report to the minister:

Then to provide for children's shelter in all cities.

Then they provide for children's shelter in all cities. Clause 6 reads:

For the better protection of neglected children the corporation of every city or town having a population of 10,000 or over shall provide one or more places of refuge for such children only, to be known as temporary homes or shelters such homes shall be entirely distinct and separate from any penal or pauper institution, and no pauper or convict shall be permitted to live or work therein, and they shall not be used as a permanent residence for any child, but for its temporary protection for so long a time only as shall be absolutely necessary for placing the child in a foster home, not exceeding three months unless authorized by the superintendent,

Then another provision:

An orphan or children's home may, with the consent of the trustees or governing body thereof, be used as a temporary home or shelter under this section, and when desirable for economical reasons, not inconsistent with the welfare of the children to be provided for, such temporary home or shelter may be established in a private family, but in no case shall such home or shelter be under the same care or management as a penal or pauper institution.

In any electoral district town or village, there may be established by the Children's Aid Society of the county or by the superintendent a committee consisting of not less than six persons, at least half of whom shall be women, to be known as the 'Children's Committee.' The committee and the individual members thereof, shall co-operate with the superintendent and with the Children's Aid Societies.

Then there is another provision:

The committee or any member thereof, shall have and may exercise the powers conferred by sections 9 and 10 under the direction of the society and may adopt such methods as they may think best for securing voluntary subscriptions to be devoted to the carrying out the objects of this Act.

There is another provision which reads:

The committee shall report to the Children's Aid Society of their county with reference to neglected children, so that the society may at all times have accurate knowledge regarding the care, oversight, education and general welfare of such children.

Another provision reads as follows:

A judge may, upon the application of any society to whose custody or control a child is committed, make an order for the payment by the municipality to which the child belongs, of a reasonable sum, not being less than $1 weekly, for the expense of supporting the child by the society, or in a temporary home or in a foster home where children are not cared for without compensation.

This Act is to my mind very complete and, in fact, offers as extensive protection to children as under the laws which have been adopted in the state of Colorado, Pennsylvania or any other state of the neighbouring republic. The present Bill is intended not to interfere with but to facili-

tate the application of provincial legislation on the subject. The principle of the Bill is embodied in the preamble which reads as follows:

Whereas it is expedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts;

I could not find more appropriate language to describe or define the object of the Bill and I am sure it is a language which will appeal to all hon. members of this House. Any one who has had the experience of bringing up children, knows to what dangers they are exposed, and these dangers are increased by the fact that they are liable to associate with a greater number of friends, or children of their own age, and the danger is increased by their surroundings if they belong to a poor class of society or where they may have bad examples, where they are neglected, and very often deprived of the care of parents and have no opportunity of receiving proper education. It is well known that active children are full of mischief, and vicious tendencies are easily developed if any occasion is afforded to them. Will it be denied that, taking any given number of children, a large amount of good can be done to them if they are surrounded with proper care, and if they happen to commit any offence which renders them liable to imprisonment, it is unquestionable that the principle of the probation officer or of the probation law, as applied in England many years ago, as applied in this country many years ago also, and especially the principle of probation officers, persons whose duty it will be to take care of these children, to follow them, to ascertain as to whether they attend school, whether they associate with persons of bad character or not, and adopting means of protecting them throughout their younger years, that a law of that kind cannot fail to have very beneficial results? In our time, we are making any amount of sacrifice for all kinds of improvements. We see, especially in the United States Republic, that donations of millions and millions are given to universities and to institutions of all kinds. I am the first to applaud at donations of that kind; but I do not think that so far we have given to children the attention they deserve. If it is advisable to come to the help of such classes as attend institutions of higher education, such as universities, still more desirable is it to spare no efforts in coming to the rescue of the poor, and especially of children. We had many expressions of opinion last session from members who went very deeply into the subject, and I am sure that this measure will meet with the universal approval of hon. members of this House.

Hon. Mr. COFFEY—I desire to pay compliment to the hon. member from De Salaberry, because of the able, calm and judicial manner in which he has presented the Bill dealing with juvenile courts. A trained and talented pleader such as my hon. friend, may review this subject from the standpoint of the lawyer, but such is not my privilege and I must confine my remarks to the thoughts of the layman. It pleases me beyond measure to note the warmth with which this movement to reclaim the wayward youth of our country has been received in every part of the Dominion. It is a subject that is deemed of the greatest importance, and well worthy prompt action. While, however, there is but practically one voice as to the pressing need of action, there may be difference of view as to the means and methods whereby the best results may be achieved. All honour be the portion of those men and women who have initiated this beneficent reform in the management of delinquent and criminally inclined children. These lovers of human kind are not merely fireside philanthropists and lazy philosophers. Their work has been of the practical order, and, as such, of substantial value. It may be that what is known as the Children's Aid Society is the forerunner of this larger movement from which we may look for results abundantly compensating as for all the trouble, expense and anxiety entailed in the founding and equipment of children's courts. Let me here remark that there is no cause for suspicion that the operations of the children's courts will in any way interfere with the splendid work being accomplished by the Children's Aid Society. Their spheres of usefulness are

entirely apart. While one body takes unto itself the care of the criminally inclined, the other places in good families the innocent little ones whose home surroundings are pernicious. There is one feature connected with the children's court movement which strikes me as of paramount importance, that is, the connection which may exist between the ordinary police court and the tribunal before which cases of youthful delinquency or criminally may be adjudicated upon. It would be of importance, it seems to me, to render the work of each as remote as possible one from the other. Whilst it is generally conceded that the police court is not a suitable place for the trying of juvenile offences, it would be a mistake to establish the children's court even an adjunct of the police court. Wherever it would be so arranged the two courts should be entirely distinct, even to the extent of not having both in the same building. There is that about the very atmosphere of the police court which grates upon the boy nature, and his reclamation will be rendered all the more difficult if he be forced into the by-way of the hardened criminal from whom hope of correct living has fled and whose only ambition is to prey upon society. Call it by what name you will, the Children's Court, to the wayward boy, remains the police court so long as the same roof covers both. Nor is it advisable that the police magistrate should in all cases be empowered to adjudicate upon the crimes charged to the young. While some of these men are by nature and acquirements well equipped for work of this character it is nevertheless a fact that many are quite unfit for the handling of cases of criminality amongst the young. They have pinned their faith to methods of the harsh order. To them kindness is almost an unknown quantity. In Maryland and Indiana the judges of the juvenile courts exercise that function only, and it is found eminently satisfactory for the reason that they thus become experts in dealing with juvenile court cases. The consideration of the item of expense may here be suggested, and it is undoubtedly worthy of some thought when we are dealing with sparsely settled districts, but for large centres of population the expenditure of a sum of money should have slight weight in the minds of municipal authorities when contrasted with the saving and guardianship of children whose after lives mean much for Canada. To us of this day belongs the task of transforming them as much as we may into useful citizens. Cold neglect or efforts misapplied will render them a shame and a reproach to us. In the appointment of juvenile court judges, when such appointments are deemed advisable, it were difficult to undervalue the importance of keeping out of mind all considerations save those of entire fitness for the position. No matter what standing the applicant may hold in the community—no matter how persistently and how ardently his friends may sue for his appointment as juvenile court judge, it were but a crime to fill out a parchment for him unless he possessed a well balanced mind and a warm, sympathetic nature—firm where needs be, but ever recognizing in the little waif before him a child of nature who has wandered from the path of rectitude but who should be directed homeward to the ideal once again. It is of value to Canadians that the Children's Court movement took root in the American republic nine years ago. No matter what may be our disposition towards finely spun theories, served by enthusiasts with mathematical exactitude, the fact comes home to us that the experience of our neighbors, since the first juvenile court was established in Chicago in 1899, is an assent of infinitely greater value than a host of untried suggestions by well-meaning people whose hearts are in the work of reclaiming the erring youth. In Canada, as we are approaching the experimental stage, one of our police officers, Staff-Sergeant Archibald of the Toronto force, gives us this advice:

> Let us be careful and guard against the superficial and sentimental faddists who seek to take advantage of the popularity of this child saving propaganda to work upon the sympathies of philanthropic men and women for the purpose of introducing a jelly fish and an abortive system of law enforcement, whereby the judge or magistrate is expected to come down to the level of the incorrigible street arab and assume an attitude absolutely repulsive to British subjects. The idea seems to be that by the profuse use of slang phraseology he should place himself in a position to kiss and coddle a class of perverts and delin-

quents who require the most rigid disciplinary and corrective methods to ensure the possibility of their reformation. I would go further and affirm from extensive and practical experience that this kissing and coddling, if indiscriminately applied, even to the very best class of children, would have a disastrous effect, both physically, mentally, morally and spiritually.

This presentment of the situation would lead us to believe that the Toronto bad boy is very bad indeed. If the picture is a true one all the greater reason have we for trying the American plan, which I will touch upon shortly, in dealing with him.

Men who hold opinions like unto those of the staff-sergeant, take inspiration however, I think, from the system of dealing out justice which prevailed in England in a past age. Time was, when some British judges of the Old Bailey pattern, when trying even juvenile cases, presented to view the dour face and the head bewigged and the X Ray glance that bored through and through the very soul of the little shivering waif before the bar, and visions of Newgate came to him. But we have outlived that system, and there is not now in vogue that fearsomeness of showing mercy which characterized the courts of other days, and helped to give us a Dickens. The spirit of rigidity and severity which seems to pervade the pronouncement of Mr. Archibald will not, I trust, take root in Canada. True, there is a time and a place for severe administration of law, but there is also a time and a place for paying due regard to the promptings of the humanitarian. Mr. Archibald's view is at variance with the experience of the juvenile court judges of the great republic. These eminent men are firm in the belief that an administration of criminal law which has not even a nodding acquaintance with mercy brings results which leave nothing in its train save a memory of punishment. I would ask permission to read what some of these distinguished judges have written as their experience in that interesting little world of the boy and his ways. Judge Tuthill, of Chicago, gives his line of procedure in this wise:

> I have always felt and endeavoured to act in each case as I would were it my own son that was before me in my library at home charged with misconduct.

In a similar vein Judge Stubbs, of Indiana, says:

> It is the personal touch that does it. I have often observed that if I sat on a high platform behind a high desk, such as we have in our city court, with the boy on the prisoners' bench some distance away, that my words had little effect on him; but if I could get close enough to him to put my hand on his head or shoulder, or my arm around him, in nearly every case I could get his confidence.

It may happen that boys will be utterly perverse as to be unworthy the kind consideration of the juvenile court judge.

We are told, however, that these cases are rare, and that the rule is that a confidence and friendship seems to grow between judge and prisoner. To illustrate this point I would ask permission to quote an incident in the experience of Judge Lindsay, of Denver, Colorado, considered the most successful of all the juvenile court judges in changing the lives of youthful delinquents. He speaks of visiting in jail a conformed thief who was only thirteen years of age:

> I sat down by his side and told him that now we were both in jail, and if I let him go and he ever stole again I should certainly feel that I ought to be put back in the same cell with him.' For,' said I, 'if you go to the industrial school, as you have started, you will certainly not have a chance to steal, and perhaps you will become a good boy. But if I let you go, and you steal again, then I am responsible even more than you. Now, Harry,' said I, 'if I protect you, are you going to protect me? Don't you know that I couldn't hold my job very long if I permitted thieves to run loose on the community? Harry saw to run loose at once. With tears in his eyes this 13-year old boy stood up like a man and said, so sincerely and earnestly for a boy of his age, that he would never get me into any trouble, that I, almost tearfully, accepted his protection. I rang for the jailer and through the clatter of the iron gates, the bolts and bars, walked out of that jail with that boy and took him to his mother. He went to school regularly. He sold his papers in the afternoon, and would frequently come to me during the week, with a face full of gladness, to tell me how well he was doing and how ably he was protecting me. He was also fully aware of the protection I was affording him in keeping him out of the industrial school, which to that boy was as much of a horror as the penitentiary is to a man. He was equally aware of the importance to his own welfare and future that he should not steal again, that he should obey the school law and avoid playing 'hookey' as he would the plague.
>
> For over a year little Harry brought excellent reports every two weeks. Recently he moved to a distant city in the west, with nearly two years added to his experience since the time we sat in the cell together, and only last week I received from both his mother and him letters full of love and gratitude for what we had accomplished for that boy.

Some time after he had returned to school his mother came to me and said, 'Judge, I never quite understood why my boy is such a splendid little fellow. You know he used to steal and lie, and it was impossible for me to keep him in school. I said to him the other day, 'Harry, how is it you were so good for the judge and you wouldn't be good for me?' He looked up into my face and said smilingly, 'Well, Ma, you see it is this way: If I gits bad again, the judge, he will lose his job, and you see he is my friend, and I've got to stay with him because he stays with me, and I ain't going to steal no more.'' It is fairly certain that this boy would have been a criminal and, no doubt, some day an inmate of a penitentiary, a disgrace to himself, and a sorrow to a broken-hearted mother.

But to some, when they read this narrative of Judge Lindsay, there will arise the shadow of Mrs. Grundy, a lady who was ever fearsome of witnessing a violation of the proprieties. Staid minds may be amazed upon reading that a judge—a real judge—has had correspondence with a boy whose boyhood years were smirched with criminality, and they will look for the wound inflicted upon the judicial proprieties. But we can afford to allow the judicial proprieties to blush if we save the boy. The argument may be advanced that Canada's population is not yet large enough, and that in its cities there does not exist those conditions which would justify a new departure of this kind. I quite recognise the inadvisability of establishing juvenile courts in small places, but a number of such localities could be grouped. There is much work, however, for such tribunals in the larger cities. It is now recognised that had this new method of dealing with juvenile offenders been introduced into the United States a few generations earlier, many whose lives were spent behind prison bars would have been wont to take part in the honourable business activities of the nation. It is none too soon for Canada to make a beginning.

There is, hon. gentlemen, another condition of our present day life which has much to do with the success or failure of the Children's Court, to which I wish to direct your attention. I have read much about the effects of environment at home, evil companions on the street, heredity, poverty, drunken and criminal parents, temptation, want of proper training in the school room and parental neglect. These are all large factors in the making of the lawless element of society, and each should receive fullest consideration from those to whom is assigned the task of reform of the erring. There is another contributing cause, however, and one which supplies a goodly quota, which seldom receives that study which its importance warrants. It is full time we began to study to what extent the product of the printing press should be held accountable for that criminality which appears to be on the increase chiefly in centres of population because of the indifference of those whose duty it is to ferret out and punish the criminals. The excuse is sometimes advanced that no one has laid a charge. But the average man on the street is loth to assume the role of prosecutor. The initiative should be taken by the King's army of officials whose vocation it is to keep stragglers on the statutory thoroughfare.

Just here let me say that it is far from my thoughts to suggest any interference with the legitimate freedom of the press, but I hold that those who abuse that freedom should be called to strict account. Boards of health are most active in safeguarding our people from contagious diseases. When an outbreak of small pox is reported vigilant eyes are upon the locality affected and every effort made to stamp out the pest. But what are we doing to stop the importation of that literature which has a most disastrous effect on the morals chiefly of our youth? We have laws, it is true, to punish those who import immoral literature The Post Office Department will not handle it, but it comes to our country nevertheless in abundant quantity in some other way. The provision of the Criminal Code regarding immoral publications is practically a dead letter.

It would be well worth the attention of the authorities to ascertain to what degree the Criminal Code is violated by newsdealers, who sell publications, particularly to the young, which are clearly of immoral tendency. These serials are not to be found on the counters of the news stalls, but they are on sale nevertheless. They are kept in secret places, and are readily handed out to the boy whose ideals are on the down grade. I am quite sure of my ground, because I have in my possession some of this literature which I doubt not is a consider-

able factor in the making of the bad boy. The firm of Street & Smith, of New York, appears to be very enterprising in the production of reading matter of this kind. The illustrations are made very attractive for the small boy. There is invariably the flourishing of revolvers, the shooting of the sheriffs and the thrilling escape of the outlaw. I will read the titles of a few of these weeklies :

'Hold out Johnson, the Hustler from Beaver Head.
'The Second Jesse James.'
'Wild West Weekly'.
'Gentleman Joe's Bravery or the Sheriff shot in the nick of time.'
'Gentleman Joe's leading card, or the Pistol Picnic at Paradise Peak.'

But these publications, hon. gentlemen, do not represent the worst class of immoral wares imported into the Dominion. We must also take into account the abominable immoral prints produced in the United States, to the suppression of which Anthony Comstock of New York is devoting all his energies. Would we had an Anthony Comstock in Canada. There would be much work for him even at the present time. May it be that machinery to purge be set in motion. We have an Act on our statute books which calls for severe punishment of those who traffic in immoral publications. I ask enforcement of this Act in the name especially of the children whose surroundings are girded with temptations to wrong doing, and whose footsteps are tending towards the raffish class. I ask enforcement of this Act so that the contagion of a vicious literature, the product of the Bohemian penny-a-liners of New York, may be turned back at the boundary line. I ask enforcement of this Act so that the splendid work awaiting our jevunile courts may not be rendered fruitless. I ask that punishment swift and sure and severe may be the portion of those whose wares would foster immorality amongst our youth. I ask for punishment of those who would glorify crime by depicting criminals as heroes, thus sowing the seed of lawlessness amongst our Canadian boys; and as there is nothing so sweet in the city as the patient lives of the poor, should we not throw about the children especially of the unfortunate poor a guardianship that will enable them to march in line with those who are seeking the noblest ideals; and they will become Canada's stay and Canada's pride and Canada's honour and Canada's glory in a time not far away when our young Dominion will proudly take its place amongst the great civilized nations of the world.

Hon. Mr. MACDONALD (B.C.)—A law such as is provided by the Bill before us is a great necessity. We read and hear every day of boys and girls committing offences and doing all kinds of evil things. If a Bill like this can in any way make better men and women of such children it will be going a great way. I shall not discuss the Bill clause by clause, but I want to refer briefly to clause 28 which calls for the punishment of parents. That is a most difficult matter to deal with. We know that the majority of juvenile offenders come from poor families. A family consisting of the father and mother and four or five children, may occupy only three rooms, and when the father goes to his work, the children are turned into the streets because there is no room for them in the house, and they go about breaking windows and committing other depredations. Parents ought to be punished to a certain extent, but the trouble is how to punish them. The provision in this Bill is too extreme—too drastic. It provides for imprisonment or a fine of fifty dollars. Of course the judge would have a certain amount of discretion in the infliction of such a punishment. I mention this in order that the subject may be considered in committee, and the clause modified. Some punishment should be inflicted. They go scot-free at present.

Hon. Mr. LOUGHEED—My hon. friend from De Salaberry is to be commended for introducing this Bill. Nevertheless, it seems ominous and rather foreboding that it should fall to the lot of my hon. friend to assume the responsibility. It is equivalent to the government attempting to evade the responsibility which devolves upon it to bring in this class of criminal legislation. I cannot but recall the fact that, at the last session of parliament, my hon. friend the leader of the House, on behalf of the government introduced a similar Bill which met with an unfortunate fate at the hands of this govern-

ment; it was withdrawn at the close of the session instead of being crystallized into law. This is a responsibility which should peculiarly fall upon the government. I say advisedly that the people of Canada are behind other progressive nations in their legislation upon this particular question. The people of the United States are very much advance of this country in dealing with juvenile criminal legislation, and the same remark applies to England, France, Germany and other European states, which have shown very much more progressive thought in this direction than we in Canada have done. The inattention of the government to this particular subject seems most lamentable, and not to admit of any excuse whatever. The government has been not only passive, but almost criminally negligent upon the subject. There is scarcely a city in Canada, in which we do not find some philanthropic movement on the part of many men and women who have united in their desire to elevate the social and ethical conditions of the community to a very much higher plane than we now find occupied, and yet the government of Canada is taking no steps to assist practically in this sociological movement. If the government should not be moved on moral or ethical grounds in this direction it should be moved on grounds of financial consideration. Our criminal statistics show that crime is increasing more rapidly than population. I would direct attention to the statistics in the last Year-Book published by the government, in which this alarming growth may be seen. In the last Year-Book, published in 1906, we have the criminal statistics from 1901 to 1905. This is the table of convictions for indictable offences:

	Offences.
1901	5,634
1902	5,680
1903	6,521
1904	6,754
1905	7,624

That is to say in 1904 there was an increase of twenty per cent in the convictions for indictable offenses over the year 1901, and in 1905 an increase of 35 per cent of convictions for indictable effences over the number in 1901. Thus each successive year shows an increase in convictions of indictable offences, far in excess of our growth of population.

Hon. Mr. SULLIVAN—That is for all ages?

Hon. Mr. LOUGHEED—For all ages. To accentuate the importance of the subject introduced by the hon. senator from De Salaberry in connection with this Bill, let me point out some statistics—alarming statistics I might say—as to juvenile crime within the Dominion of Canada. Hon. gentlemen will keep in view that indictable offences are the more serious offences. In 1901 the convictions of children under sixteen years of age numbered 1,017. Fancy hon. gentlemen, about one-fifth of our criminal population under sixteen years of age in 1901, and there were 882 between the ages of sixteen and twenty-one. These statistics, it seems to me, should impress upon the government the absolute necessity of taking some steps towards making inquiry into the necessity of adopting the most progressive legislation which can be put on our statute-books with reference to juvenile deliquents. In the United States, and in most of the progressive countries of Europe, the governments of those respective states have considered it not only desirable but absolutely necessary that royal commissions should be appointed to inquire into the best methods for the suppression and repression of juvenile crime; yet we find on the part of the Dominion of Canada, absolute inaction towards the introduction of legislation of this character. We seem to be so immersed, so absorbed in the material development of our country, in the developing of our resources, in the building of railways, in the conduct of party strife, that we are very apt to overlook entirely the moral obligations which fall upon us as a government and its administrators. I think it should be peculiarly the function of this Senate to give the very best consideration to matters of this kind, and, certainly, this branch of parliament is very much better adapted, in my judgment, to give serious consideration to questions of this kind than the House of Commons. The only regret I have about that phase of it is, that the Bill is not introduced by the government,

that the government has not placed its imprimature upon the Bill and suggested we should make inquiry into such an important subject as is now before us. Without adopting the role of a prophet of evil, I venture to say that while it is very gratifying that this Bill has been introduced and will be discussed in the Senate, yet I fear very much that it will meet the fate in another place which was dealt out to the Bill of last session. I would again urge, not only upon this chamber but particularly upon the members of the government present, the necessity of their being strongly impressed with the responsibility which falls upon them as a government to give the very best attention to not only the elaboration of such legislation as this, but its adoption in a practical way.

Hon. Mr. BEIQUE—I may be permitted to say to the hon. gentleman, that the Bill is now engaging the attention of the Minister of Justice, and I have reason to believe that the government will take charge of the Bill before its final stage, if not in this House, in the House of Commons.

Hon. Mr. KERR—I am glad to know that the hon. leader of the opposition does not think any the worse of the Bill because it comes from my hon. friend instead of from some of those responsible for and charged with the duty of government. I am quite sure that after the way the Bill has been presented here, it is unnecessary to say anything further to commend it to the unanimous support of the members of this House. The subject has been before the House on a previous occasion, as has been stated, and we know exactly what was then said in support of the measure, and we all appreciated it at the time. The condition of things has not changed in that respect; but, on the contrary, we are now in a position more fairly to press forward legislation on this subject and endeavour to put it into actual practical use. There is this to be said about the matter; there are always in a community like ours many who are averse to what you may call radical changes in the way of removing or relieving from the consequences of their faults those who are guilty of crime, and who fail to see that there is a different method of treatment to be measured out to the young offender, whose misfortune has been that he has been brought up in environments not the best, in a home more or less surrounded by crime or immorality, or perhaps has had no home at all. Those are the cases which would be dealt with largely under this Bill, and I have no doubt whatever from what has been done already in some provinces where the attempt has been made to deal with juvenile delinquents, that nothing but good can result from the experiment of putting this law in force. In the province of Ontario, as is well known to many, great progress has been made, and they have gone a long distance towards the provisions of this Bill. The government of Ontario for many years devoted themselves to progressive legislation on this subject and with most beneficial results. Industrial homes, a separate juvenile court, care for the young in their homes, have been provided, and, I think, so far as is known at present, with marked success. When the hon. gentleman from Middlesex was at the head of the Ontario government, that government was entitled to credit for having introduced most advanced legislation on this subject, and the former Attorney General the Honourable J. M. Gibson, gave a great deal of study to the question, and showed an interest in the young people, and in the study he made of what is necessary to bring about beneficial results to those who have not had the opportunities of knowing better. I think it was a great testimony to his heart as well as to his intellect. I was sorry to hear my hon. friend from London speak with reference to Deputy Chief Archibald of Toronto. It is quite true that Deputy Chief Archibald does not see altogether eye to eye with all the provisions of this Bill, but he is a man who has been accustomed to dealing with the criminal class, and had much to do with the humanitarian side of the question at times. I think there are very few men, in Ontario at all events, who have done so much for the improvement of their fellowmen, especially of those who come within the criminal class, or at all events before the criminal courts, as Deputy Chief Archibald. Both in connection with that and in

connection with the Human Society, and its work for the protection of dumb animals, I think he is entitled to be highly commended, although he may not have arrived, from his point of view, at the same stage of advancement on this question as the hon. gentleman from London apparently has done. I feel it is due to one who has done good service to the people of the city of Toronto in particular and to the province of Ontario, to say this with reference to Deputy Chief Archibald. I am very glad the Bill has been introduced, and glad to hear also that it is likely to become law in some modified form, if not as it stands now.

Hon. Mr. COMEAU—I was going to move the adjournment of the debate.

Hon. Mr. SCOTT—The hon. gentleman can discuss it in committee just as well.

Hon. Mr. CLORAN—If the hon. gentleman is not ready to go on to-night, why should he be snuffed out?

Hon. Mr. COMEAU—I am content to let it go to the Committee of the Whole.

Hon. Mr. SULLIVAN—There are several members who would like to discuss the question.

Hon. Mr. POWER—If the hon. gentleman wishes to move the adjournment of the debate he has a perfect right to do so.

The SPEAKER—The hon. gentleman has declared that he is content to let it go to the Committee of the Whole.

Hon. Mr. CLORAN—Because he has been snuffed out.

Hon. Mr. SCOTT—That is a very improper remark.

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

MANITOBA GRAIN ACT AMENDMENT BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (ZZ) An Act to amend the Manitoba Grain Act.

He said: The House is no doubt aware that a royal commission was created some two years ago for the purpose of looking into the working of the existing Grain Act and suggesting any amendments thereto that might appear desirable. These commissioners have been sitting for a very considerable time in Manitoba, and in the western section, also in the eastern parts of Canada, and have paid a visit to England, and made a very careful inquiry there as to the mode in which the trade and commerce in grain was being conducted there. Subsequently to their having prepared their report, which was submitted to the House and no doubt is in the hands of hon. gentlemen, a meeting was held, at which several hon. members of this House took part, and in which the various interests of the railroad, and grain buyers as well as grain growers, were fully represented and laid their views before the government at great length. A verbatim report of these proceedings has also been printed, and is no doubt in the hands of hon. gentlemen. After full consideration, the government decided it was desirable to introduce an Act for the purpose of amending the existing system. There appeared to be no doubt that considerable hardships had been experienced by the grain growers of the Northwest, and Manitoba, chiefly, I think, arising, from the difficulty of obtaining proper transport; but, however that may be, there seems to have been no doubt at all that a very large and undue difference did exist between the prices at which the farmers were able to sell the grain on the street, so to speak, and the prices which the grain was actually worth, after making all reasonable deduction for the cost of transport, and necessary delay in handling the grain. This is technically known as the spread, and I am informed by gentlemen who are conversant with the trade that this, in many cases, amounted to a very large percentage indeed on the total value of the grain. I need hardly point out to this House, still less need point out to hon. gentlemen from those provinces, the extreme importance, not merely to the farmers themselves but to the railroad companies, and indeed to the whole community, of doing everything that lies in our power to enable the farmer of the Northwest to obtain the full market value of his grain with as small a deduction as possible. To that end it is desired and intended to extend the present Grain Act over eastern Canada as over western Canada.

At present the operation of the Grain Act has been confined to Manitoba and the Northwest, and I think has extended as far east as Fort William. This Act proposes to extend the control of the grain trade and inspection of the grain until it reaches the seaboard. Beyond that, of course, we cannot go. There have also been complaints made to us of the alleged shortage of grain—that is to say of the loss which is said to have been sustained in transport from Fort William to the seaboard. I think, as far as I can find out, those complaints were exaggerated a great deal, although very often no doubt there were cases of individual hardship. Still, the facts which were submitted to my department went to show that, apparently, not much more than on an average one bushel in 1,200 or 1,300 fell short, although there were no doubt individual cases where considerable loss may have been sustained. However that may be, we desire to avoid that, and we propose to appoint salaried officers, men who have hitherto been paid by fees, for the purpose of looking more carefully after the weighing of the grain when it is delivered at the lake ports on the eastern side. I may remark that many of the provisions which have been introduced by us and recommended by the Commission, have been pretty well tested in the adjoining States, where a Grain Act closely resembling that which we propose to introduce has been in force for a very considerable number of years. Of course, this being rather a technical measure, the details will have to be considered in committee rather than at the present stage, and as it is desirable if possible that we should take one stage now, and go into a Committee of the Whole as soon as possible, without further preface, I propose to move the second reading.

Hon. Mr. PERLEY—I do not see any of my colleagues from the west here, who I thought possibly would make a remark or two about the Bill. There is no doubt the farmers of the west, as well as their representatives in parliament, will appreciate any effort the government may make towards improving the handling of their grain from the time it leaves their farms until it is received in the elevators at Fort William, and perhaps further than that. I have carefully examined the measure, and I may say that there are some few points on which I desire to suggest amendments when the Bill comes before the committee. I may say further, that I have sent a copy of the Bill to the west to the leading promoters of the Bill, or to those who took an active part in having this legislation brought before parliament, and I have not had time to receive an answer from them as to how the Bill in its present shape will suit them. It will probably be the first of June before I receive information from them, so that we will be able to work intelligently on the Bill, so far as their opinions are concerned. I may say as regards the loss of grain in reaching the elevators at Fort William, I heard very grievous complaints a few years ago, and the farmers are not able themselves to tell—hardly an elevator man in the country is able to tell what he does lose if he loses anything. The grain is bought straight from the farmer, or the farmer brings his grain to the elevator and places it in a bin. It is not weighed, and no distinct tally of it is kept. He loads it to a line mark in the car, and he thinks he has a thousand bushels there, but when it arrives at Fort William it may be less, and he thinks the grain has been lost in transit. I am not able to form any correct conclusion on that point, although I have heard a great many of the farmers say they have lost a great deal of grain between the time it was put in the car at Wolseley or Indian Head, and the time it was unloaded at Fort William. I built an elevator a couple of years ago, in which I divided the space all into bins, carload lots. It is different from any other elevator in the country. Each bin just holds one carload. We weigh it into the bin and ship it into the car. We do not weigh it when we ship it out, but it is weighed when it is placed in the bin, and I do not hesitate to say that I have never known a case in which there was any discrepancy worth talking about. Therefore, I have concluded that the weighing of the wheat at Fort William has in the main been accurate according to our scales. But there is a greater grievance than that—a great grievance which is not

dealt with in this Bill, and that is in regard to procuring cars. I shall suggest an amendment that the method of getting cars be changed entirely. If a farmer or any man gets in a load of lumber or coal, he gets a certain time to unload it, and if he does not unload it in that time he is charged demurrage for the number of days the car was ready for him to unload. A man may haul his wheat to the station and order a car, and his name is placed on a list. They are taken in rotation. He may not get his car for six weeks. He may have his wheat in an elevator paying storage, or in a bin paying rent. He gets a car whenever the railway company have a mind to give it to him. It often occurs that wheat is selling high at a certain time, and a farmer would like to dispose of his crop, and he cannot get a car until the company are ready to give it. You cannot compel them to furnish the car, and they have the whole destiny of the farmer in their hands. They can give him a car as they have a mind to, and they can do as they have a mind to. That is one matter which should be provided for. A farmer should be able to have a car when he wants it. There is another grievance which I have brought to the attention of the Canadian Pacific Railway, because that is the company I am speaking of; but the railways companies are all alike. There is the company with which I do business. They bring a car into Wolseley. It is a cattle car, and there may be a certain quantity of manure in it, and it is not in a fit condition to carry grain. Or perhaps it is a coal car which has just been unloaded and contains a quantity of coal dust, which makes it a very objectionable car to put wheat into. It may be a car that has had lumber in it, and there is a whole lot of bark and other refuse in it, which is not quite so objectionable, because you can clean it out. In nine cases out of ten, the doors are not there, although the company provide doors and send them up. You have to send to a factory sometimes to have a door made, and you have to fix up that car. The farmer is not competent to do that. Some years ago, with my own hands, I put 150 bushels of wheat I had in the elevator into a car, wheeled it in with a big cart that I had for the purpose, when one of the officials said to me: 'Senator, this car has the end completely off it. It is a faulty car and we cannot allow you to have it.' I naturally was green at the business. It was in the early history of my farming days, and I had to wheel it all out again. When a car is placed at a station, sometimes a farmer has to clean it out and repair it, and nail it up. The last time I was at home I saw a man going round with a hammer, with his pocket full of nails, trying to repair a car. I think that is very objectionable. It is an expensive method for the farmer and the railway company, for the car is doctored up in a very poor way and there may be wheat lost in transit. If the farmers weighed the grain, and knew what they were putting in the cars, they would be in a position to bring an action for any loss, but they do not know how much they ship when the wheat is not weighed into the car. I do not think there is a man in Wolseley, where there are several elevators, who can tell how much was put in the car from his elevator, except myself. We weigh our grain carefully at my elevator so that we are able to go on the stand in court and swear that we put a thousand bushels in the car, but we will not swear that there was not a thousand and five bushels. If there is anything over, the owner gets it, but if there is any shortage or leakage we can swear we put a thousand bushels there and can prove his claim. However, that is not the general rule. If a farmer puts a lot of wheat in a car he cannot swear whether it is a thousand or nine hundred bushels. I contend that the cars should be furnished to the farmer with greater regularity, that the farmer should not have to fill his elevator or warehouse with grain and keep it there for six weeks waiting for a car when he might have a note due at the bank, while he cannot sell the grain in the elevator. He cannot obtain one cent on it there, but when it is placed in the car on the track, he can sell the grain and get his money and pay his note or whatever obligation it might be. Therefore, it is important to the farmer that within a certain time after he has his wheat ready to ship, that he should be furnished with a car, and railways should be

compelled to furnish cars within six days. Then the railway has a rule about putting down the names of applicants for cars in rotation. I think there were 400 names on the list at one time at Wolsely, and some of the men whose names were so recorded, had no wheat within fifteen miles of the station. Provision should be made in the Bill with regard to that. A man ten or fifteen miles away puts his name down for a car. I do not think that any man should be allowed to put his name down until he has his wheat ready to load. I think also that when they spot a car—that is place it on the track wherever you order it—that car should be in proper condition to receive the grain and the farmer should not be asked to tinker at repairs which may result in loss of grain in transit. The hon. gentleman from Tentalion, Saskatchewan (Hon. Mr. Douglas) has some amendment to propose, and we desire to look over the Bill and have the amendment formulated. We shall consult with the minister or any one else; but we want time in which to do it. We desire also to hear from the people in the west. I have sent a copy of the Bill to a prominent dealer out there and I should like to receive his answer. On the whole the Bill will not be satisfactory as it stands to-day by a great deal, but I hope the government will assist us in making the Bill a practical and satisfactory one.

Hon. Sir RICHARD CARTWRIGHT—I doubt if any government that ever existed could introduce a Bill that would be satisfactory to every farmer within a territory of a thousand square miles; but at the same time we shall be glad to hear any suggestions the hon. gentleman may make. I have no desire to hurry the Bill, but I would like to give it one stage, after which these matters can be, I think, more advantageously discussed. I will be quite willing to let the measure stand for a week, and the details can be discussed in committee.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is quite correct in the statement he has made, that it would be very difficult to frame a measure that would meet the views of every one interested, particularly the farmers. The best evidence we have of it is the fact that constant amendments and changes are being made to Bills affecting the inspection of grain. I do not suppose the hon. gentleman would press this measure to committee until some time after the adjournment. If there is to be an adjournment for two weeks—which I hope will not be the case—there will be ample time for the hon. gentleman from Wolseley to obtain the information he desires. My hon. friend will have noticed, from legislation which has taken place in the past—and this is a very good example of it—the difficulty in attempting to amend any measure particularly of the magnitude, if I may so term it, of this Bill. We have in this Bill 42 clauses amending the law upon the statute-book. Does my hon. friend not think it would be much better to enact a measure consolidating the laws affecting the inspection of grain instead of introducing a measure of thirty or forty amendments? Any one who desires to ascertain the provisions of the law will have to procure two or three statutes in order to learn the exact position in which the law stands, and to enable him to come to a conclusion as to what his duties are, and what the provisions of the Act really are. I am quite sure that a moment's reflection will suggest to my hon. friend the propriety of adopting such a course when we are to deal so extensively with any Act that is upon the statute-book. I confess that I have had some little experience of that nature—consolidation of measures containing some two or three hundred clauses, and I found it much better in the interests of those who were affected by the Bill to consolidate the whole law in one statute.

Hon. Sir RICHARD CARTWRIGHT—I must admit there is great force in my hon. friend's contention. In similar cases I have more than once suggested it myself. I am not prepared to dispute the soundness of his position. As a matter of fact, I think it is quite possible that this Bill may be considerably amended before it passes this House, and before it is adopted by the other House; and I am afraid it would delay the matter too long if I were to withdraw it and introduce it as a general Bill. I had proposed a little later, in case

I was called upon to do so, to introduce a consolidated Act, but I wanted first to see how the present amendments would commend themselves to parliament and perhaps also to see how the matter would work. We may require to go a good deal further than I propose to go in this measure, as the hon. gentleman will see. We are now endeavouring to go through with a certain number of amendments, which appear to have been agreed to pretty much by all parties; but there are a great many others more or less of a contentious character, or at least more or less ones that would be disputed, which we will have to consider a little later. I have no doubt in another session I will have to do as the hon. gentleman suggests, and bring down a consolidating Act.

Hon. Sir MACKENZIE BOWELL—I do not desire to be understood as suggesting the withdrawal of this measure and to have a consolidation of the grain laws at present. I merely throw out the hint for future action; but I might say in addition to that, if the whole law were consolidated, the amendments which were proposed to be made to the Bill and any further amendments could be dealt with just as well with that measure, and when it was completed you would have a consolidated measure.

Hon. Sir RICHARD CARTWRIGHT—Quite true. I am very much of my hon. friend's opinion.

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

It being six o'clock the Speaker left the chair.

After Recess.

LAKE CHAMPLAIN AND ST. LAWRENCE SHIP CANAL COMPANY'S BILL.

SECOND READING.

Hon. Mr. BELCOURT moved the second reading of Bill (SS) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.

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

Hon. Mr. BELCOURT moved that the Bill be referred to the Private Bills Committee.

ACTING-SPEAKER (Hon. Mr. Power)—I call the attention of the hon. gentleman to the fact that this Bill should be referred to the Committee on Railways, Telegraphs and Harbours. It is moved by the hon. gentleman from Ottawa——

Hon. Mr. CLORAN—The hon. gentleman from Ottawa has moved that this Bill be referred to the Private Bills Committee. If he has made a mistake he should correct it himself.

Hon. Mr. WILSON—The hon. gentleman is out of order in rising to speak while the chair is putting the motion.

Hon. Mr. CLORAN—The hon. gentleman from Ottawa moved a reference of this Bill to the Private Bills Committee, and the chair undertakes to refer it to the Railway Committee. I want to know who has the right to say what shall be moved?

ACTING-SPEAKER—I think it was my duty as Speaker to direct the attention of the hon. member from Ottawa to the fact that this was a Bill which properly should go to the Committee on Railways, Telegraphs and Harbours. I understood the hon. senator from Ottawa to accept my suggestion; and I think the hon. gentleman from Ottawa and the Speaker are quite able to keep themselves right without any help from the hon. member from Victoria.

Hon. Mr. CLORAN—Before making my remarks——

Hon. GENTLEMEN—Order, order.

ACTING-SPEAKER—I shall call on the Sergent at Arms to take the hon. gentleman in charge if he presists.

Hon. Mr. CLORAN—I question that point of order and——

ACTING-SPEAKER—Order.

Hon. Mr. CLORAN—I rise to a point of order.

ACTING-SPEAKER—What is the point of order?

Hon. Mr. CLORAN—The point of order is this, that an hon. senator in this House proposing a Bill asked the honourable Chair to send it to the Committee on Private Bills.

Hon. Mr. SCOTT—That is not the proper committee.

Hon. Mr. CLORAN—I am not going to contend that he was right.

Hon. Mr. SCOTT—If the hon. member from Ottawa is not satisfied he can rise and say that he wants it sent to the Private Bills Committee.

Hon. Mr. CLORAN—He can, but he did not do so; but for the Speaker to say he will call on the Sergeant at Arms to put me out is an absurdity.

Hon. Mr. WILSON—The words ought to be taken down. They are very unfair, and when the Speaker decides a point of order, if the hon. member is dissatisfied the only course he can take is to appeal from the decision of the Chair and call for a vote.

ACTING-SPEAKER—The question is on the motion to refer this Bill to the Standing Committee on Railways, Telegraphs and Harbours.

The motion was agreed too.

LAND TITLES ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole in consideration of Bill (113) An Act to amend the Land Titles Act.

(In the Committee.)

Hon. Mr. SCOTT—This Bill is similar to Bills introduced in the old province about one hundred years ago, before these various religious bodies were incorporated. It applies only to unorganized territories of Canada and has no reference to Manitoba, Alberta or Saskatchewan. The necessity of it arose from a church which was built by the Anglican body up in the neighbourhood of Dawson. There is no organization that would have authority to incorporate a body up there, and this is of course only a temporary Bill just to suit the conditions in the primitive state of things there, where there is no representative body. When the part of the country in which this Bill will prevail comes under provincial jurisdiction, it will be a very easy matter for the particular body to obtain an Act of incorporation. In the meantime, it is a makeshift for the purpose of enabling the congregation to hold its property.

Hon. Mr. BELCOURT—Would not this Bill apply to the provinces of Ontario and Quebec?

Hon. Mr. SCOTT—No.

Hon. Mr. BELCOURT—Is it so provided for in the Act?

Hon. Mr. SCOTT—The Land Titles Act only applies to the western country. It has no bearing in Ontario or Quebec.

Hon. Mr. BELCOURT—It is so stated in the Revised Statutes.

Hon. Sir MACKENZIE BOWELL—Has not the executive that governs the Yukon Territory power to pass an ordinance giving the powers of a corporation? I observed that, in the Lower House, notice has been given of a Bill to confer full elective powers for the election of members to the Yukon council. Would they not have the power, under the constitution to be given them, to pass an Act for the incorporation of the congregation to which this Bill refers?

Hon. Mr. SCOTT—I consulted the Minister of the Interior and he said not, and the Bill was sent to the Department of Justice to be drawn. I am inclined to think it is not in Dawson proper; it is outside some place where, probably, the authority of the council in the town of Dawson would have no jurisdiction.

Hon. Sir MACKENZIE BOWELL—The whole of that country is under the jurisdiction of the Yukon council, is it not?

Hon. Mr. SCOTT—I am not very sure of that.

Hon. Mr. ELLIS from the committee reported the Bill without amendment.

NIAGARA, ST. CATHARINES AND TORONTO RAILWAY COMPANY BILL.

Hon. Mr. ELLIS moved concurrence in the report of the Standing Committee on Railways, Telegraphs and Harbours on Bill (82) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.

Hon. Mr. KERR moved in amendment:

That the said report be not now concurred in, but that the Bill be referred back to the said committee for further consideration.

He said: It appears there was a mistake in the drawing up of the clause with reference to the conditions attached to the work. The St. Catharines road has been partly built through towns and cities and they have been granted by this Bill an extension of time for the completion of the work, and conditions have been attached to it with respect to the parts which have yet to be built. The proviso is, if they are not built within a certain time these powers fall, but the wording of the Bill makes it apply to the whole of the work which has already been built as well; therefore it is better that it should go back to the committee for further consideration.

Hon. Sir MACKENZIE BOWELL—Is it proposed in any way to extend the powers of that company or restrict them, or give them further rights in any municipality without the consent of the municipality?

Hon. Mr. KERR—This Bill is one for an extension of time for the completion of the works, and there are conditions attached to that in favour of the cities and towns, meaning the city of Hamilton and the city of Toronto. These conditions, it was intended, should only be applied to the extension of work to which time is now given, But this railway is already built. Part of its work is through the city of St. Catharines, part of it is in the towns and villages along the road between Hamilton and St. Catharines, part of it is in Clifton or Niagara Falls, and the effect of this would be that the whole undertaking might be forfeited instead of the part to which extension is being given.

The amendment was agreed to.

WATER CARRIAGE OF GOODS BILL.

IN COMMITTEE.

Hon. Mr. CAMPBELL moved that the House resolve itself into a Committee of the Whole on the report of the Standing Committee on Banking and Commerce on Bill (Z) An Act relating to the Water Carriage of Goods.

Hon. Mr. LANDRY—I should like to call the attention of the House to the same irregularity that presents itself in this case as the one I pointed out yesterday, only I think it is a little worse. This Bill was referred to the committee from this House. The committee appointed a sub-committee which brought in a new Bill altogether. The Bill has been redrafted, and nothing of that fact appears in our minutes. When we look in our minutes to see what it means, we find nothing. Those amendments should have been printed in our minutes; we have a right to see them. Those of us who are not on the Committee on Banking and Commerce have a right to see what those amendments are.

Hon. Mr. CAMPBELL—The Bill has been reprinted.

Hon. Mr. SCOTT—The amendments were reprinted.

Hon. Mr. LANDRY—Where is the French edition of it?

Hon. Mr. CAMPBELL—The Bill was amended. It was not referred to a sub-committee, but was considered by the committee and redrafted and reprinted.

Hon. Sir MACKENZIE BOWELL—That is not the point at all that my hon. friend takes. I wish it distinctly understood that I do not rise for the purpose of obstructing the passing of the Bill. On the contrary. The mode in which the report from the committee has been presented to the House is totally irregular. If you read rule 127 you will find what the duties of a chairman are:

> The chairman of a committee shall sign with his name at length, a printed copy of the Bill, on which the amendments are fairly written.

Now, in this case the Bill as amended, has never been presented to the House, but has been reprinted. It is a totally different Bill from that which was referred to the committee. Then the rule continues:

> And shall also sign with the initials of his name, the several amendments made and clauses added in committee to be attached to the report, and another copy of the Bill, with the amendment written thereon, shall be prepared by the clerk of the committee and filed.

Now, the Clerk has no such copy. What should have been done was to report from the committee the Bill as amended, with the amendments attached to the original Bill, and then the House, before adopting

the report of the committee, should have ordered it printed; but instead of the Senate ordering the printing of the Bill as amended, the committee has done that on its own responsibility and really had no authority. I am merely pointing this out to show the irregularity which has followed the introduction of the report of the committee and the proceedings of the House. The Speaker will understand the point to which the hon. senator from Stadacona has called the House, and on reading this clause hon. gentlemen will see where the irregularities are. How that is to be got over I am not prepared to say. With the consent of the House, I suppose we can order the original Bill to be placed in the hands of the committee so that it will be on file and the amendments attached to it, so that in considering the report of the committee now, either in committee or by the House, they would not have the original Bill before them.

Hon. Mr. CAMPBELL—The committee, in submitting their report, recommended that the Bill be reprinted as it was amended, and a copy of the Bill as reprinted, with the old Bill was submitted with the report.

Hon. Sir MACKENZIE BOWELL—The committee should have reported that.

Hon. Mr. CAMPBELL—They did report that; they submitted a copy of the Bill as re-printed with the old Bill attached to it.

Hon. Mr. LANDRY—The report of the committee reads as follows:

> Your committee recommend that the Bill be amended with the printed re-draft herewith submitted.

But the Bill has not been amended like that. What was sent here was a re-draft of the Bill, and it has not been amended to conform with the printed draft. So that the Bill that has been sent by this House to the committee stands in the same position as when it left here. It is not amended according to the re-draft. I do not know if it came back here, but if it did; it came without the amendments being attached to it. On the face of the report itself it is understood that the Bill is not amended yet, but that the committee recommend the Bill be amended to confrm with the re-draft.

Hon. Mr. ELLIS—Could we amend it according to that instruction?

Hon. Mr. BELCOURT—It seems to me the procedure was departed from. This was a public Bill, and in the ordinary course of procedure would have been referred to a Committee of the Whole. I have not the proceedings before me, but if I recollect rightly what was done, when the Bill was read the second time, it was not referred to a Committee of the Whole, but it was understood and agreed to by the House that instead of the Committee of the Whole dealing with the Bill, it should be dealt with by the Committee on Banking and Commerce, so as to afford an opportunity for the various parties who desire to be heard to appear. It was felt that the Committee of the Whole could not hear the parties, and that it was much more convenient that that should be done in the Committee on Banking and Commerce. I take it, therefore, that there was a consent of this House that for the time being the Committee of the Whole was to be replaced by the Committee on Banking and Commerce. That committee having recommended that the Bill be re-printed, I take it that it is equivalent to a Committee of the Whole having given the order, and that now it is being properly dealt with in the way it is. The whole procedure was departed from by unanimous consent of the House, and the Banking and Commerce Committee substituted from Committee of the Whole House.

Hon. Mr. LANDRY—I could understand this report if the Bill was to be recommitted to a Committee of the Whole, and that special committee would say : 'Well, here are the amendments we propose, and we recommend that the Bill be amended according to the re-draft we are offering you.' But if that special committee has taken the place of a Committee of the Whole, its work was supposed to be final, and it was that committee which should have made the amendment, and they should not have recommended that it should be made here. What right has the committee to order the printing of a new Bill ?

Hon. Mr. SCOTT—It is the commonsense way of doing it. It was irregular

to begin with to refer it to a special committee. There were a number of very important interests affected by the Bill, and as a matter of courtesy to them, in order that they might be heard, as explained by the hon. gentleman from Ottawa, the Bill was sent to the Committee on Banking and Commerce for the purpose of hearing those objections. The committee undertook to frame clauses that in a degree met some of the objections, and that is the Bill we have here. The rule which my hon. friend has read does not apply to public Bills. It was never contemplated.

Hon. Mr. LANDRY—Yes, we have a rule which says that a public Bill may be referred to a committee.

Hon. Mr. SCOTT—A public Bill ?

Hon. Mr. LANDRY—Yes.

Hon. Mr. SCOTT—It is a great pity, because the Bill was two months before that committee. They were dealing with it before the adjournment which was made in order to give the parties who had to communicate with London, ample time, and a large amount of labour was devoted by the committee to a consideration of the Bill and very important changes were made to meet the objections of those who opposed it.

Hon. Mr. LANDRY—I do not want to retard the Bill, but I want to point out the irregularity of the proceeding, so that we may avoid it in the future. I will not make any objection at all, but will simply call attention to the facts.

Hon. Sir MACKENZIE BOWELL—I do not press any objection to the Bill. I stated when I rose a short time ago that I only desired to point out the irregularity. I am just as anxious as the hon. gentleman that the Bill should become law. I understood the hon. gentleman from Ottawa to say it was an unusual thing to send such a Bill to this committee. It is often done. I have known government Bills, on which it has been pointed out that there was diversity of opinion, and that certain interests were affected, and instead of referring them to a Committee of the Whole House, they were sent to a special committee for consideration, and that special committee reported to the House. The rules provide how it shall be done.

Hon. Mr. BELCOURT—The hon. gentleman misunderstood me. I said the usual procedure had been departed from in this case, because being a government Bill it would naturally be sent to a Committee of the Whole.

The motion was agreed to, and the House resolved itself into a Committee of the Whole on the Bill.

(In the Committee).

Hon. Mr. CAMPBELL—As the Secretary of State has pointed out, this Bill has been before the committee since the 16th of March, and a good many changes were there made in it. It was very strongly opposed by the shipping interests of the country, but at the suggestion of the Chairman of the Committee, after two or three clauses had been passed, a conference was held with the representatives of all the shipping interests—a meeting between the promoters of the Bill and those who were opposed to it, and as a result, clauses were gone over one by one, and all practically agreed upon. There were one or two or three new clauses added, which the interests of the shippers suggested, and I may say that they were all unanimously adopted.

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 reliability 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. CAMPBELL—The words in the 21st line, 'Arising from the harmful or improper condition of the ship's hold or any other part of the ship in which goods are carried,' are struck out, because the committee thought the latter part of the clause provided for that, and those words were unnecessary.

The clause was adopted.

On clauses 6 and 7,

6. If the owner of any ship transporting merchandise or property from any port in Canada exercises due diligence to make the ship in all respects seaworthy and properly manned, equipped and supplied, neither the ship nor the owner, agent or charterer shall become or be held responsible for loss or damage resulting from faults or errors in navigation or in the management of the ship.

7. The ship, the owner, charterer, agent or master shall not be held liable for loss resulting from fire, dangers of the sea or other navigable waters, acts of God or public enemies, or inherent defect, quality or vice of the thing carried, or from insufficiency of package, or seizure under legal process, or for loss resulting from any act or omission of the shipper or owner of the goods, his agent or representative, or from saving or attempting to save life or property at sea, or from any deviation in rendering such service, or from strikes, or for loss arising without their actual fault or privity or without the fault or neglect or their agents, servants or employees.

These clauses are substituted for clause 6 of the old Act. It is adopting the Harter Act instead of the Australian Act, and we have also added the words in the latter part of the clause:

Or for loss arising without their actual fault or privity or without the fault or neglect of their agents, servants or employees, or for strikes.

That is a new part added at the request of the shipping interest of the country. We thought it only reasonable it should be put in.

The clause was adopted.

On clause 8,

8. The ship, the owner, charterer, master or agent shall not be liable for loss or damage to or in connection with goods for a greater amount than one hundred dollars per package, unless a higher value is stated in the bill of lading or other ship documents, nor for any loss or damage whatever if the nature or value of such goods has been falsely stated by the shipper, unless such false statement has been made by inadvertence or error. The declaration by the shipper as to the nature and value of the goods shall not be considered as binding or conclusive on the ship, her owner, charterer, master or agent.

Hon. Mr. CAMPBELL—That is a new section. It provides for the amount of damage that the shipowner would be responsible for, not exceeding $100 per package unless a higher value is stated in the bill of lading. This is to meet such a case as was stated by the Allan line people in Montreal, where some immigrant, who came out from the old country claimed to have lost a package worth $700 or $800.

The clause was adopted.

On clause 9,

9. Every owner, charterer, master or agent of any ship carrying goods, shall on demand issue to the shipper of such goods a bill of lading showing, among other things, the marks necessary for identification as furnished in writing by the shipper, the number of packages, the quantity or the weight, as the case may be, and the apparent order and condition of the goods as delivered to or received by such owner, charterer, master or agent; and such bill of lading shall be prima facie evidence of the receipt of the goods as therein described.

Hon. Mr. CAMPBELL—This is clause 7 in the old Bill, and the only change is providing that the ship must issue the bill of lading if a demand is made. It was done to meet the case of the vessels plying on the Gulf of St. Lawrence coast, or on the Baie de Chaleurs, where they often hand in a box of fish and say, 'Bring me back a bag of flour.'

In the original Bill they were liable to a penalty if they did not issue a bill of lading and notify the consignee of the arrival of the goods.

The penalty clause is struck out of this clause. It is changed so as to conform with the Harter Act.

The clause 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. KERR—This clause is absolute and provides a penalty of $1,000 for knowingly shipping something which is of an inflammable or explosive nature. It might only be explosive to a small extent, and

there might be no practical damage or danger. Should we not make that penalty 'not exceeding $1,000.'

Hon. Mr. LANDRY—It has to be knowingly.

Hon. Mr. CAMPBELL—I think it should be a very severe penalty.

Hon. Mr. WILSON—I understand that this 13th clause will give ample protection to parties in the neighbourhood of or where the goods are shipped. Supposing they ship a certain quantity of goods and they are put on the vessel. The shipper does not disclose the nature of the article shipped, and the first thing we know, some dynamite is put on board and serious damage may be done. The owners of the ship may not be aware of it and the ship may start off and injury may follow. Could the promoter of the Bill give us any further information in respect to the object of that clause?

Hon. Mr. CAMPBELL—I think we have to read clauses 12 and 13 together. I think the committee will agree that if a man knowingly ships goods of such a nature he should be heavily fined. The next clause provides that the captain or owner of a vessel may destroy such goods if he finds them, or throw them overboard, or render them innocuous. But the shipper is responsible for all damage.

Hon. Mr. SCOTT—Quite right.

Hon. Mr. WILSON—The clause applies to goods of an inflammable or explosive nature, or of a dangerous nature, without the shipper, before shipping the goods, making full disclosure of their nature to the agent, &c. What do you mean by permission? The agent may not know.

Hon. Mr. SCOTT—He has got to know.

Hon. Mr. WILSON—There is no means, except the previous clause, whereby the parties can be punished for entering those goods. That clause also enables the owner of the ship to destroy the goods. What redress has the party whose goods are being destroyed, if the shipowner cannot prove that the goods were dangerous. There is no provision as to how that information can be obtained. I think the clause is seriously defective.

Hon. Mr. BELCOURT—In that case, the onus of proving the goods were of that character would be on the shipowner who destroyed them. He would have to show that the goods were within the class of goods described in this section, and if he did destroy goods which were of a character which he had no right to destroy, the shipper would have his remedy.

Hon. Mr. WILSON—Can my hon. friend tell me how he would be made liable?

Hon. Mr. BELCOURT—He would be liable at common law. He could only destroy them if they were of the character described in the clause and if the shipper denied that they were of that character the shipowner would have to prove it.

The clause was adopted.

On clause 15,

15. This Act shall come into force on the first day of September, A.D., 1908.

Hon. Mr. KERR—I understand that shippers are extremely anxious to have that date of the coming into force of the Act extended. They say it will be very inconvenient to have all the arrangement necessary for the changing of the bill of lading made by that date.

Hon. Mr. CAMPBELL—I have had no communication from them.

Hon. Mr. KERR—They were trying to see the hon. gentleman.

Hon. Mr. CAMPBELL—The reason we inserted that date is, because that is when the fall trade begins. The grain and flour is beginning to move across the ocean, and that is practically the beginning of the season, and clause 14 gives them protection on all contracts made before this Act comes into force. That was a clause put in for their protection, and when the steamship men left here they were perfectly agreed to this date being fixed.

Hon. Sir MACKENZIE BOWELL—I understood that there was a mutual agreement between the promoters of the Bill and the shipowners. Under the 14th clause, they can enter into any contract they please under the law as it exists to-day and be exempt, if it is done before the 1st September.

Hon. Mr. KERR—There would be no contract with respect to the carrying of the fall grain, because the contract is by the bill of lading. I have nothing to do with the matter at all, and assume no responsibility at all, but I know that is their wish. They called on me and I said they had better see the hon. gentleman from York; I would not take any responsibility about it; at the same time I thought it right to lay the matter before the hon. gentleman. I do not think there would be any great harm in fixing a later date. They spoke of the 1st January.

Hon. Mr. CAMPBELL—They spoke about the 1st January at first, but they all agreed on this clause. I have been here for some time and if they considered it of great importance they could have seen me.

Hon. Sir MACKENZIE BOWELL—Was it Mr. Allan?

Hon. Mr. KERR—No, it was one of the counsel.

The clause was adopted.

Hon. Mr. WATSON from the committee reported the Bill as amended.

The amendments were concurred in.

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 112) An Act to amend the Railway Act as respects the Constitution of the Board of Railway Commissioners.

He said: The object of this Bill is to enlarge the present board. It is found that their duties are very numerous. The work has more than doubled since the first appointment, and it is necessary that the board should be increased.

Hon. Mr. LANDRY—I would ask the hon. gentleman if he would be good enough to have the Bill printed in French before we go into committee.

Hon. Mr. SCOTT—I shall not bring it up unless it is printed in French.

Hon. Sir MACKENZIE BOWELL—Shall these commissioners be enabled to adjudicate on any question separately?

Hon. Mr. SCOTT—Yes, provision is made for that.

Hon. Sir MACKENZIE BOWELL—Otherwise it would be of very little use.

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

EXCHEQUER COURT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 116) An Act to amend the Exchequer Court Act. He said: The object of this Bill is to allow the Governor in Council to appoint another substitute in case of the illness or absence of the Exchequer Court Judge, and also for other causes that may arise. Really the primary object was in order that Mr. Cassels might be free to devote his time to the inquiry into the administration of the Department of Marine and Fisheries.

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

SIGNAL DUES AT HALIFAX BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 152) An act respecting Signal dues at Halifax. He said: I shall be very glad at a later stage to give a history of this subject, which is contained in certain correspondence I have, but the main point is to make vessels of small tonnage free from those dues.

Hon. Mr. BELCOURT—What was the minimum before?

Hon. Mr. SCOTT—The first law was passed in 1859, and it applied to all steamers. From time to time changes were made in the law before Nova Scotia came into Confederation.

Hon. Mr. ELLIS—It would be a very good thing if the government abolished those signal dues altogether. Whether they get more or less than the signals cost I do not know, but the revenues of the country ought to be able to carry a service like that.

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

MEAFORD HARBOUR BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 158) An Act respecting Meaford Harbour. He said: It appears that by an Act passed before confederation, this harbour was placed under the control of the government, strange to say, and now it is necessary to make some changes as it is going to be an important harbour for one of the Pacific lines. The object of the Bill is to define the harbour by certain boundaries, and to make certain by-laws of the municipal council legal, in order that the harbour may be put on a proper basis.

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

SUSHWAP AND THOMPSON RIVERS BOOM COMPANY'S BILL.

MOTION.

Hon. Mr. CASGRAIN moved concurrence in the report of the Standing Committee on Railways, Telegraphs and Harbours, on Bill (No. 49) An Act to incorporate the Sushwap and Thompson Rivers Boom Company.

Mr. BOSTOCK—I have given notice of a motion to refer this report back to the committee. There are several grounds on which I think this should be done. The reasons given by the committee for arriving at their conclusion, show that they do not fully grasp the situation in that part of the country. I obtained information to-day which I can lay before the committee, that I think will alter the decision they have reached. I do not propose to enter into details now, because I think they can be much better discussed before the committee. I submit that this Bill was not thoroughly discussed in the committee, and that it was thrown out because the clauses which the Bill originally contained, when it was first introduced, declaring it to be a work for the general advantage of Canada, was not in it when it came here. The situation out there is a peculiar one, inasmuch as this company's operations will be in the Dominion Railway belt, and the whole question is one that has never been threshed out properly. There is also an opinion that the promoters of this company want to obtain a monopoly in that river. I may say that the people interested in getting this charter are sound business men. They are all lumbermen who have invested a large sum of money in timber limits and a saw-mill in that country, and they ask to be allowed to carry on their legitimate business which they cannot do unless these privileges are granted. They are prepared to make arrangements with any other lumbermen who may come on that river later on and give them all the rights they are entitled to themselves. They do not ask for any monopoly. I move that the report be not now concurred in, but that the said Bill be referred back to the committee for further consideration.

Hon. Mr. ELLIS—I can only say that, in my judgment, the Bill was thoroughly discussed in committee. The hon. gentleman has not mentioned anything that was not brought before the committee. The Bill was under consideration for hours, and everything within the reach of imagination and also within the reach of the evidence was before the committee and thoroughly canvassed. While I do not desire to influence the judgment of hon. gentlemen particularly, the hon. gentleman in his statement to the House, has mentioned nothing that was not stated to the committee yesterday. I feel bound to make this statement, not that I have any strong feeling on the subject, but unless there is some better reason for sending it back to the committee, the labour will be in vain.

Hon. Mr. DAVIS—I listened with some attention to the hon. member from British Columbia, and it appears to me that as we have considerable time on our hands, if any hon. gentleman is as much interested in a Bill as the hon. gentleman from Yale is in this Bill, and asks to have it referred back to the committee promising to submit further information, there should be no hesitation in complying with his request.

Hon. Sir MACKENZIE BOWELL—I do not see that any possible good can arise in sending it back to the committee, unless the hon. gentleman is prepared to convince the committee that the decision at which they arrived as to the right of this parlia-

ment to pass this Bill is incorrect. This Bill was rejected upon one ground and one ground alone, that is its constitutionality—that it is within the province of the legislature of British Columbia to grant all that is asked for, and that the passage of it by the Dominion parliament would be an infringement of the constitutional rights of the province. It was on a similar ground that a Bill of a somewhat similar character was rejected last year. As the hon. senator from St. John has said, this matter was discussed over and over again in committee for hours. We had the opinion of the Law Clerk of the Senate against it, and the strong opposition of the provinces to the passage of this Bill as an infringement of their rights.

Hon. Mr. BOSTOCK—Hon. gentleman have referred to the opinion of the Law Clerk given before the committee. He will probably remember that I specially asked the Law Clerk if he had considered what bearing the fact of the railway belt belonging to the Dominion government had on his decision, and he said he had not considered it before. That makes a very great difference.

Hon. Mr. LANDRY—Not at all.

Hon. Sir MACKENZIE BOWELL—It was pointed out that the lands which were affected by this Bill had been patented by the Dominion government and that consequently brought them within the question of civil rights and property within the province.

Hon. Mr. BOSTOCK—The lands are within the belt belonging to the Dominion Government.

Hon. Sir MACKENZIE BOWELL—The lands are within the belt which was transferred to the Dominion as one of the considerations given by British Columbia for the construction of the Canadian Pacific Railway through the mountains. Even if there were force in the contention of my hon. friend, that because the lands are within the railway belt therefore it brought this measure within the purview of this parliament, the moment the Dominion government patented that land it became private property and being private property came under the jurisdiction of the province of British Columbia. The committee considered this question carefully, and I cannot conceive it possible that any further evidence could be procured to change the minds of those who voted upon that question unless the hon. gentleman has been lobbying—that is a very offensive word I know as understood by the people—among the members in order to induce them to change their views or to bring others to the committee who were not present when the vote was taken. That is the only means by which he could accomplish his purpose; but it is very clear if there ever was a Bill brought before parliament for consideration which infringed the rights of the provinces, this is that one. I know some senators take a different view of it, and support the Bill on what they term its merits, on the ground that certain other companies who are operating on that river are trying to prevent the company that seeks this incorporation from doing that which they should have a right to do. I remove that altogether from my consideration and base my objection simply on the ground presented in the report, and that is that it is a direct infringement on the rights of the provinces. If we go on with this kind of legislation, we might just as well abolish the local legislature altogether, and let the federal parliament deal with all local affairs. Every session we have been infringing upon provincial rights, and if it is to go on we might as well petition the Imperial Parliament to change the constitution and abolish the local legislatures and save to the country the expense that they entail. I very much regret that many hon. gentlemen who share my view of this matter are not here to express their opinions on this question. I trust that the House will not adopt the amendment.

Hon. Mr. KERR—I understand that the hon. gentleman objects to this Bill on the ground that the lands in the railway belt are not the lands of the government.

Hon. Sir MACKENZIE BOWELL—The lands which are affected by this Bill I said.

Hon. Mr. KERR—The lands in the railway belt became the property of the Dom-

inion government, and the question as to the effect of that is before the courts today. The contention of the Dominion government is best expressed in a factum prepared by the Solicitor General of Canada and the Attorney General himself in a case now before the Exchequer Court—the King on the information of the Attorney General of Canada vs. the Burrard Power Company, Limited—the first paragraphs of which are as follows:

1. That pursuant to the agreement of the government of British Columbia contained in article 11 of the terms of the union upon which the colony of British Columbia was admitted into the Dominion of Canada, the legislature of British Columbia by an Act to grant public lands on the main land to the Dominion in aid of the Canadian Pacific Railway, 1880, 43 Victoria, chap. 11, as amended by 47 Victoria, chap. 14, granted to the Dominion Government for the purpose of constructing, and to aid in the construction of the portion of the Canadian Pacific Railway on the mainland of British Columbia in trust to be appropriated as the Dominion Government might deem advisable, the public land along the line of the railway before mentioned as therein particularly mentioned, and which lands are hereinafter called the Railway Belt.

2. That both the Lillooet river, which is a tributary of the Pitt river and the Lillooet lakes from which it rises, are wholly situate within the limits of the said Railway Belt. The Lillooet river is about twelve miles long, and is a public and navigable stream.

3. That the defendant is an incorporated company, having its head office in the city of Vancouver, B. C.

4. That on the 7th day of April, 1906, upon the applicant of the defendant company, the water commissioners for the district of New Westminster, assuming to act under the Water Clauses Consolidation Act, 1897, chap. 190 of the Revised Statutes of British Columbia, 1897, purported to grant to the said company, at the annual rent and for the consideration therein mentioned, a record for 25,000 inches of water (subject to certain reservation) out of the said Lillooet lakes and Lillooet river and its tributaries, such water to be used for generating electricity for light, heat and power, and for milling, manufacturing, industrial and mechanical purposes, at or near lot 404, New Westminster district, and to be diverted from its source at a point at or near the outlet of the lower Lillooet lake and be returned at a point at or near lot 404, group 1, New Westminster district, and to be stored or diverted by means of dams, pipes, flumes and ditches.

5. That on the public lands forming part of the railway belt and adjoining the said Lillooet lake and Lillooet river, is a large quantity of valuable timber, which is entitled of right to be floated down the said river, and the said alleged grant and the diversion thereby authorized will materially interfere with the said right.

6. That the said alleged grant and rights under the Water Clauses Consolidation Act thereto attached will materially interfere with the rights of the Dominion Government in the railway belt.

7. That the capacity of the Lillooet river is about 25,000 inches and the alleged grant and the proposed diversion thereby authorized will greatly diminish the quantity of water in the said river and materially interfere with the rights of the Dominion Government.

8. That the alleged grant and the proposed diversion thereby authorized will materially interfere with the public right of navigation in the said river.

9. That section 91 of the British North America Act, 1867, provides that the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the following (amongst other) classes of subjects:

The contrary was argued before the committee, if one is permitted to refer to what was said there, and I do not know how we can answer the hon. gentleman's objections unless we refer to it. It will be seen that a decision of this character with reference to this Bill, which relates to waters which are in precisely the same position as the Lillooet waters, and which relate to timber which is within the railway belt, and to the invasion of waters which are affected by it, and are in the railway belt, would be a decision in advance of the decision of the courts, which I think would be an unfortunate thing.

Hon. Mr. LANDRY—It would be a decision in advance if we decided the other way.

Hon. Mr. KERR—No. Hon. gentleman are not aware that the Bill which was before the committee was not the Bill that was asked for by these petitions, but a Bill was asked for and presented to the House of Commons which contained a clause declaring that the work was for the general advantage of Canada. It was conceded that if that were in the Bill, the jurisdiction of parliament would have been absolute and complete, and therefore both of these things placed the parties at a disadvantage in the determination of the question before the courts. Under these circumstances, I do not think it is necessary for me to argue this matter any further, because the case is a complete one, that there are matters in consideration which were not presented, and which might have had a very serious effect upon the very committee that sat there.

Let me say further that when this matter was being discussed——

Hon. Mr. LANDRY—We have the report of the committee.

Hon. Mr. KERR—In arriving at that report, the question was as to the jurisdiction of the province and of its right, and of the Dominion having its right, one under section 92 and the other under section 93. But it was understood by the committee that the line was a distinct one, and that either it was within the jurisdiction of the province and a provincial right, or it was within the jurisdiction of the Dominion and was a Dominion right. It was understood by the committee that there might be no clear line of demarcation of that kind. It was understood by the committee that by the interpretation put upon the British North America Act by the courts, there was an overlapping of powers in any case, and that where there is a distinct definition of the character of the work, or the alleged Act of the company in question, is not distinctly within one of the four walls of one or the other class, that there is still an overlapping power which in one case places the matter within the provinces, and in the other case places it within the Dominion; that there may be a joint jurisdiction, in other words, and so on, and that where that does occur, and where the Dominion legislates, the Dominion Act prevails. When I was about to argue in that way, the hon. gentleman answered it by saying that the course of judicial decision was rather tending the other way, and I said to him by way of remonstrance that he was mistaken about that; but he did not accept my statement. I would refer him to the latest decision on the point, which was a decision of the Privy Council, to be found in appeal cases for 1907 and to the judgment of Lord Dunedin, who delivered the judgment of the court in the case of the Grand Trunk Railway vs. the Attorney General of Canada. The decision states that the Dominion Parliament is competent to enact section 1, Ed. VII., and so on. That does not convey much. It prohibits the contracting out on the part of railway companies. The question arose whether the law in respect of parties who had contracted out in respect of damages for personal injuries to their servants, was a valid law, because it interfered with a civil right of action of the party who had sustained damage, and the question came up in that way. Lord Dunedin said :

> The question in this appeal is as to the competency of the Dominion Parliament to enact the provision contained in section 1 of IV. Edward VII., c. 31 of the statutes of Canada. These provisions may be generally described as a prohibition against 'contracting out' on the part of railway companies within the jurisdiction of the Dominion parliament from the liability to pay damages for personal injury to their servants.
>
> It is not disputed that, in the partition of duties effected by the British North America Act, 1867, between the provincial and the Dominion legislatures, the making of laws for two railways is entrusted to the Dominion.
>
> The point, therefore, comes to be within a very narrow compass. The resepondent maintains, and the Supreme Court has upheld his contention, that this is truly railway legislation. The appellant maintained that under the guise of railway legislation, it is truly legislation as to civil rights, and, as such under section 92, subsection 13 of the British North America Act appropriate to the province.
>
> The construction of the provisions of the British North America Act has been frequently before their lordships. It does not seem necessary to recapitulate the decisions, but a comparison of two cases decided in the year 1894, namely, Attorney General of Ontario vs. Attorney Genaral of Canada (1), and Tenant vs. Union Bank of Canada (2), seems to establish these two propositions: first, that there can be a domain in which provincial and Dominion legislation may overlap, in which case neither legislation will be ultra vires, if the field is clear; and secondly, that if the field is not clear, and in such a domain the two legislations meet, then the Dominion legislation must prevail.

I have the cases which are referred to, there, but I will not cite them, because what I have read is an epitome of the proposition. There was a misapprehension as to the kind of legislative authority on the part of many members of the committee, and I think this is putting the matter right, together with the position the Dominion is actually asserting before the courts of the country as to waters which are within the railway belt, and is sufficient justification to send this Bill back for further consideration by the committee.

Hon. Mr. BEIQUE—I desire to offer only one word against this Bill. I entirely agree with the remarks made both by the hon. gentleman for St. John and the hon. gentleman for Hastings. The committee arrived at a decision on this Bill after a

full discussion of the grounds, as to whether these lands were the property of the Dominion government or not, and the other ground as to the clause being originally in the Bill, declaring it to be a work for the general advantage of Canada. I recollect that the solicitor, representing the promoters, informed the committee that the clause was in the Bill, and that it had been expunged by a sub-committee of the House of Commons, and the Hon. Mr. Emmerson who opposed the Bill, admitted that the lands were for the time being vested in the Dominion government. Therefore, these are not new points. For my part, for reasons that I stated before, I am not influenced at all by the ownership of the lands, whether they are owned by the Dominion government or anybody else. It does not affect the question of jurisdiction to my mind, and it seems to me that if this course is to be approved in this case, after the Bill has been fully discussed before the committee for two hours or more, if we are to send it back to that committee, and especially when the report of the committee was merely to the same effect as the report made last year. I believe on practically the same measure, it will be a precedent for a number of Bills which may come before this House.

Hon. Sir MACKENZIE BOWELL—It is only with the consent of the House that I have the right to say a few words, in reference to the cases cited by my hon friend from Toronto. As no one objects, I take it for granted that this House consents to hear me. I merely want to point out that the cases to which my hon. friend has referred, particularly the one that is now before the courts, are not decided. I should like also to call his attention and the attention of the Senate to this fact. We know that there has been in the past a dispute between the province of British Columbia and the Dominion government, as to what their respective rights are in the railway belt, which was conceded by British Columbia to the Dominion government in consideration of the building of the Canadian Pacific Railway. The Dominion government claimed the right to the mines and minerals in that belt. The hon. gentleman knows very well that that question was taken before the Privy Council, where it was decided that they belonged to the province, but the Dominion government did not concede those rights. That is one point. Until the dispute between the Dominion government and British Columbia has been decided by the courts, the case to which my hon. friend refers is no reference by which this Senate should be controlled or guided, for the simple reason that we do not know what the decision may be. Let me say that the hon. gentleman evaded the point I made in reference to the ownership of the land. There is no doubt as to the ownership of the lands within that belt originally; but my contention was that having sold those lands and deeded them to private parties, it brought them within the jurisdiction of the civil courts of British Columbia. That is the point I made, and the hon. gentleman never touched it. Take the lands that were given to the Canadian Pacific Railway in the Northwest Territories and Manitoba, that was a concession to them, and they belonged to them and the lands could not be taxed until they were patented; but the moment they were patented, they became subject to the local taxation in the province in which they were situated, and just precisely the same is it with the lands in British Columbia. That is the point I made to which my hon. friend did not refer either directly or indirectly. The case he puts as between the Grand Trunk Railway and the Attorney General of Ontario, is not a case in point. It may be presumption to argue with a lawyer who stands high in his profession on questions of this kind, but we do know from experience that there is concurrent jurisdiction, as the hon. gentleman has pointed out, between the Dominion government and the different provinces. Take the fishery question, for instance——

Hon. Mr. KERR—Did the hon. gentleman not contend that the current of decisions was turning now from what it had been, and was rather going towards conceding to the provinces?

Hon. Mr. DAVIS—I rise to a point of order. Both hon. gentlemen who are now occupying the attention of the Chamber have spoken before.

The ACTING SPEAKER (Hon. Mr. Power)—The hon. gentleman from Hastings, when he rose to speak, asked the permission of the House to depart from the usual rule, and that appeared to be unanimously granted. No one objected, and, therefore, I do not think the point of order is well taken.

Hon. Sir MACKENZIE BOWELL—In deference to my hon. friend from the West, I will not pursue this discussion any further, so far as I am concerned; but the hon. gentleman should have known, and I think would have known, if he had been paying attention to what had been going on, instead of talking to his friends, that I asked special permission, and called special attention to the fact that I had no right to speak and desired to know if there was any objection to it, and I added that if there was any objection I would not again address the House. I have great respect for the hon. gentleman and his knowledge of the rules. I have no more to say upon the question. It is for the Senate to say whether they will send this Bill back to committee or not. I can tell my hon. friend that he will have a jolly good fight before he gets through.

Hon. Mr. MITCHELL—I think it is the duty of hon. gentlemen present to get all the information on this Bill, and all the evidence they can procure before the committee, to defeat or to grant it, and the promoters have simply asked to have the Bill referred back to the committee, and state that they have some further information in regard to it. I think it would be unwise to kill this Bill until we have the facts before us, and I am in favour of referring it back to the committee.

Hon. Mr. CLORAN—This discussion has afforded much amusement to me, and a little instruction. I find that eminent members of the Railway Committee are putting their views before this hon. House in a contradictory fashion. We have the most eminent lights on that committee on one side, and the most eminent lights on the other side. Some tell us that the Bill has been discussed on its merits, and should be relegated to limbo. Other eminent members of that committee say no, that the Bill has not been discussed on its merits—that there is still information to be elicited in favour of the Bill. Now, what are we poor innocent members who do not belong to that committee to think of this condition of things? Are we in a position to accept the word of the hon. gentleman from Toronto, an eminent legal disquisitor on points of this kind, or are we to accept the constitutional views of the hon. gentleman from De Salaberry, whose knowledge is equally fundamental on the same ground! What am I to do? For whom am I going to vote? Their arguments are solid, bright and brilliant, and backed up by men of experience like the hon. gentleman from Hastings, who is opposed to the Bill, and like another hon. senator of great experience who is opposed to the measure. There are others who are in favour of it. What can I do?

Hon. Mr. WATSON—Send it back to the committee and get more light.

Hon. Mr. CLORAN—That is probably the only alternative for me.

Hon. Mr. LANDRY—No, adopt the report of the committee.

Hon. Mr. CLORAN—But I cannot understand the position of hon. gentlemen. We have had an explanation here from the most eminent gentlemen on that Railway Committee, the hon. gentlemen from Hastings, Toronto, St. John, De Salaberry, and others, and they are all at sixes and sevens, how am I going to cast an intelligent vote?

Hon. Mr. LANDRY—Well, go out.

Hon. Mr. CLORAN—I will not be so severe on my hon. friend from Stadacona for that expression as I was on the hon. gentleman from Hastings on account of the expression used by him, because I know the Gaelic wit is responsible for his utterances, and there was not the severity of tone which characterized the remarks of the hon. gentleman from Hastings the other night. It comes to this—and it is what I have been arguing for during the past four or five years—that when a committee makes a report, it should mention the substantial facts upon which it bases its decision, and not leave it to each individual senator of that committee to come into this

House and to give his view each one contradicting the other. It shows that when committees make reports they should give reasons for their judgments when they wish the honourable House to accept it. How am I to judge between the hon. gentlemen? Although I am opposed to the Bill—I think it is one against the best interests of this country, and is infringing upon the rights of the provinces—I believe from the evidence which I have in my hands, which is not contradicted, that it is an instrument of injustice, unless otherwise proved before the committee. I will make it my business to attend the committee, and hear evidence to destroy the impression made on my mind that this Bill is unjust. We have men who have immense interests in the country. stating that it will work a great injustice. We have the Monarch Lumber Company, the Thompson Lumber Company, saying that their rights are destroyed, and that their usefulness will be gone. I will ask the promoters of this Bill to say whether their assertions are true or false, and I will ask the committee if this parliament has a right to legislate on a question which —although I have not all the facts before me—is apparently within the purview and jurisdiction of the local legislature. These are facts of which we know nothing. We who are not members of the committee are allowed to go before the committee as spectators but not to discuss—we are allowed, but we are generally snuffed out, which is the result of these close committees—and get no information. The committee bring their report here without any authority whatever, when we know that out of the committee of forty sometimes we find a Bill adopted by a vote of 21 to 19. The minority on that committee have had no opportunity of giving the reasons why the vote is against the Bill. But the majority present their report through their chairman, and the Bill is passed. I say that is a fundamental error in our legislative system. We should give every senator an opportunity of knowing what is transpiring in the committee, and when the committee make their reports, the House should be in possession of all the facts regarding the case so that hon. senators who have had no opportunity to attend the meetings of the committee will be in a position to render judgment honestly, fairly and impartially on the floor of the House when the report is presented. That is my position, and on that ground, although opposed to the Bill in its present shape, I will vote that it be re-committed to the Railway Committee, in order that I may have a chance to hear the arguments which are advanced before that committee in regard to the Bill.

Hon. Mr. LANDRY—I think the hon. gentleman who has just spoken will vote against referring the Bill back.

Hon. Mr. CLORAN—If you give me good reason.

Hon. Mr. LANDRY—That is what I intend to do. The hon. gentleman states that he is not well posted, that the report of the committee does not set out the grounds on which the report was made.

Hon. Mr. CLORAN—No, worse than that. The grounds stated are contradictory.

Hon. Mr. LANDRY—The report reads as follows:

> The Standing Committee on Railways Telegraphs and Harbours to whom was referred B. (149), reports as follows:
> The preamble of the Bill has not been proved to the satisfaction of your committee.

Hon. Mr. CLORAN—One party says that, and the other says no.

Hon. Mr. LANDRY—The committee states that.

Hon. Mr. CLORAN—The majority states that.

Hon. Mr. LANDRY—They report as follows:

> The grounds upon which your committee have arrived at such conclusion are that the legislature of British Columbia has full jurisdiction to incorporate such a company as that which the Bill seeks to incorporate, and to regulate the works and operations of the company in all respects, except in so far as they may interfere with navigable waters, as to which interference full provision is already made by Dominion statute.
> All which is respectfully submitted.

Hon. Mr. WILSON—Was that one of the reasons for committing the Bill to the special committee? Were they to report on that, or to report on the Bill as a whole?

Hon. Mr. LANDRY—They report upon the Bill as a whole. They say it is uncon-

stitutional, because the Parliament of Canada is asked to do a thing which the province of British Columbia alone has a right to do.

Hon. Mr. WILSON—They were not seized with that.

Hon. Mr. LANDRY—They were so seized with that point that it is the ground on which they make their report. One hon. gentleman said that because the government had property in British Columbia, that property came under the jurisdiction of the federal parliament. If Prince Fushimi, while passing through British Columbia, had purchased property there, would that property come under the jurisdiction of the Japanese government? Or, take a case nearer home: The island of St. Helen belongs to the Dominion government. Does any one suppose that it is thereby removed from the jurisdiction of the Quebec legislature and the municipal authority? The fact of the government being the proprietor of a piece of land in a province does not deprive the legislature of its powers within its limits. The other question raised was that the original Bill had contained the declaration that the work was for the general advantage of Canada, and that it had been dropped from the Bill before the Bill came to us. But it was dropped with the assent of the promoters themselves. They thought they had sufficient grounds for securing this legislation without that clause. Surely when the Bill came to us we had to consider it as it was when introduced here and not as it had been originally framed.

Hon. Mr. BELCOURT—The committee report that the preamble of the Bill has not been proved, because they are not satisfied that this parliament has jurisdiction to pass the Bill. I have not the advantage of being a member of the Railway Committee, and consequently do not know what discussion took place in the committee. The practice in both Houses is that unless some reason is shown to reject such a report as this, it is adopted. I, for one, would not attempt to depart from that practice, and would vote for the adoption of the report if I did not feel some hesitation in doing so. The hon. gentleman from Yale has told us that certain matters were not presented or discussed before the committee, and that the decision arrived at might have been otherwise had those matters been considered.

Hon. Mr. LANDRY—They were considered.

Hon. Mr. BELCOURT—The hon. gentleman from Yale has told us that this company is to operate within territory which is Dominion property wholly. That its operations are to be on streams which are navigable. Every one knows that navigable streams are within the exclusive jurisdiction of this parliament. If either of these statements is correct, and if it is so that the matter was not fully discussed by the committee, I would have considerable hesitation in adopting the report as read.

Hon. Mr. LANDRY—But the report alludes to that.

Hon. Mr. BELCOURT—The facts on which the committee found that the preamble was not proved, do not appear to have been laid before the committee. The statement is made by members of that committee that the matter was not discussed in the light of the two propositions I have mentioned. Now, if it is so, that these lands are altogether Dominion lands, and that the company is going to operate on rivers which are wholly navigable, my first impression is that this parliament has jurisdiction to pass this Bill, and if those facts are not established or disproved before the committee, how can we decide this question? How are those who are not members of the committee to decide between the conflicting statements made here this evening? I am not in a position to give an intelligent vote, and I shall not vote on the question of concurrence. The vote should not be pressed when a number of hon. gentlemen say that they have not information on which to express an opinion. They can only get the information by having the matter referred back to the committee. It seems to me that hon. gentlemen who are prepared to vote on the question ought to consent to refer the Bill back to the committee so that those who are not as enlightened as they are may get further light.

Hon. Mr. LANDRY—When we show that those matters were discussed in the com-

mittee, are we not entitled to demand a vote ?

Hon. Mr. McMULLEN—The hon. senator from Ottawa admits that he was not at the meeting of the committee when this discussion took place.

Hon. Mr. BELCOURT—I am not a member of the committee.

Hon. Mr. McMULLEN—The hon. gentleman could have been present. If he had been there, he would have learned that the question was discussed on both points that have been mentioned. I voted for the report after hearing that discussion, and I am in favour of concurring in it now. I do not think the Senate should stultify itself or the committee by sending back a report of this kind when the committee has rendered a decision on the matter after full discussion. It is absurd to talk of this parliament having jurisdiction over any portion of lands in a province, simply because the property is owned by the Dominion government. If that position were sound, the Dominion could become possessed of any portion of the lands within the limits of a province, and thus deprive the province of its jurisdiction completely. I look upon such an argument as untenable. I shall stand by the report of the committee which was adopted after due and careful consideration.

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

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Belcourt,	McMillan,
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Cloran,	Riley,
Coffey,	Robertson,
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McHugh,	

Hon. Mr. LANDRY.

NON-CONTENTS :

The Honourable Messieurs

Baird,	Gillmour,
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(Sir Mackenzie),	McKay (Truro),
Campbell,	McMullen,
Comeau,	Perley,
Ellis,	Poirier,
Forget,	Power.—15.

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

THE SENATE.

OTTAWA, Friday, May 22, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AN ADJOURNMENT.

Hon. Mr. McSWEENEY moved that when the Senate adjourn to-day it stand adjourned until Tuesday June 2nd next, at three o'clock in the afternoon.

Hon. Mr. SCOTT—I am advised by my colleagues that it might not be in the public interest to have such a long adjournment. I think a compromise might be arranged, and the Senate might meet on Monday evening June 1st.

Hon. Mr. DOMVILLE—You cannot get here Monday.

Hon. Mr. SULLIVAN—I have no objection to the motion; but I regret very much that the indisposition of my hon. friend from Moncton has necessitated this rest, and I hope hon. gentlemen will come back quite restored to health. I am sure that after the assiduous manner in which they have attended to their duties particularly the hon. gentleman from Moncton, that this rest is well timed. At the same time, I would advise the hon. gentleman from Moncton not to be so intimate with the hon. gentleman from Halifax, because he can never attempt to keep pace with him. My object in rising was to state that the motion which I made yesterday with closed doors, extending an invitation to the Senate to visit Kingston, was not a junketting affair, nor was it a festival. The insti-

tution in Kingston, which is a very important part of the militia of this country, has been under a cloud to a certain extent.

Hon. Mr. PERLEY—This has nothing to do with the motion for adjournment.

Hon. Mr. SULLIVAN—It is now under the control of a young Canadian, and there is a particular reason why it should be inspected by a body like this. I think, therefore, it would be well for me to impress on the Secretary of State that this institution being of such a nature, the government should grant at least a certain amount to carry it on. This motion to adjourn prevents my fixing any day with certainty, and therefore I must postpone the matter indefinitely. I simply desire to make the statement that the invitation I gave is not a junketting party at all.

The motion was agreed to.

CIVIL SERVICE COMMISSION.

INQUIRY.

Hon. Mr. LANDRY—Does the hon. Secretary of State know if the report of the Civil Service Commission has been translated into French and printed?

Hon. Mr. SCOTT—I am not aware; but I presume it has been done. I think it should be printed by this time.

Hon. Mr. LANDRY—I will move that we be supplied with copies of it.

Hon. Mr. SCOTT—I have no objection.

PRINTING OF REVISED HANSARD.

Hon. Mr. POWER—I wish to say a word about a matter which is cognate to the question brought up by the hon. gentleman from Stadacona. The last revised Senate 'Hansard' which we have received is dated the 10th April. That is more than a month ago. This is the worst condition of things we have ever experienced. Occasionally the revised 'Hansard' has been a week behind, but in the present case it is about six weeks behind. I must say that the department of printing needs very much to be stirred up.

Hon. Mr. SCOTT—I am quite sure that if inquiry is made, it will be found that it is not the fault of the printing department.

Hon. Mr. LANDRY—Whose fault is it?

Hon. Mr. SCOTT—I do not know a single instance where complaint has been made against the Bureau that it has been found on inquiry that they have been at fault. They cannot print without proofs. They are not allowed to print in advance while proofs are in arrear.

Hon. Mr. LANDRY—They have the proofs. They were revised and returned weeks ago and we have not received the revised edition yet.

Hon. Mr. SCOTT—I will make inquiry.

THE BUSINESS OF THE SESSION.

Hon. Sir MACKENZIE BOWELL—I might put a less difficult question to the hon. gentleman: I noticed some time ago an intimation was given in the House of Commons that a Bill was to be introduced affecting the Civil Service. When may we expect that Bill?

Hon. Mr. SCOTT—It has been before council on several occasions and changes have been made in it; but I fancy we shall have it when we meet again. I think it will be ready to be issued by that time. It is only in galley form now, and not yet revised.

Hon. Sir MACKENZIE BOWELL—Then we shall likely have it before next session of parliament?

Hon. Mr. SCOTT—I hope so.

Hon. Mr. FERGUSON—May I ask in what position is the Land Act? My hon. friend will remember we passed a surveyors' Bill at the beginning of the session which is dependent for its practical operation, on its handmaid, the Land Act, passing. Last year we passed a Surveyors' Bill and had to repeal it, because the Land Act was not brought forward. Shall we have to do it this year again?

Hon. Mr. SCOTT—The last I heard of it was about a week ago. The Minister of the Interior was asked if it was ready, and he said it was. I presume what he meant was that it was ready for printing. I do not know whether it has been printed or not, but it has been finally settled by the Minister of the Interior.

Hon. Mr. LANDRY—What about the Insurance Act ?

Hon. Mr. SCOTT—The hon. gentleman knows as much as I do about it. The committee took it out of the hands of the government, and it has been there since.

Hon. Mr. FERGUSON—What about the Boundaries of Manitoba Bill ?

Hon. Mr. SCOTT—That is in statu quo, too. I hope it will be brought down.

Hon. Mr. FERGUSON—And the Hudson Bay Railway Bill?

THIRD READINGS.

Bill (113) An Act to amend the Land Titles Act.—(Hon. Mr. Scott.)

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

Bill (MM) An Act to incorporate the Synod of the Diocese of Keewatin.—(Hon. Mr. Ellis.)

Bill (YY) An Act respecting the Crown Life Insurance Company.—(Hon. Mr. Lougheed.)

EXCHANGE OF LANDS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (163) An Act to authorize the exchange of certain school lands for other Dominion lands. He said this affects two pieces of land, one relating to Joseph Fisher, of Millarville, Alberta, and the other to Martin Aitken. In the latter case, the party has been in possession of the land from 1880. I presume he went on the land not knowing it was school land. The Act requires that these sales shall not be made until the Minister of the Interior selects other lands of equal value for school purposes.

Hon. Mr. LOUGHEED—Can my hon. friend say what Joseph Fisher is paying for this particular section of land ?

Hon. Mr. SCOTT—No, I have not been advised.

Hon. Mr. LOUGHEED—Could my hon. friend, before we go into committee, get that information?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—They are different cases.

Hon. Mr. SCOTT—Yes. One is under the Irrigation Act and the other, where the man went into possession in 1880 and made improvements.

Hon. Mr. LOUGHEED—It appears rather exceptional that the government should sell apparently by private sale a school section to Joseph Fisher.

Hon. Mr. SCOTT—I presume it is in connection with the sale of some irrigation lands where the area is larger than 160 acres. However, I will have that information when the Bill comes up again.

Hon. Sir MACKENZIE BOWELL—Under the provisions of the Act setting aside lands for school purposes, provision is made that they must be sold by public auction. Why is that rule departed from?

Hon. Mr. SCOTT—These are special cases. In one case the party entered into possession twenty odd years ago, and in the other the lands are sold under the Irrigation Act, and this property would be included in the area that was sold. However, I will get that information before the Bill takes another stage.

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

GOLD AND SILVER PLATED WARE BILL.

SECOND READING POSTPONED.

Hon. Mr. SCOTT moved the second reading of Bill (AA) An Act respecting the Sale and Marking of Manufactures of Gold and Silver and Gold and Silver Plated Ware.

He said : This Bill has been before the House for several years, and has been postponed from time to time.

Hon. Mr. FERGUSON—It is not printed.

Hon. Mr. SCOTT—It has been printed several times. It is a copy of a Bill that we passed here, and from time to time we have held it back because of a disagreement between the parties in the trade in reference to the standard, whether it should be nine or ten carats. That is practically the only point. They have finally

agreed to leave it to the government. I have not asked my colleagues what their verdict would be on this point, but the two parties were contesting that particular question, whether it would be legal to import into Canada gold of less than 10 carats, a very large number of men maintaining that nine carats was the quality most in demand in Canada, and that dispute has kept the Bill back. They have now made a compromise, and it is important to have the Bill put through, because it is alleged that the United States, in consequence of the dull condition of trade there, is inundating Canada with an inferior manufacture of both gold and silver. Their trade is dull at the present moment, and our manufacturers are complaining that they are being undersold by inferior goods, and they desire to have this Bill passed this session in order to protect their trade. I hope the Senate will allow the measure to go through.

Hon. Mr. LOUGHEED—What has the government decided on ?

Hon. Mr. SCOTT—I do not know. I was one of those who advocated 10 carats. The hon. gentleman from Beamsville put a Bill through this House a year or two ago fixing the standard at nine carats.

Hon. Mr. FERGUSON—No, ten.

Hon. Sir MACKENZIE BOWELL—That was not carried.

Hon. Mr. SCOTT—No, it did not go through the Commons. The first Bill was not to go into operation until it was proclaimed. Then we passed a Bill, in the beginning of the session, that the former Act should not go into operation until the first day of next session. Now we will allow a Bill to pass which has the sanction of both sides, and it is in view of the fact that they are forced now to come to an agreement, because the advocates of both the nine and ten carat standards are suffering from inferior goods that are dumped into Canada from the United States, and they say: 'Give us any Bill that will protect our interests.'

Hon. Mr. FERGUSON—Have they agreed on nine or ten carats ?

Hon. Mr. SCOTT—Both sides said that they were willing to take it either way now. Deputations called on me and stated that they were willing that the government should make it nine or ten carats.

Hon. Mr. FERGUSON—What is in the Bill ?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. LOUGHEED—It seems to me an extraordinary thing to introduce a Bill on a controversial question, leaving the controversy open. The government may be as much at sea in agreeing between themselves as the rival manufacturers were. I would suggest the judgment of Solomon, to make it nine and a half.

Hon. Mr. SCOTT—I would be quite willing to leave it to the Senate to decide when it comes up. We devoted fully a month to the measure last year, and we heard evidence from all parts of the country, and had petitions read, and the parties could not agree, but we passed the Bill, and I think it was ten carats then.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. SCOTT—And then next year my hon. friend from Beamsville introduced a Bill in this House fixing it at nine carats, and I did not oppose it, because the feeling seemed to be in favour of letting it go at that, and so it went down to the other Chamber, and it was held up there, and the time for the Bill to go into operation was extended a full year. As it stands now, that Bill does not come into operation for another year. The Bill we propose to submit at the present time would supersede that, and I have no objection to leave it to the Senate to say whether the standard should be nine or ten carats.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that there had been a conference between the retailers and manufacturers, and that they had agreed upon it ?

Hon. Mr. SCOTT—Yes, they agreed upon all points except the question of nine or ten carats, and they agreed to leave that to the government, and I presume they would with equal confidence leave it to the Senate. They said : 'Give us a Bill in any shape, because our trade is suffering

from the dumping of United States goods. Give us a Bill, nine or ten carats.'

Hon. Sir MACKENZIE BOWELL—Did they make their representation to the government ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Could that not be made before the Senate ?

Hon. Mr. SCOTT—They wrote the government and sent deputations to interview the government.

Hon. Sir MACKENZIE BOWELL—I understood that the retailers and manufacturers had mutually agreed upon the different clauses of the Bill, minus the question of the 9 or 9½ or 10 carat gold. Then I asked whether a memorial had been sent to the government to that effect, and if so whether they would lay that before the Senate so that the members of the Senate could read it and form their own opinion as to the terms of the agreement into which they entered.

Hon. Mr. SCOTT—I do not know that it was in the form of a memorial. There were letters addressed to the different members of the government and the principal opposing parties, a large firm in Hamilton, whose view the hon. senator from Beamsville wanted to sustain, which was in favour of nine carats. That manufacturer called on me with one of the members for the city of Toronto.

Hon. Mr. LOUGHEED—McNaught.

Hon. Mr. SCOTT—And they both then and there said: 'We want the Bill put through. We have not ourselves agreed whether the standard should be nine or ten carats. We are leaving it to the government to decide, but we are willing to take the Bill at nine or ten.'

Hon. Mr. FERGUSON—When we are reading the Bill the second time, we must know whether it is going to be nine or ten carats. We must be reading the Bill in some form, and we must have that point settled before we can read it a second time.

Hon. Mr. SCOTT—I cannot decide now. The Bill is in the printer's hands.

Hon. Mr. FERGUSON—If this notice covers the Bill as it is now on the statute-book, but not now in operation—that is what the hon. member means by this Bill.

Hon. Mr. SCOTT—Yes, they have made some changes in detail upon which they are able to agree, but the main difference is in reference to the standard.

Hon. Mr. FERGUSON—But if we have not the Bill before us——

Hon. Mr. SCOTT—Oh, well, let the order be discharged.

The order of the day was discharged.

CANADA SHIPPING ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE

The House resolved itself into Committee of the Whole on Bill (NN) An Act to amend the Canada Shipping Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—The attention of the department has been called to an accidental omission which was made in the Revised Statutes and on which they sent me this memorandum:

At the present time there is no penalty for employing an uncertificated master or mate on inland waters or on the minor waters both of which are described in the interpretation clause, for serving as such master or mate.

Section 96 prohibits that, but in the Revised Statutes the penalty was omitted, and they desire to correct the omission in the Revised Statutes and restore the law to what it was before the amendment was made. The section they propose to insert is as follows:

(a) Every person who, having been engaged to serve as master or mate of any ship trading on the inland waters of Canada or on the minor waters of Canada, or on coasting voyages, as the case may be, the master or mate whereof is by this parliament required to have such certificate of competence or service, sails or takes such ship from any port or place in Canada in any such voyage, as such master or mate, without being at the time entitled to and possessed of such certificate as by this parliament required, or who employs any person as master or mate of any such ship on any such voyage, without first ascertaining that he is at the time entitled to and possessed of such certificate, &c.

As this merely replaces the law as it was before the Revised Statutes was passed, my hon. friend will not object to me introducing it now.

Hon. Mr. LOUGHEED—No, but I would point out to my hon. friend that if that be the amendment and the penalty is not mentioned——

Hon. Sir RICHARD CARTWRIGHT—It is mentioned in the clause to which this is atteached; I move the insertion of that clause.

The motion was adopted.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend opposite called attention to section 35. This is the explanation which the department has submitted. They say that the wreck commissioner deals with certificates only if the case be removed from his court; if he is prohibited from giving judgment, an incompetent or careless master, mate, pilot or engineer may go on exercising his calling, until a suit for damages in the Admiralty Court is determined very likely months afterwards. That clause is intended to prevent the interference by certiorari or otherwise; but then I call my hon. friend's attention to it. It does not prevent suits for damages being entered in the Admiralty Court. The wreck commissioner has no power to try suits. Perhaps my hon. friend will waive further objection now, and if he finds anything seriously wrong, his objection can be renewed in the Commons. The only other clause that was in doubt was clause 3. I referred to the minister on that subject, and the explanation he gave was that this clause need not be exercised of necessity, but that he desires to have the power in case it may be necessary to use it for the protection of our citizens who might be interfered with by the action of the United States authorities. The minister desires, however, to have that clause passed.

Hon. Mr. POWER—I quite understand the position, but, after all, the view of the minister, when you come to interpret a statute, may not prevail. It may be held that the minister's interpretation is not the correct one, and I think this provision is of so much importance that there should be no doubt as to the power of the minister to limit the prohibition, so to say. I pointed out. I think on two occasions, and my view was sustained by other hon. gentleman from the lower provinces—that the exercise of this power would be very injurious to business in the lower provinces where we have a shortage of persons qualified to act as masters and mates; and in order to remove a doubt which I think may exist as to the power of the minister to limit his refusal only to certain parts of the country, I move that this be added as a subclause to 75A:

Such refusal may apply to all Canada, or may apply to one or more provinces, ports or places, at the discretion of the minister.

That is a provision that can do no harm, and it will remove all doubt as to the minister's power to exempt the lower province from the operation of this clause.

Hon. Sir RICHARD CARTWRIGHT—I may say I called the minister's special attention to the hon. gentleman's suggestion, but, after full consideration, the department were of opinion that it would not be advisable to limit the restriction to certain provinces. Any such procedure, they say, would render the prohibition practically inoperative, inasmuch as it would be possible, if a man were refused an examination in Ontario, to go to some other province and get one. I would suggest to my hon. friend that he will allow this to pass, and he could have the matter brought up, and perhaps more fully discussed, in the lower Chamber. I am not able to accept the amendment.

Hon. Mr. LOUGHEED—I cannot see any possible reason for my hon. friend's amendment. It seems to give the widest possible power to the minister. I presume my hon. friend has the greatest possible confidence in the ministers of the present day, at any rate.

Hon. Sir MACKENZIE BOWELL—But they may not continue.

Hon. Mr. POWER—I move the adoption of the amendment, and it can be voted down.

The amendment was declared lost on a division and the clause was adopted.

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

SIGNAL DUES AT HALIFAX BILL.

IN COMMITTEE.

The House resolved itself into the Committee of the Whole on Bill (152) An Act respecting Signal Dues at Halifax.

(In the Committee.)

Hon. Mr. SCOTT—The earliest legislation on the subject was in 1859, when what were known as colonial dues of five shillings were imposed on every vessel apparently without regard to size. Subsequently, an Act was passed changing that to a higher duty. From time to time legislation took place. As far back as chapter 64 of the Act of 1859, a resolution was passed by the Halifax Board of Trade asking the government to exempt vessels of 150 tons and under. Nothing seems to have been done with that, although representations and reports have been made from time to time.

Hon. Mr. LOUGHEED—By whom are those dues now collected ?

Hon. Mr. SCOTT—By this government. A great deal of correspondence has taken place as to the necessity of keeping up the station. It is a point known as Citadel Hill. One hon. gentleman in the discussion on the second reading of this Bill, expressed the opinion that the charge ought to be removed altogether. I have here a letter dated March 2, 1908, which gives the reasons for keeping it up. The writer says :

As to the service rendered I beg to state that Military Outlook at Citadel Hill has for over a century kept watch for vessels entering this harbour, and in conjunction with the outlook party at Camperdown near the mouth of the harbour, has kept record of vessels passing Halifax going east or west. In the day time certain flags or balls give notice to the merchants and citizens of vessels off the harbour, and when vessels were entering, the house flag of the ship was displayed and the owners made ready to receive them. Since telephoning superseded flags and lights the work is now done more easily, but as large ships come, especially mail boats, many other people than the owners or agents desire to know. Customs officers, post office officials, cabmen, wharf employees, port physicians and immigration and railway people are able to attend to their duties till ship arrives, and are not required to hang around the landing pier for hours awaiting an unreported vessel. This notifying does not apply to schooners or even sailing vessels. Really no services are rendered for the last-named vessels. The complaint is on behalf of these from the Halifax Board of Trade. The tax on big ships and ocean passenger boats is not objected to, those connected with them getting the benefits and appreciating them.

If the whole tax were abolished the signal station at Citadel could be dispensed with and the pay of the staff of signalmen would be saved to the department. The signal staff at Camperdown could also be dispensed with, and the Marconi wireless station just beside Camperdown could wire to the Central telephone station in this city. The circumstances are as above stated. The age of the signal station, since 1749, and the benefit to people who have business with the mail boats would justify the retention of the signal tax on big ships, and the signal officers at Citadel and Camperdown.

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

MEAFORD HARBOUR BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (158) An Act respecting Meaford Harbour.

(In the Committee.)

Hon. Mr. SCOTT—The year before confederation, the parliament of the old province of Canada made an appropriation for a harbour in what was then known as the township of St. Vincent. It was before the town of Meaford was established. The money having been expended, necessarily made it in those days a public harbour. When Meaford grew up, the people of the town naturally took charge of the harbour and nobody seems to have interfered with them. They have spent a good deal of money on it, and the object of this Bill is to transfer to the municipality any right the government may have in the harbour.

Hon. Mr. LOUGHEED—Does the government get any revenue out of this harbour ?

Hon. Mr. SCOTT—They impose tolls.

Hon. Mr. LOUGHEED—Does the revenue cover the expenditure ?

Hon. Mr. SCOTT—I think so.

Hon. Sir MACKENZIE BOWELL—There are many of those harbours in the west where they have power to impose tolls, but they are under local control exclusively.

Hon. Mr. SCOTT—The people of Meaford have no parliamentary authority over the harbour. Anything that has been done there has been voluntarily contributed by the town.

Hon. Sir MACKENZIE BOWELL—Are the dues which are collected at Meaford controlled and expended by the harbour commissioners or do they come into the government ?

Hon. Mr. SCOTT—No, the harbour is for the benefit of the town.

Hon. Mr. LOUGHEED—It is proposed to vest the harbour in the municipality and let them administer it as a municipal property.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—The minor harbours of Ontario are organized under an Act of parliament the same as this. The dues and tolls are regulated by the law under which they act, but the moneys collected are appropriated by the harbour commissioners which are appointed by the government for the benefit of the harbour.

Hon. Mr. SCOTT—This is different. The government of Canada thought it necessary to have a harbour in that part of Georgian bay and expended a considerable amount upon it before confederation. The township also seems to have spent money, but there was no parliamentary authority invoked to regularly place the town of Meaford, when it became a town, in control of the harbour. The spirit of the people prompted them to voluntarily contribute from year to year towards the improvement of the harbour, and this legislation is for the purpose of transferring the ownership of it virtually from the government to the municipal council.

Hon. Mr. LOUGHEED—I would point out that apparently the Crown is not divesting itself of the property in the harbour, but is transferring the control to the municipality.

Hon. Mr. BELCOURT—In whom will the title of the harbour be vested ?

Hon. Mr. SCOTT—In the municipal council. They will make the by-laws and practically control it.

Hon. Mr. LOUGHEED—All the petition asks for is the administration and the control of the harbour. What precedent is there for vesting in what one might term a rural municipality an important harbour of this character ?

Hon. Mr. SCOTT—It has only become important because the Grand Trunk Railway is making it a terminal, and important traffic is growing up there.

Hon. Mr. LOUGHEED—That makes the policy more questionable.

Hon. Mr. SCOTT—So far, the government of Canada have taken no interest whatever in the harbour. Since confederation the government have not expended any money there. The spirit of the town has led them to say: 'Though we have no authority, we will go on and improve the harbour.' They have done so, and this Bill is carrying out the wishes of the people and giving them control.

Hon. Mr. ROSS (Halifax)—It seems to me that the people there have been left like our first parents, to the freedom of their own will to do what they like. By this Bill everything but the ownership is transferred to the municipality.

Hon. Mr. SCOTT—They are entitled to it. The dues that they impose will have to be approved by the Governor in Council.

Hon. Mr. SULLIVAN—The people of Meaford made this harbour.

Hon. Mr. SCOTT—Practically. The first money was expended by the old government, and I fancy it was very little.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Nova Scotia is looking upon the harbours of Ontario very much in the same light as the harbours of the lower provinces. We should be very glad indeed if the government would act towards us as they do towards the maritime provinces in this particular. That is, making the harbours and dredging them out at the expense of the country. Unfortunately for us, we have had to do all that at our own expense. This harbour, like many others on the lakes, has been constructed and maintained and improved at the expense of the local residents, and now

the proposition is to give the municipality more power in order to enable them to make the harbour safer, and that too not at the expense of the government, but at the expense of the people who use the harbour. I wish they would adopt the same policy here that they apply in the lower provinces; it would give us an expenditure of three or four hundred thousand dollars that we do not get now.

Hon. Mr. ROSS (Halifax)—Speaking of the harbour of Halifax, in which I am more directly interested than any other, we do not get money for dredging. The only public money spent there is for the public service, for the mail and trade steamers between Great Britain and Halifax in the winter time. The Lord has given us the benefit of a good harbour that we can sail in and out of it at all times without a shovelful of dredging being required.

Hon. Mr. SCOTT—The municipal council of Meaford have sent in a certificate, showing that they have expended during the years I have mentioned $13,507. The whole expenditure has been practically through the enterprise of the town. They have built up the harbour and are entitled to the control of it.

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

The Senate adjourned until Tuesday, the 2nd of June, at three p.m.

THE SENATE.

OTTAWA, Tuesday, June 2, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DIVISION OF LEGISLATION BETWEEN HOUSE OF COMMONS AND SENATE.

MOTION.

Hon. Mr. McMULLEN moved:

That a copy of the resolution passed by the Senate on the 19th instant, as follows:

Resolved that the Senate deems it expedient to invite the House of Commons to co-operate with it by means of a joint committee to consider the advisability of divising methods whereby a more equal division of the initiation of private and public legislation may be secured between the two branches of parliament, and adopting rules governing debate which will limit the time of discussion so as to better expedite business.

Be forwarded to the House of Commons by the proper officer of the Senate.

Hon. Sir MACKENZIE BOWELL—I was under the impression that the feeling of senators was averse to proceeding with this motion any further, and it was understood by many hon. gentlemen that the resolution would be allowed to drop. I hope the hon. gentleman from Wellington will not proceed.

Hon. Mr. McMULLEN—Oh, yes, I make the motion.

The House divided on the motion, which was adopted on the following division:

Contents:

The Honourable Messrs.

Baird,	McDonald (Cape Breton),
Beith,	McHugh,
Béique,	McMullen,
Campbell,	McSweeney,
Cartwright (Sir Frederick),	Riley,
Casgrain,	Ross (Halifax),
Cloran,	Ross (Middlesex),
Comeau,	Roy,
Derbyshire,	Scott,
Domville,	Shehyn,
Douglas,	Talbot,
Gibson,	Thibaudeau (de La Vallière),
Jaffray,	Watson,
Kerr,	Young.—28.

The Honourable Messrs.

Non-Contents:

Boucherville de,	McLaren,
Bowell (Sir Mackenzie),	McMillan,
Davis,	Mitchell,
Edwards,	Owens,
Ellis,	Perley,
Ferguson,	Poirier,
Kirchhoffer,	Power,
Legris,	Robertson,
McKay (Truro),	Thompson,
	Wilson.—19.

DELAYED RETURNS.

Hon. Mr. FERGUSON—May I ask my hon. friend the leader of the House, if that return of which I spoke last week has yet been received?

Hon. Mr. SCOTT—No, it has not, I am sorry to say. It has been promised from time to time. I can do no more than re-

quest it. They promised to send me a part of it, but they have not sent it yet.

THIRD READINGS.

Bill (NN) An Act to amend the Canada Shipping Act.—(Rt. Hon. Sir Richard Cartwright.)

Bill (152) An Act respecting Signal Dues at Halifax.—(Hon. Mr. Scott.)

Bill (158) An Act respecting Meaford Harbour.—(Hon. Mr. Scott.)

SPRATTE DIVORCE BILL.

SECOND READING.

Hon. Mr. PERLEY moved the second reading of Bill (BBB) An Act for the relief of Hattie Spratte.

Hon. Mr. CLORAN—I give notice to the hon. gentleman in charge of this Bill that when the third reading of it is moved, I shall call the attention of the Senate to the substance of the evidence and see if something cannot be done to have the Bill rejected.

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

MANITOBA GRAIN ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (ZZ) An Act to amend the Manitoba Grain Act.

(In the Committee.)

On clause 4,

Hon. Sir RICHARD CARTWRIGHT—This, as hon. gentlemen will notice, includes eastern transfer elevators. The purview of the Act at present is confined to Manitoba, and the territory west of Port Arthur. This extends it to the eastern transfer elevators.

The clause was adopted.

On clause 5,

Hon. Sir RICHARD CARTWRIGHT—This repeals certain sections which refer to weighmasters. These are all included in the Inspection and Sale Act which covers eastern and western divisions with one exception to which my hon. friend from Killarney has called attention. He proposes, I believe, to move an amendment which I consider would be quite reasonable.

Hon. Mr. YOUNG—At the end of clause 5, I move that the words be added :- 'Except subsection 2 of section 14.' All the other clauses are repealed and I wish to retain that subsection. It provides that when the weighmaster finds a car has been damaged on its way to a terminal elevator, he shall make a note of it and report the same, as was provided in the former Act. It is a very necessary provision, and inasmuch as it is not included in the other Act, I ask to have this retained in the Grain Act.

Hon. Sir RICHARD CARTWRIGHT—All the rest is repealed with the exception of subsection 2 of section 14, I understand ?

Hon. Mr. YOUNG—Yes.

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

On clause 9,

9. Section 19 is repeated and the following substituted therefor:

19. No discrimination shall be made between persons desiring to avail themselves of warehouse facilities.

2. Every public terminal elevator warehouseman in the Manitoba inspection division shall receive for storage any grain tendered to him in a dry and suitable condition for warehousing, in the usual manner in which terminal elevators are accustomed to receive grain in the ordinary and usual course of business.

3. Grain so received shall in all cases be inspected and graded by a duly authorized inspector and shall be stored with grain of a similar grade.

4. All grain billed to any public terminal elevator within the Manitoba inspection division shall not leave that inspection division without being officially weighed and cleaned, unless by the consent of the shipper.

5. Every eastern transfer elevator warehouseman shall receive for storage western grain tendered him through the ordinary channels of transportation, in the usual manner in which eastern transfer elevators are accustomed to receive grain in the ordinary and usual course of business, and in such parcels or lots as are shipped.

6. Every eastern transfer elevator warehouseman shall keep a true and correct record of each parcel or lot of grain received by him, noting the name of the boat and number of the hold from which taken, or the number of the car, the billed weight, the actual weight as weighed in by him and shortage or overage, the number of the bin in which stored, and in case of a transfer in the elevator the num-

ber of the bin to which transferred, the date of shipment out of elevator with the number of car or name of boat and number of hold; and in all cases where a certificate of grade accompanies a lot or parcel of grain the identify of such certificate with the lot or parcel of grain shall be preserved. He shall keep a correct record of the name of the shipper, the party to be advised of the shipment and the consignee.

7. The identity of each parcel or lot of western grain shipped to an eastern transfer elevator shall be preserved, except that different parcels or lots of the same grain may be binned together when there is not sufficient space in the elevator to keep the parcels or lots separated.

8. In no case, whether in a public terminal elevator in the Manitoba inspection division or in an eastern transfer elevator.

Hon. Sir RICHARD CARTWRIGHT—This clause defines the duties of the public terminal warehouseman. It embodies recommendations which my hon. friend will find set out in the Royal Grain Commission report. It is somewhat lengthy, but it was very fully discussed at a joint meeting of all the parties concerned, and they finally acquiesced in it as it stands.

Hon. Mr. YOUNG—I propose to move an amendment to this clause to provide that all grain shall be weighed before it leaves the inspection division, but shall not be cleaned unless the shipper desires it. A man may be shipping feed grain, which it would be a disadvantage to clean, and therefore I want to provide that while it shall be obligatory to have it officially weighed, it shall only be cleaned by consent of the owner of the grain. He shall have the right to say whether it will be cleaned or not; but it must be weighed before it leaves the inspection division. I propose to amend clause 4 to make it read as follows: 'All grain billed to any public terminal elevator within the Manitoba inspection division shall not leave that inspection division without being officially weighed, but not cleaned unless by consent of the shipper.'

Hon. Mr. CAMPBELL—I do not like that phraseology at all. I think it should be left as it was. If grain requires cleaning why should it not be done?

Hon. Mr. YOUNG—It may be for cattle food.

Hon. Mr. CAMPBELL—Grain comes down very dirty, and it should be cleaned.

Hon. Mr. SULLIVAN—If we leave out the words 'Not clean,' it would be much better, and we would not be legalizing this iniquity.

Hon. Mr. PERLEY—Supposing I ship a carload of grain, and it comes to Fort William. That is a terminal elevator. What will they do with it if it is not clean?

Hon. Mr. YOUNG—My hon. friend does not grasp the meaning of the clause. This refers to grain which is being shipped still further on.

Hon. Mr. PERLEY—It does not say that. It says: 'The public terminal elevator.'

Hon. Mr. YOUNG—It refers to grain leaving that terminal elevator.

Hon. Mr. PERLEY—It would not go into the terminal elevator there at all.

Hon. Mr. YOUNG—Oh, yes. If my hon. friend from Wolseley shipped a car of wheat, billed it to Fort William, and afterwards changed his mind, and ordered it to the east, that car would come under the operation of this clause.

Hon. Mr. PERLEY—But it would not go into the terminal elevator at Fort William.

Hon. Mr. YOUNG—No. It has to leave the inspection division.

Hon. Mr. PERLEY—If it is shipped in the boat, it has to leave the inspection division?

Hon. Mr. YOUNG—Yes.

Hon. Mr. PERLEY—I think the wording of it is very ambiguous.

Hon. Mr. YOUNG—This grain may be a quantity of oats or barley, or it may be feed wheat, or anything else, and you must not enforce cleaning under all circumstances.

Hon. Mr. PERLEY—This clause refers to wheat.

Hon. Mr. YOUNG—No. It refers to all grain.

Hon. Mr. PERLEY—If it is put into an elevator where there is other grain it has to be cleaned.

Hon. Mr. YOUNG—Oh, yes, but this does not touch that class of grain at all.

The subclause as amended was adopted.

On subclause 10,

10. Every public terminal warehouseman in the Manitoba inspection division shall pay or make allowance to the owner for all domestic grain of a commercial value in screenings, as set forth in section 135 of 'The Inspection and Sale Act' as amended by chapter of the statutes of 1908, to the quantity assessed by the inspector.

Hon. Mr. YOUNG—This is a very difficult clause to work out, as you can readily understand from the fact that sometimes the percentage of domestic grain is so small that it may not be worth while to keep an account of it. The cost of separation may be more than the value of the domestic grain taken out of the car. I move that the clause be amended by adding after the word 'screenings' the following: 'On all cars graded by the inspector cleaned to clean for domestic grain.' That is, I would place on the shoulders of the inspector the duty of deciding when cars contain sufficient domestic grain to warrant the cost of cleaning. Under section 135 of the Act, the inspector must on his certificate place the percentage of dirt which a car may contain, and which the terminal warehouseman is supposed to clean to make the car grade the grade for which he has given his certificate. I thought the clause would be more reasonable and satisfactory, to place the duty on the inspector to mark a car 'clean to clean' for domestic grain, which would be a notice for the terminal elevator that they had to account for the domestic grain in that car. We know that there are some kinds of domestic grain which we cannot separate, such as barley from wheat. It could not be separated at the terminal, and it would be unfair to the terminal man to compel him to pay for something he could not get out, and which would not be of any use to him.

Hon. Mr. DAVIS—When a car of grain is going down now if it is marked by the inspector at Winnipeg 'clean to clean' it is a notice to the elevator. The object of this clause is where for instance oats gets into wheat, when the oats is taken out of the wheat the owner should be paid for it, and this clause was inserted for that purpose. So far as putting it in the hands of the inspector, you find the quantity certified by the inspector.

Hon. Mr. YOUNG—You have to either trust the elevator man or the inspector, and I prefer to trust the inspector.

Hon. Mr. DAVIS—I think we should leave the clause as it is.

The clause was amended and adopted.

On the 11th subclause,

11. Every public terminal warehouseman in the Manitoba inspection division shall insure against fire, with companies satisfactory to the commissioner, and to an amount approved of by the commissioner, all grain received, handled or stored by him.

Hon. Mr. DAVIS—Is he only going to insure against fire? Grain may be damaged otherwise than by fire. For instance an elevator might burst.

Hon. Sir RICHARD CARTWRIGHT—That is all I think we can do at present.

Hon. Mr. DAVIS—A man is licensed to run a terminal elevator. Suppose something should occur by which the owner of grain in that elevator should sustain loss. I think we should be insured against that as well as against loss by fire.

Hon. Sir RICHARD CARTWRIGHT—I am afraid we could not go further.

Hon. Mr. YOUNG—Will the words: 'To an amount approved of by the commissioner' relieve the companies of any responsibility should the amount approved by the commissioner not be sufficient to cover the loss?

Hon. Sir RICHARD CARTWRIGHT—It would not relieve the company. It might possibly relieve the warehouseman.

Hon. Mr. YOUNG—I am afraid it would relieve the company if the approval of the commissioner is required. The company would not be liable for more than the amount he approved of. In the case of an elevator it is difficult to follow the insurance, because the elevator may be full to-day and half empty to-morrow and full again the next day. The quantities vary, and I should like to see the responsibility

of keeping up the insurance placed on the terminal warehouseman who is there and knows from day to day the amount and value of the grain in the elevator.

Hon. Mr. DAVIS—But the terminal elevator man, if he did not consider it necessary to put enough insurance on, is not always a responsible man. He has millions of dollars worth of grain pass through his elevator, and the public must be protected. What have we the warehouse commissioner for, if we do not put some responsibility on him?

Hon. Sir RICHARD CARTWRIGHT—The commissioner would decide what insurance should be put on the grain, and he would be guided by the circumstances of the case.

Hon. Mr. DAVIS—I think the clause is all right as it is.

Hon. Mr. POWER—If the view of the hon. senator from Killarney is correct, the better way would be to strike out the words: 'And to an amount approved of by the commissioner.' In the case of insurance generally the owner himself insures. He fixes the amount but he cannot recover for more than the amount of the loss.

Hon. Mr. YOUNG—Not in terminal elevators. They are all now insuring grain within their buildings, and it is of great consequence that they should be charged with the responsibility. Take a terminal elevator company that has two or three buildings. When a shipper ships grain he does not know in what building it will be stored; the grain may be put in any one of the three elevators, so that the terminal elevator man is in a better position to keep the grain fully insured; he is right on the spot and knows what is going on.

Hon. Mr. PERLEY—Does this apply to terminal elevators only?

Hon. Mr. YOUNG—Yes.

Hon. Mr. GIBSON—This clause gives the commissioner power to favour any insurance company he chooses. Why should the commissioner decide what company would be satisfactory to him for the insurance of the grain? It simply gives him a power of discrimination which I do not think will be fair to other companies who would be willing to insure the grain.

Hon. Sir RICHARD CARTWRIGHT—All I can say is that this matter was very thoroughly threshed out between all the parties interested, grain growers, bankers, grain agents, and everybody represented, and they took no particular objection to the commissioner having the power to veto different companies. Some companies are not quite so good as others where a large amount of property is concerned.

Hon. Mr. GIBSON—I think the words 'to the amount approved by the commissioner,' are all right, because that official knows exactly the quantity of grain that is in the elevator, and the amount that would be necessary to insure the grain for; but surely it is going a little bit too far to place in the hands of the commissioner the decision as to which insurance company these people should insure in.

Hon. Mr. DAVIS—I do not think it makes much difference, because they find it difficult enough to get companies to insure the grain. I do not think the commissioner could reject a single company, because they require to insure in them all.

Hon. Mr. WATSON—I move that we insert the word 'fully' after the word 'shall' and that we strike out the word 'and to the amount approved by the commissioner.' This clause means that they shall insure for the full amount.

Hon. Sir RICHARD CARTWRIGHT—I should somewhat doubt—and I would direct my hon. friend's attention to this—whether it would not be wiser to leave this power to the commissioner, because the tendency in some of these terminal elevators is not to insure sufficiently.

Hon. Mr. DAVIS—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—I am also told that there is considerable difficulty in getting the requisite amount of insurance.

Hon. Mr. DAVIS—Better leave it alone.

Hon. Mr. WATSON—We might add that they shall fully insure against fire.

Hon. Mr. PERLEY—That would be better.

Hon. Sir RICHARD CARTWRIGHT—In many cases the insurance companies will not insure for the full value.

Hon. Mr. DAVIS—That is the trouble. You have to leave some discretion with the commissioner. He is a high salaried officer, and, as a rule, grain growers have confidence in him. I should rather trust the commissioner than the terminal elevator man.

Hon. Mr. WATSON—But the commissioner is not on the ground. He is in Winnipeg, and the terminal elevator is in Fort William.

Hon. Mr. DAVIS—But he receives reports.

Hon. Mr. WATSON—I understand the elevator companies do fully insure the grain; they have to do that or the banks would not handle the business.

Hon. Mr. YOUNG—It seems to me that the clause as it stands is unworkable, because if the commissioner approved to-day of the amount of insurance in a terminal elevator, to-morrow before word could be sent to him, the amount of grain in that elevator might have doubled, and it would be a case of continual approval. I think if you charged the terminal elevator man with the responsibility of keeping the grain fully insured, and if he insures in companies that are approved by the commissioner, that is as good a safeguard as you can get.

Hon. Mr. DAVIS—Supposing he has not insured, and there is a fire, and the people lose their grain, what about it?

Hon. Mr. YOUNG—Supposing the elevator man has insured and the commissioner has approved of it, and there is not enough to go around.

Hon. Mr. DAVIS—I would sooner take chances with the commissioner.

Hon. Mr. YOUNG—The commissioner's office is in Winnipeg and the public terminal elevator may be in Vancouver or Fort William.

Hon. Mr. DAVIS—Is there no person in Fort William with whom the commissioner is in touch?

Hon. Mr. GIBSON—It seems to me if the words 'Fully insure' were inserted, then the words 'up to the amount approved by the commissioner' are unnecessary, because you have put upon the warehouseman the obligation to have insurance on the amount in the elevator. The amount which would be sufficient to-day might be totally inadequate to-morrow. If the responsibility for the insurance is thrown upon the warehouseman, the moment he knows that a larger quantity of grain has been stored in the warehouse, he will make such representation to the insurance company, and shall be obliged by law to cover that extra quantity of grain upon receipt of it and the commissioner would not know anything about it. The only man who actually knows the amount of insurance required to cover the grain is the warehouseman, and I think he should be compelled by law to fully insure. Then the responsibility is entirely with the man who takes the grain, and not with the commissioner, who would not be on the spot, and would not know.

Hon. Mr. DAVIS—I was going to point out to the hon. gentleman from Beamsville that if the terminal elevators of the present time were in the hands of the Canadian Pacific Railway or the Canadian Northern Railway, or of persons we would have absolute confidence in, it would be a different proposition altogether; but these elevators have been leased to independent companies, some of them straw companies, no doubt about that, and does my hon. friend wish to leave the insurance of this vast amount of grain in the hands of people just by saying. 'You shall do so and so.' Supposing you say that the man who operates the terminal warehouse shall insure; and supposing he does not insure, and there is a fire, who is going to pay shippers for their grain? And if the commissioner is living in Brandon or Winnipeg, surely there must be telegraphic connection between the two places, so that he can find out what is going on from time to time.

Hon. Mr. CAMPBELL—Under the Bill as framed, the commissioner does not insure it.

Hon. Mr. DAVIS—But he sees that it is insured, and they have to put enough insurance on it to satisfy him, and he knows that the insurance is there.

Hon. Mr. CAMPBELL—If the word 'fully' is inserted, and if we strike out the words 'to an amount approved by the commissioner,' I think it will answer the purpose.

Hon. Mr. DAVIS—If you provide that the commissioner shall be notified every day of the amount of insurance necessary, and see that there is proper protection, I should be satisfied.

Hon. Mr. ELLIS—I think it would be better to leave the clause as it is. The question might continually arise as to whether it was fully insured, and it would lead to any amount of litigation. It is a great deal better to let some official authority approve of the amount.

Hon. Mr. DAVIS—The terminal elevator man get so much for storing and cleaning the grain, and it covers insurance and everything else, but we should have some government official to see that the grain is properly insured, and I think that we had better leave the clause as it is.

Hon. Mr. WATSON—If you are going to throw the responsibility on the commissioner as to the amount of insurance, it seems to me that if you went into court under such circumstances and sued the terminal elevator man for the loss of your wheat, he would plead that the commissioner had approved of the amount of insurance, although it might be only 50 cents on the dollar—half the price of the wheat. My idea is that we should remove all doubt as to the liability for the insurance on the grain. If the warehouse man were to determine the amount of insurance satisfactory to him, it might be only 75 cents on the dollar of the value of the wheat.

Hon. Mr. DAVIS—Supposing you should sue a terminal warehouseman who had not placed more than one-quarter of the amount of insurance on the grain that he should have done and he was not a man of means, how could you recover anything ?

Hon. Mr. CAMPBELL.

Hon. Mr. WATSON—I would not have the commissioner put the man who owned the wheat out of court.

Hon. Mr. DAVIS—This clause is not putting him out of court. This matter was fully discussed and all parties interested in the west were heard. The grain growers also are satisfied with the clause, and I do not think we should touch it. There will be dissatisfaction if we alter it.

Hon. Mr. GIBSON—Supposing the value of the grain rose 10 to 15 cents a bushel after it had been placed in the elevator, should it not be incumbent upon the warehouse man to increase the amount of the insurance in proportion to the increased value of the grain ?

Hon. Mr. DAVIS—That is his business.

Hon. Mr. PERLEY—He would have to increase the insurance, in order to keep it fully insured.

Hon. Mr. DAVIS—It would be very hard to decide whether it was fully insured, because the price of grain might change twice in a day, and the insurance would have to be changed continually. I think we had better leave it in the hands of the commissioner.

Hon. Sir RICHARD CARTWRIGHT—As I understood the situation, it was somewhat in this way : All parties who appeared before us admitted that there was a difficulty in obtaining absolutely full insurance. I think everybody is agreed on that. If we allow the commissioner to say to the warehouseman: 'You must keep on your warehouse an insurance practically equivalent to the amount of grain, but you can hold it at the average price ;' I think we are going as far as we can well do.

Hon. Mr. YOUNG—The terminal elevator man would object to that and would say : 'When my elevator is half full of grain, I want only that amount of insurance, and when it is three-quarters full, I want the proportionate amount.'

Possibly the hon. Minister of Trade and Commerce is right as to the use of the word 'fully.' If you strike out the words : 'Approved of by the commissioner,' you

would accomplish the object and make it safer. In reference to what the hon. gentleman from Prince Albert (Hon. Mr. Davis) has said as to the knowledge the commissioner has of what was going on, I refer him to section 30, which is amended by this Bill, which compels the warehousemen to make a statement from time to time of the amount they have in store, and by the amendment proposed they must state the amount of insurance they are carrying, and should they at any time be carrying too little, then the commissioner should immediately notify them of it and have it increased.

Hon. Mr. PERLEY—The elevator man has to deliver the grain he receives, and it is to his interest to see that it is fully insured. I have an elevator of my own, and I insure the grain before I put it in the elevator. I would not have to get an insurance on ten thousand bushels if I only had five thousand bushels. I place an insurance on five thousand bushels, and when I get another thousand bushels, I raise the insurance one thousand dollars. I do this in my own interest, because if my elevator is burned out and it is only half insured, I would be a heavy loser.

Hon. Mr. DAVIS—That is the hon. gentleman's own grain.

Hon. Mr. PERLEY—No, it is everybody's grain.

Hon. Mr. DAVIS—But the hon. gentleman is responsible for it.

Hon. Mr. WATSON—I do not think my amendment is necessary, and I will not press it. I think the words: 'Shall insure against fire' will cover the case.

Hon. Sir RICHARD CARTWRIGHT—I do not object to strike out the words: 'And to the amount approved of by the commissioner,' because I see that that may lead to confusion.

The clause was amended accordingly, and adopted.

On subclause 2 of clause 16:

2. If it is found, after such examination, that the condition of the grain is such that its further deterioration cannot be prevented by re-elevation, or if after re-elevation it is still out of condition, the warehouseman shall immediately give written notice of the facts to the commissioner and to the owner, if the owner's address is known.

Hon. Mr. DAVIS—The very same question comes up here. If the commissioner is in Winnipeg, and this man is at Fort William or Port Arthur, how long would it take to give notice in writing to the commissioner or the owner? It would take four or five days. Provision should be made to wire him.

Hon. Mr. YOUNG—My hon. friend forgets that the inspector acts at Fort William.

Hon. Mr. DAVIS—But you use the word commissioner. Could he not act in the case of the insurance as well?

Hon. Mr. YOUNG—He is required to consult the local inspector or his deputy.

Hon. Mr. DAVIS—I move that it be changed to 'commissioner or grain inspector.'

Hon. Mr. YOUNG—In the first instance the inspector is notified. Then, in addition, it is necessary to notify the commissioner. If you strike out 'commissioner' and require notice to be given to the inspector, it will be only repeating the notice.

Hon. Mr. DAVIS—I would say, 'commissioner or inspector.'

Hon. Mr. YOUNG—But the inspector is already notified.

Hon. Mr. DAVIS—But he does not take the responsibility of ordering anything to be done. If he thinks it is absolutely necessary that the grain should be elevated, to try and cool it, he does so, and if he finds the elevating is not sufficient to save the grain, you require him to ask the commissioner what shall be done with it. Now, I want the commissioner to be notified at once so that he can advise the owner and give him an opportunity to do something with it. The difficulty I see is that there is no connection at all between the first and second part of the clause.

Hon. Sir MACKENZIE BOWELL—Why not add the words 'Written or telegraphic.' It might happen that the owner lived a thousand or two thousand miles away, and it might be necessary to notify him at once to take action.

Hon. Sir RICHARD CARTWRIGHT—I have no objection to changing it so that notice shall be given by wire or by letter.

Hon. Mr. YOUNG—It is the practice anyway to wire.

The subclause was amended and adopted.

On clause 22,

22. The following subsection is added to section 54 as subsection 4 thereof:

4. In every case where grain has been delivered at any public country elevator or warehouse, and a cash purchase ticket issued therefor to the person from whom such grain was received by the warehouseman, and should his paying agent within twenty-four hours after demand by the holder, neglect or refuse to redeem such cash purchase ticket, the said holder may at once, upon surrender of such cash ticket, demand in exchange therefor a warehouse storage receipt bearing same date and place of issue, and for similar grade and net weight of grain as was shown on the cash purchase ticket aforesaid. Upon return of the said cash purchase ticket to the warehouseman, he shall at once issue in exchange therefor to the holder a warehouse storage receipt of same grade and quantity of grain as shown on the face of said surrendered cash purchase ticket.

Hon. Sir RICHARD CARTWRIGHT—This refers to the issue of storage tickets. There was a great deal of discussion about this clause, and this is the shape in which it was finally acquiesced in.

Hon. Mr. YOUNG—This is a very important clause. A farmer sells his load of grain, and gets a cash ticket for it. He goes to the party who does the paying, and should it so happen that there is no cash on hand at the time he presents that cash ticket—he may present at any time that suits him—he has the option of coming back to the elevator man and changing the transaction from a sale to a case of storage. Now, that is a rather complicated way of doing business, because in the country elevators, an elevator operator sends to his principal every night a statement showing the amount of grain he has purchased. On the basis of that statement, his principals, who may be buying at a great many points, add up their purchases and deal with the selling of their grain the next day. With this clause as it stands they may have a statement made in good faith that there is so much grain purchased at a certain point, but should there be a shortage of cash at that point, the next day, or the day after, these cash tickets may be exchanged in the way I have mentioned.

Hon. Mr. PERLEY—Could they not demand it when the cash is refused?

Hon. Mr. YOUNG—They may. On some lines of railway there are only three trains a week, and as a consequence it is difficult to keep money at some points in the country. There is also an aversion on the part of country merchants, who are generally the paying agents, to carry large sums of money in their safes. There is also this to be considered; while receipts may be running day after day in quantities requiring only $400 or $500 cash, they may suddenly increase to quantities requiring $3,000 or $4,000.

Hon. Mr. PERLEY—How would that happen?

Hon. Mr. YOUNG—Through fine weather coming on.

Hon. Mr. PERLEY—They should have the money there to meet the emergency.

Hon. Mr. YOUNG—The increase of receipts is largely due to climatic conditions. The grain may be fit to thresh, and there may be a large number of threshing machines brought to the neighbourhood of the station, and the deliveries in that case would very largely increase. The object of this clause, as I understand it, is to protect the farmer from a grain dealer who may be unable to pay one hundred cents on the dollar. The farmer may have sold his wheat for cash at a satisfactory price, but if he finds there is no cash on hand he may naturally feel alarmed as to the solvency of the company he is dealing with, and he wants to get himself into a safer position by changing the nature of the transaction from a cash sale to storage.

Hon. Mr. CASGRAIN—Could he not find out if the money is there to pay for the grain before he delivers?

Hon. Mr. YOUNG—I propose to amend the clause by striking out the words: 'Within twenty-four hours,' and inserting instead: 'At any time on the day of issue.' Then if a man sells his grain at an elevator and presents his check for pay-

ment and finds there is no money, he could change the nature of the transaction. In that case, nothing would be disturbed. The operator's statement at night would be correct, because anything of this kind that occurs will have occurred before the report is made out at night, and it leaves the farmer in a position to take his choice if he doubts the solvency of the company he is dealing with. If he finds there is no money to pay him, he can go back to the elevator and say: 'Give me a storage ticket.'

Hon. Mr. DAVIS—There is no objection to that. The object is to prevent men who are buying grain from trying to finance on the farmer. If you allow them to pay for the wheat with paper which on presentation is found to be of no value, the farmer should be allowed to keep possession of his grain until he is paid.

Hon. Mr. CAMPBELL—I should like further consideration of this clause. Would this make it imperative on the farmer to take his ticket to the office and demand his cash, and if he did not get his cash he may go back to the elevator and get a storage ticket? As the clause reads now, he can go and demand his cash, and if he does not then get it he can go back at any time and ask to have the transaction changed. We should be more careful in dealing with this subject.

Hon. Mr. DAVIS—Where would the paying agent be located?

Hon. Mr. YOUNG—The clause is not imperative on the farmer; he can do as he likes. He can keep the cash ticket in his pocket and go home with it if he likes to do so.

Hon. Mr. DAVIS—But he is obliged to make the change the same day if he makes it at all.

Hon. Mr. YOUNG—If he finds there is no money for his ticket, he can make the change.

Hon. Mr. DAVIS—There is nothing here as to where the pay point shall be.

Hon. Mr. YOUNG—The pay point is always in the town where the delivery takes place.

Hon. Mr. DAVIS—But there is nothing here to prevent them changing the pay point.

Hon. Mr. GIBSON—If there was no time limit, the holder of the cash ticket could either change it for a storage certificate or he might keep it in his pocket for a considerable time. In the meantime, the price of wheat might run up ten or fifteen cents a bushel, and he could speculate with his ticket.

Hon. Mr. DAVIS—That is right; but in the meantime a man who has no money to pay for the wheat will be enabled to trade on the capital of the farmer. Supposing he changes his paying point to some place where the farmer cannot get to it within twenty-four hours, look at the position he will put the farmer in.

Hon. Mr. YOUNG—He would not do that.

Hon. Mr. DAVIS—He might; there is nothing here to prevent him.

Hon. Mr. YOUNG—If a farmer finds that he cannot get his pay from an agent, he will not sell to that man but go to his competitor. Competition regulates that.

Hon. Mr. DAVIS—There is no competition around those elevators.

Hon. Mr. CAMPBELL—I would suggest to change the clause by striking out the words 'Within twenty-four hours.' If a farmer sells his grain and gets a cash ticket, he might go the same day and exchange it for a storage certificate, or he could keep it if he liked, and when he went to demand his money, if he did not get it, he could make the change.

Hon. Sir RICHARD CARTWRIGHT—The farmer is not compelled to accept anything but cash for his wheat. It is absolutely at his own discretion. Now, this clause was very fully threshed out, and was finally accepted at the time by all the parties as it stands. I speak with very great diffidence on a subject on which several hon. gentlemen have personal knowledge, but it appears to me that we had better be rather cautious about altering clauses that have been thoroughly considered, without knowing where the changes would land us.

Hon. Mr. DAVIS—Better leave it alone then.

Hon. Sir RICHARD CARTWRIGHT—I am rather anxious to get this Bill to the House of Commons where it would be fully considered also, and I do not want to eliminate or alter any of the clauses that have been fully considered, unless a very clear case is made out for the change.

Hon. Mr. YOUNG—I have submitted the amendment because I have had some practical experience in these matters. If you give such latitude as is proposed in this clause to change the whole nature of a transaction, what has been pointed out by the hon. senator from Beamsville will occur many a time—that is, a man will carry his ticket around in his pocket for weeks until he finds he can make a profit on it by exchanging it for a storage certificate. Every day a report is made from the country elevator to the principal, and on that day the bank is arranged with and a sale is arranged. If you allow this proposed change of tickets to be made within twenty-four hours, not a single statement made either to the bank or to the principal would be accurate until the twenty-four hours have passed. Now, that is not reasonable.

Hon. Mr. BEIQUE—I appreciate the object of the hon. senator from Killarney, but I would draw his attention to this fact, that a farmer who has delivered his wheat late in the day may not have time to go and ask for payment, and then he would be foreclosed and would have no means of getting his wheat back if he could not get the cash.

Hon. Mr. YOUNG—When the farmer delivered his grain he made a bargain and the price was settled. It is only a question of faith. Some of the best companies are at times short of cash through the trains not being frequent on the lines where they purchase.

Hon. Mr. ROSS (Moosejaw)—The parties concerned in this legislation came to the conclusion that this was the wisest thing to do. We may try to favour men who are endeavouring to do business without money; the point is, if they have not money to pay for the wheat they ought to have it. My hon. friend is trying to make out a case where it would be impossible to have the cash forwarded to pay for the grain on this particular branch. I live on that branch. I know there is a daily train for passengers and express. There is a daily train for grain, and where should the difficulty arise in this case? I do not see that there is any especial need for changing this clause at all.

Hon. Mr. GIBSON—Are there never any accidents on the line, by which a train might be delayed?

Hon. Mr. YOUNG—I mention that branch, because the last time I was up there, they did not run daily trains over it. I could mention lines where there are only three trains a week. That does not interfere with my statement so far as these lines are concerned. But with regard to my hon. friend's statement about doing business without money, why does he want to increase the time during which they can do business without money to 24 hours? Why have it one day? Surely if it is an actual case of a dealer not being able to pay one hundred cents on the dollar, it is not fair to keep the farmer out of the possession of his grain for 24 hours. He should have the absolute right to demand that grain or the money immediately. So that my hon. friend's argument does not appeal to me as being a reasonable one for the farmer, if there is a justification for his fear. Because if I am going insolvent in 24 hours, I can have that grain assigned to my other creditors and leave him out altogether. I think my amendment is a proper one, that the farmer should immediately be put in possession of the cash, on demand, or of his grain.

Hon. Mr. DAVIS—Take a case under this Bill: There is going to be a provision with reference to flag stations. Is a flag station a paying point? Supposing the farmer came in 20 miles with a load of wheat to a flag station, to the elevator, and he gets a ticket from a buyer for that grain. The paying point is at a town twelve miles from the station; are you going to force that man to go into the town and be back by twelve o'clock at night, to say whether he is going to accept that ticket or not? I think 24 hours

is little enough time. Let the clause stand as it is. It has been well considered.

Hon. Mr. CAMPBELL—A farmer will sell his grain and get a ticket for it. He goes to the cashing office, and unless the cash is paid within 24 hours after demand is made, he can ask to have his grain restored to him. When a farmer demands cash and does not receive it, he is entitled to have his grain returned to him at once.

Hon. Mr. DAVIS—Supposing a man had gone around with a ticket for a week, and wheat had gone up to two dollars a bushel in the meantime, where would you be then?

Hon. Mr. PERLEY—Twenty-four hours is accommodation enough, and not a minute too much.

Hon. Mr. BEIQUE—That time is given to the railway people to pay, and therefore the owner of the grain would have to wait.

Hon. Mr. CASGRAIN—And pay board for himself and his team.

Hon. Mr. YOUNG—The amendment I propose is in favour of the farmer who has a bona fide case in which he honestly doubts the ability of the buyer to pay.

Hon. Mr. CASGRAIN—You cannot expect him to wait 24 hours to see if he can get his money.

Hon. Mr. GIBSON—On a sale being made by a farmer to an elevator man under the proposition of my hon. friend from Killarney, the moment he gets a receipt for the amount of grain he has put in the elevator, he has a right to demand the money, and if payment is refused, he has the right to demand a warehouse receipt for the grain to be held as his own property. To give the man 24 hours to make up his mind as to whether he is going to accept a pay ticket or a warehouse receipt, might place him in this position. On going back the next day, for the money or for a warehouse receipt he might be told that the elevator man had assigned in the meantime, and that he had put the grain that he had bought the day before out of his own hands, and the farmer has no redress whatever? When a farmer sells his grain, and has not perfect confidence in the buyer he should have the right, if not paid at once, to demand a warehouse receipt. Under the Bill as it stands now, the merchant or dealer who is supposed to pay for this grain, may say: 'I have not the money to pay to-day, but under the Act I have 24 hours in which to pay you that money.' That gives him 24 hours in which he can assign the grain to some one else and defraud the farmer.

Hon. Sir RICHARD CARTWRIGHT—There has been a misapprehension. The case as was explained was this: in certain sections of the Northwest, where there is a great deal of grain delivered, it often happens that the grain buyer has not sufficient money to meet the demands made upon him, and the farmer, for his own convenience, chooses to accept a cash ticket. You will remember that nothing in this can compel a farmer to part with his grain unless he receives cash. If he takes a cash ticket, that is at his option. He may take a cash ticket and hold it under this clause for a week, or a month, or any time he chooses to hold it, only when he does present it, the agent must pay within twenty-four hours or must give a storage ticket. That is all the clause does.

Hon. Mr. CAMPBELL—I do not think they should have twenty-four hours.

Hon. Sir RICHARD CARTWRIGHT—The trouble is that it is difficult to keep sufficient amounts of money on hand always to meet the necessities of the trade at points rather distant from banks or places where you can obtain accommodation; and for that reason buyers were supposed to be given twenty-four hours within which to make payment; but this clause neither compels the farmer to deliver his grain without cash, nor does it compel him to demand it within twenty-four hours. That is a favour granted to the grain purchaser, not to the farmer.

Hon. Mr. DAVIS—It gives the farmer the right to go and exchange his cash ticket for a warehouse receipt.

Hon. Sir RICHARD CARTWRIGHT—But when the farmer does demand it, he must get his cash or his grain. He is not compelled by this clause to accept the cash ticket.

Hon. Mr. YOUNG—Take a railway with one train a day, and it leaves Winnipeg in the morning before bank hours, and there was a shortage in cash with the buyers the day before. We will say that that shortage arises at four or five o'clock in the afternoon. How are you going to get that money in twenty-four hours under the circumstances? It is impossible. If you are going to do that make it forty-eight hours.

Hon. Sir RICHARD CARTWRIGHT—That was suggested, but great objection was taken to it. Twenty-four hours was a sort of compromise arranged between the representatives of the farmers and the representatives of the grain buyers.

Hon. Mr. YOUNG—You can see that it is no good, as far as getting a supply of money is concerned.

Hon. Mr. DAVIS—There are banks all through that country now.

Hon. Mr. YOUNG—The conditions that arise out there are altogether different from the conditions that arise in the east. We have points where the increase of grain is very sudden, and a large amount of money is used up after banking hours in one day, and it takes thirty-six hours to get money from some other banking centre. It cannot be helped. We have a large country and long distances, and the great bulk of the banking is done in Winnipeg. The money is distributed from there and unless we had sufficient time to meet the shortage of money that occurs after banking hours, at outside buying points, when it cannot be wired for in time to be sent up on the next train, then twenty-four hours is not sufficient. But the true principle is that the farmer should have his choice immediately, and no complication will arise.

Hon. Mr. DAVIS—It is not necessary to send money from Winnipeg. There are banks at all buying points. Do you mean to say they cannot get money in those little banks.

Hon. Mr. YOUNG—A dealer may have credit in a bank in Winnipeg, and if he wired to a branch of that bank in the country, they would not advance the money to him unless they were authorized to do so.

Hon. Sir RICHARD CARTWRIGHT.

Hon. Mr. DAVIS—I could get money wired from the bank in Winnipeg to any bank.

Hon. Mr. YOUNG—Surely the hon. gentleman will not argue that there is a bank at every buying place?

Hon. Mr. DAVIS—Within three hours of it.

Hon. Mr. PERLEY—There are half a dozen buyers in every town of any importance, and I have never known, in the town of Wolseley where I have lived for twenty-five years, a case where a man could not get his cash for his wheat.

Hon. Mr. DAVIS—Does the hon. minister accept that amendment?

Hon. Sir RICHARD CARTWRIGHT—No, I prefer to keep the clause as it is. These questions were fully discussed and this provision was agreed to. If my hon. friend desires this matter should be reconsidered on the third reading, I have no objections, but I should not like to accept it here.

Hon. Mr. POWER—I move that the clause stand.

Hon. Sir RICHARD CARTWRIGHT—No.

The amendment was declared lost.

The clause was adopted.

On clause 24, subclause 3,

3. The receptacle shall be provided by the warehouseman, and the sample shall be placed therein in the presence of the owner. The receptacle shall be secured by a padlock which the owner of the grain shall provide, and the key of which he shall retain. The warehouseman shall be the custodian of the receptacle and sample.

Hon. Mr. YOUNG—The owner of the grain has the key, and the elevator man has a sample, and he is running a sort of post office as far as samples are concerned where there is a lot of binning being done. I am not going to offer an amendment, but I will say that if there is legislation which, to my mind, looks unreasonable, it is just such a clause as this that will cure itself in one year.

Hon. Mr. PERLEY—I own an elevator, and I do not propose to give any farmer a key, but I shall hold possession of the

key of my elevator myself. He will have his lock and I will have mine.

The clause was adopted.

Hon. Mr. DAVIS—I propose to move to add as subsection 4 of section 60 of the Act, the following:

4. No person, firm or corporation, operating a public country elevator or warehouse shall sell, assign, mortgage, pledge, hypothecate or charge in any manner whatsoever any grain stored in such elevator either in general storage or special bin, which grain is not the sole and absolute property of such operator. In the event of any operator so selling, assigning, mortgaging, hypothecating, pledging or charging as aforesaid any such grain, then, upon conviction, the license for such elevator or warehouse shall immediately become forfeited and void, and such operator shall on conviction be liable to a penalty of not less than five hundred dollars and not more than one thousand dollars for each offence, in addition to the forfeiture of said license; and no sale, assignment, pledge, mortgage, hypothecation or charge in any manner whatsoever shall be valid as against third parties lawfully claiming such grain; and further at the making of any assignment, pledge, mortgage, hypothecation or charge, the operator shall make affidavit declaring that the grain so pledge is the absolute property of the said operator, and showing the amount of grain in said elevator, the amount in store for other parties, and the amount belonging absolutely to such operator.

Hon. Sir RICHARD CARTWRIGHT—I would suggest to my hon. friend that it would save time and unnecessary discussion at this stage if he would kindly give notice of that amendment and have it on the order paper, so that we could consider it, and when we come to the third reading I will be able to state whether I can accept it or not. It is almost impossible to consider amendments of that character thrown into the middle of a Bill like this at this stage. I would like to have the amendment before me to compare it and to consult the Law Clerk about it before coming to any conclusion.

Hon. Mr. DAVIS—I will accept the suggestion of the right hon. gentleman, providing we have an opportunity to discuss it on the third reading, and will give it as a notice of amendment.

On clause 25,

25. Section 65 is repealed and the following substituted therefor:

65. In case there is a disagreement between the purchaser or the person in the immediate charge of receiving the grain at such country elevator or warehouse and the person delivering the grain to such elevator or warehouse for sale, storage or shipment at the time of such delivery as to the proper grade or dockage for dirt or otherwise on any lot of grain delivered, a fair and proper sample shall be drawn in the presence of the person delivering the grain out of each hopper load as delivered, and at least three quarts from samples so taken shall be forwarded in a suitable sack properly tied and sealed, express charges prepaid, to the chief inspector of grain, and shall be accompanied by the request in writing of either or both of the parties aforesaid, that the chief inspector will examine the sample and report on the grade and dockage the said grain is in his opinion entitled to and would receive if shipped to the terminal points and subjected to official inspection.

Hon. Mr. YOUNG—That is a reasonable proposition on all kinds of grain except one, to my mind, and that is on the question of grain being in or out of condition. Supposing a man is buying grain, and the country operator thinks it is tough and bad, and the owner says it is not bad. He will take a sample of that grain and send it to the chief inspector. It may take three or four days and then perhaps a day before it reaches the inspector, the condition of that grain as it is in the elevator cannot be determined by the inspector, because the dampness may have entirely disappeared. The country elevator is not in a position to refuse the grain if the inspector says it is fit to warehouse. Another clause says that the country operator is not obliged to receive grain that is not fit for warehousing, so you will have a conflict of opinions, and I was proposing, in order to make that clause workable, to add in the 27th line after the word 'otherwise,' the words 'except as to condition.' Otherwise the clause would not be workable. The clause operates except when the condition is in question.

Hon. Sir RICHARD CARTWRIGHT—I will accept that amendment.

Hon. Mr. DAVIS—That will apply to grade.

Hon. Mr. YOUNG—And dirt.

Hon. Mr. DAVIS—Where there is a dispute about grade and dirt this will apply.

Hon. Mr. YOUNG—Yes, because you cannot force a man to take into his elevator grain which will not keep.

The amendment was agreed to.

The clause, as amended, was adopted.

Hon. Mr. YOUNG—Before considering clause 28, I would like to call attention to the section in the Act where a complaint is made against an elevator—section 67 of the original Act. I am referring now rather to an amendment which would come in before you reach clause 28 of this Act. I propose that the following subsection be added as subsection (e) to section 68 of the Act.

Hon. Sir RICHARD CARTWRIGHT—This is a new clause entirely.

Hon. Mr. YOUNG—Yes.

Hon. Sir RICHARD CARTWRIGHT—I would ask the hon. gentleman to adopt the course I suggested to the hon. gentleman from Prince Albert.

Hon. Mr. YOUNG—Certainly. My proposed amendment reads as follows:

Upon receipt of such complaint the Commissioner shall notify the owner of the country elevator or warehouse and furnish him with a copy of the complaint and the date and place of holding the investigation.

It is obvious that it would not be fair to try the case without the owner of the elevator having an opportunity to be heard. He should in justice have notice from the commissioner when and where the investigation was to be held. That is all my amendment proposes to do.

Hon. Sir RICHARD CARTWRIGHT—Let it stand as notice for an amendment when we go into committee again.

On clause 30,

30. Section 89 is repealed and the following substituted therefor:

89. An applicant may order a car or cars according to his requirements, of any of the standard sizes in use by the railway company, and in case he requires to order any special standard size of car shall have such size stated by the station agent in the car order book, and the railway company shall furnish the size ordered to such applicant in his turn as soon as a car of such specified capacity can be furnished by the railway company at the point on the siding designated by the applicant in the car order book. In the event of the railway company furnishing a car or cars at any station and such car or cars not being of the size required by the applicant first entitled thereto, such applicant shall not lose his priority but shall be entitled to the first car of the size designated which can be delivered at such station at such applicant's disposal as aforesaid.

Hon. Mr. YOUNG.

Hon. Mr. WATSON—I am not prepared to accept an amendment to this clause, but it appears to me it is a mistake to provide the size of the car. I know lots of people who order 40,000-pound cars, and the company may supply 60,000 or 80,000-pound cars. I would rather have seen a provision that where a small car was asked for, if the company could not furnish a car of the size ordered, they should not charge for the larger size. There are plenty of farmers who could provide freight for the 40,000-pound car but not for a car of a larger capacity. As a matter of fact, the 40,000-pound cars are going out of use.

Hon. Mr. PERLEY—If so, it is possible the companies will not have cars of that size at all and they should not be obliged to furnish them.

Hon. Mr. WATSON—This clause means that cars of the size asked for must be furnished, and the shippers will have to wait until they get them. Very often in the Northwest they will have to wait weeks for a 40,000-pound car.

Hon. Mr. DAVIS—This provides that a man may order a car according to his requirements. If an elevator man is allowed to order a car according to his requirements he might order all the cars available.

Hon. Sir RICHARD CARTWRIGHT—It does not in the least interfere with the existing arrangements as between the elevators and the farmers.

The clause was adopted.

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

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

THE SENATE.

OTTAWA, Wednesday, June 3, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (DDD) An Act to incorporate the Alberta Southwestern Railway Company.—(Hon. Sir Mackenzie Bowell.)

SPRATTE DIVORCE BILL.

THIRD READING.

Hon. Mr. PERLEY moved the third reading of Bill (BBB) An Act for the relief of Hattie Spratte.

Hon. Mr. CLORAN—Before the motion is carried, I wish to fulfil the promise I made yesterday to call the attention of this honourable House to the document I have in my hand, entitled, 'The Senate of Canada, in re the petition of Hattie Spratte for a Bill of divorce from George Allison Spratte, the report of the Committee on Divorce.' Really, I cannot understand how any person could, after perusing this document, conscientiously vote for the adoption of the Bill before this House. The evidence upon which hon. gentlemen have to base their opinion and arrive at a decision in the matter is most inadequate; in fact this evidence would not justify any court or jury in coming to a decision in favour of either of the parties to this divorce petition. There is absolutely no legal proof whatever in regard to the crime upon which the committee base their decision and express their willingness to grant the petition of Hattie Spratte. She was a girl of seventeen when she married her father's book-keeper. They lived together from 1901 to 1905. Mr. Spratte was in the employ of her father both in the hotel and on certain works throughout that district where they lived. He finally left in 1905 to take a position with the Central Vermont Railway, in St. Albans. He went there alone, and after a while wrote to Mrs. Spratte to follow him, that he had a good position and was able to take care of her. She went down to St. Albans and lived there only six weeks with him, when she left him and returned to her home, in June. At that time the only evidence of misconduct on his part was that he was given to cigarette smoking, and, sometimes, to intemperance; but surely this honourable House will not grant a divorce on such grounds. At this time the young wife was wanting to get a divorce, and had absolutely no reason for it. She had it in her mind that if she could ever get a chance she would seek a divorce. She went so far as to say she could not get a divorce in the States, not being a resident, and in Canada she could only get a separation. So this intent to get a divorce existed before there was any evidence of crime on his part. Her evidence on that part is as follows:—

Q. You made up your mind after leaving St. Albans to a certain course of action?—A. Yes.

Q. What was that?—A. Well, I would never live with him again, and I would get a divorce if I could.

Q. Did you subsequently discover any ground which you felt justified you in so proceeding?—A. Not to get it in Canada. Of course there was non-support and drunkenness, and I was going to the United States to get it, and then this letter came from this girl and I determined to try and get it here.

Now this letter is the revolving point in the whole situation. Shortly after she left St. Albans, her husband went to Winnipeg. That was in 1905. She met him after 1905 and while he was in Winnipeg she was stopping at her father's. They had opportunities of meeting between 1905 and 1907. In 1907 she was in her father's home, when a letter, a supposed letter, an alleged letter, supposed to have come from a certain party in St. Albans was received. That letter was addressed to her husband who was away working in Winnipeg. She undertook to open that private letter. It is a peculiar letter written by a girl of impure character; she was a servant in the hotel at St. Albans, a scullery girl in the kitchen. She writes and does not sign her name, but simply the initials J. M. B. She writes from Fairfax, under date of Januray 23, 1907, to the effect that since he had left she had become the mother of a child. Now that child, according to her evidence, was born seven months before she wrote this letter—born in June, 1906. She undertakes to write this letter to Spratte, stating that she had become a mother and it is his fault, and that he ought to bear the consequences. That is the only evidence of wrong-doing on his part. Here is an unsigned document charging this man with adultery. When this letter finds its way into Mrs. Spratte's hands, right there and then she takes steps to secure a divorce. The proceedings started the end

of last year or the beginning of this year. She is put on the stand before the committee and examined, and what is her evidence ? She is asked :

Q. How long did you remain at St. Albans? —A. About six weeks I think.
Q. Then what did you do?—A. I had to come home because he was drinking and could not pay the board bill.

Now that was the only reason she had to leave him in St. Albans.

Hon. Mr. PERLEY—That is a pretty good reason.

Hon. Mr. CLORAN—Is that a reason for divorce ?

Hon. Mr. PERLEY—It was a good reason for going home.

Hon. Mr. CLORAN—But not for leaving St. Albans with a view of obtaining a divorce.

Hon. Mr. PERLEY—She could not remain there and starve to death.

Hon. Mr. CLORAN—She states distinctly that she left St. Albans with no charge against him except that he was drinking.

Hon. Mr. PERLEY—And was not able to pay the board bill.

Hon. Mr. CLORAN—Naturally, if he was drinking he could not pay his board bill. She knew enough of the law to be able to tell her friends that she could not secure a divorce in the United States, not being a resident there and could not get it in Canada on these grounds. After that she is asked this question. The evidence proceeds:—

Q. In consequence then of the receipt of a letter from some woman in Fairfax, Vermont, you determined to apply for a divorce in Canada?—A. Yes.
Q. Is this the letter, now shown you, which you received?—A. Yes.
Q. And is this the envelope in which it came?—A. Yes.
Q. How did you come to open it?—A. It was handed to me. Our girl brought it upstairs and I thought it was for myself, because my letters were always addressed Mrs. George Spratte, and I opened it.
Q. And you found what?—A. The letter.
Q. And in the letter was an accusation against your husband of the seduction of the girl——
By the Hon. Mr. Wilson:
Q. Had you some suspicion of your husband which caused you to open that letter? —A. No, nothing of the kind.

Now, here is a woman who up to the reception of this letter had no suspicion against her husband, giving her solemn declaration that until that letter was put in her hands she had no suspicion against her husband. The examination continues:

Q. It was merely accidental?—A. Quite accidental.
By Mr. Haight, of Counsel for Petitioner:
Q. And after the receipt of that letter, I understand from your former answer to my question, you did not live or cohabit with your husband?—A. Oh, no, I did not.
Q. And you say that in June, 1905, you left your husband?—A. I left him.
Q. And after that date, did he contribute at all to your support?—A. No, never.
Q. Nor to the support of your child?—A. No.
By the Hon. Mr. Wilson:
Q. You left on account of information you received in a letter—is that it?—A. No, I did not get the letter until after I had left him.

There is the admission of the woman herself that the man was innocent of anything wrong until she got the anonymous letter signed 'J.M.B.' Then they bring a Miss Bushey, who was supposed to represent 'J.M.B.,' the signer of the letter, and she turns out to be a scullery girl from the hotel at St. Albans, where Mr. Spratte had been boarding. The evidence is very short, but I will have to read it for hon. gentlemen who have not taken the pains to peruse it, to see the grounds on which this divorce is asked. Jennie Bushey of Fairfax, cook, was duly sworn and testified as follows:—

I am living at home with my parents at North Fairfax, Vermont.
Q. Did you ever meet one George Allison Spratte?—A. Yes.
Q. Whereabouts?—A. At St. Albans House, in St. Albans.
Q. And what were you doing there?—A. Cooking
Q. You were cooking in the hotel?—A. Yes.
Q. What time was that?—A. That was in August, 1905.

It is quite essential that the month should be remembered. The evidence proceeds:

Q. And what was Spratte doing?—A. He was working at the freight depot.
Q. Of what railway, do you know?—A. I think the Boston and Maine, or the C. V.
Q. The Boston and Maine or the Central Vermont?—A. Yes.
Q. Did you meet him at the hotel?—A. Yes.
Q. Did he cultivate your acquaintance?—A. Yes.
Q. And what ultimately did this acquaintance develop? Did he profess any attachment to you?—A. Yes.

Q. Did he make any promises to you?—A. Yes.
Q. What were they?—A. That he should marry me.
Q. And under cover of that promise did anything take place?—A. Yes.
Q. Did you have any relationship with him?—A. Yes.
Q. To what extent did that go?—A. I had a child by him.
Q. And is that child still living?—A. Yes.
Q. When was that child born?—A. June 30, 1906.

There is no proof whatever that Geo. Allison Spratte was at St. Albans within the nine months whereby it could be claimed that he was the father of the child. She swears it was in August that he met her. She swears the child was born on the 30th June, and it is strange that a woman of this kind, when she was put in the box, once her character is admitted to be bad that her evidence was not corroborated. She was never asked by the committee if Mr. Spratte was the only man with whom she was acquainted. There is no proof that Spratte was the man. It was for the committee to find out. The examination continues:

Q. Who was the father of that child?—A. George Allison Spratte.
Q. The respondent in this matter?—A. Yes.
Q. Do you know where this George Allison Spratte came from?—A. He came from Canada, Parry Sound.
By the Hon. Mr. Lougheed:
Q. He told you so?—A. Yes.
By Mr. Haight, of counsel for petitioner:
Q. Did you see this lady, the petitioner, there with him?—A. No, I did not.

Mrs. Spratte has sworn that she was six weeks in St. Albans, and if this woman's evidence is correct, would she not naturally be anxious to see who he was living with in St. Albans. She spent six weeks in St. Albans, and this cook says she never saw her. This woman's oath is taken as gospel truth. No attempt was made to identify this George Allison Spratte, and I venture to say that this witness was either mistaken or was swearing to what was false, because she swore that the man who called himself George Allison Spratte was a short thickset man with red hair. Now, Spratte had not red hair. The evidence proceeds:

Q. What sort of looking man was he?—A. He was short, thick set, and had red hair.
Q. What were his habits?—A. Drinking mostly, and smoking cigarettes.

These were the only two bad habits sworn to by the oath of this woman, whose character was never looked into, but whose evidence was accepted. The evidence proceeds:

Q. And how long was he at St. Albans?—A. He left St. Albans shortly after he found I was to have a child.

If he left in September or August, she did not have much of a child because the child was born on 30th June. The evidence proceeds:

Q. And did you do anything?—A. I did. I had him arrested.
Q. And what did he do?—A. He ran away.
Q. Is that your signature?—A. Yes, it is.
Q. Did you write that letter?—A. Yes, I did.
(Letter filed and marked as Exhibit No. 2.)
Q. It that your handwriting also on the envelope?—A. Yes.
Q. And that letter was posted by you at Fairfax post office, in Vermont?—A. Yes.
Q. And addressed by you to Depot Harbour? That was the terminus of the Canada Atlantic Railway at that date?—A. Yes.
Q. It is addressed to George Spratte, Depot Harbour?—A. Yes.
Q. You are spoken of in the petition as Jenny Barchow. What was your maiden name?—A. Jenny Bouchard.
By the Hon. Mr. Bostock:
Q. When were you married?—A. I was married seven months ago, October 25.

Now there is the entire evidence, and it is not even evidence, because it is contradicted by the oath of the father of the petitioner. The question was put to him several times: 'Now describe your son-in-law,' and he describes him as a small man, and he was asked if he had not red hair, and he said no he had not red hair, and he was asked: 'Are you sure he had not red hair?' and he said: 'Yes,' he was. We have his evidence contradicting the woman's, who is supposed to have had a child by Spratte, and there was no attempt made to have this Spratte identified by her in any shape or form. Petitioner's father simply says, when he was asked the question as to what sort of a man he was, that he was a small man with light hair. He was asked was it not red, and he says: 'Well, it was light in colour.' They tried to make him say on his oath that it was red. But he could not say it. Now, what proof have we that George Allison Spratte was the respondent in this case? Why was not the woman's evidence tested and her character investigated? Then you will remember this famous letter written on June 23, 1907, about a year and a half ago, Mrs. Spratte was asked in regard to his letter as follows:—

By the Hon. Mr. Wilson:

Q. You left on account of information you received in a letter—is that it?—A. No, I did not get the letter until after I had left him.

By the Chairman:

Q. Has there been between yourself and your husband any connivance with regard to a petition for this divorce whatever?—A. I do not know what you mean.

Q. Any arrangement between you and him of any kind whereby the application should be made for this divorce?—A. No.

Q. Or that he should not defend it?—A. No.

Q. Has there been any collusion between you and him at all in reference to this matter?—A. No, not at all. Of course, he had this letter, some lawyer in Winnipeg had written to Ottawa, but I have not had anything to say to Mr. Spratte or any writings or understanding at all.

Q. No connivance of any kind with him?—A. No.

Q. Has there been any condonation of the offence since it came to your knowledge? Have you since then cohabited with him or forgiven him?—A. No, I have not seen him since the letter came. The letter came last May.

Q. Did he at any time make overtures to you to come back to him and ask to be forgiven?—A. No, not since I received that letter. The only time he asked me to to live with him was when I went to St. Albans.

The letter came last May. Here is a letter written on January 23, 1907, and this woman swears she only got it in May. Why was that fact not probed into? Why was not this contradiction brought before the attention of the committee? The whole thing seems to me to be a clumsy fabrication of evidence, by getting this girl to take the responsibility of having signed the letter J. M. B. I am rather astonished that the highest court of the Dominion is to be called upon to render a verdict on evidence of this kind. I have spoken to members in reference to the case, and they say that if they were on a jury they would no more think of condemning a man on that kind of evidence than they would of hanging themselves. I have no brief for Mr. Spratte; but take the evidence of the father of the petitioner who was more or less interested in him, and see what he says. His evidence reads as follows:—

Charles Alonzo Phillips, of the town of Parry Sound, railroad contractor, father of the petitioner, was duly sworn and testified as follows:

Q. What is your occupation?—A. I have been railroad contracting for some time.

Q. You are the father of the petitioner?—A. Yes.

Q. Your age?—A. Fifty-three.

Q. Occupation at the time of your daughter's marriage?—A. Hotel-keeper.

Q. You were the proprietor of the Canada Atlantic, now called the Kipling Hotel?—A. Yes.

Q. You remember the circumstance of your daughter's marriage?—A. Yes.

Q. After your daughter's marriage to George Allison Spratte, can you tell me, shortly, what Spratte did, what employment he was in?—A. He was employed by me for a time, I think, during the winter, until spring, and then I think he went to Depot Harbour, and worked in the office of the Canada Atlantic Railway there during that summer, I think. Then I think he came back, and I am not sure where he went. I think he went about that time to Oakville, and he worked for me and lived in a house for two or three months next to Judge McCurry's house, near the hotel, and worked for me I think until the following spring or summer.

Q. Doing what?—A. Clerking in the office.

Q. In the hotel?—A. Yes.

Q. During that time was he contributing to your daughter's support?—(No answer.)

By the Hon. Mr. McMullen:

Q. Was he married then?—A. Yes.

By Mr. Haight, of counsel for the petitioner:

Q. Where was your daughter living?—A. Well, during that summer, or at least I do not know whether it was that summer, that winter I think it was—well, I do not know. However, I know they lived there a little while anyway, and then they came back and lived at the hotel.

Q. Speaking now of the time they occupied the house next to Judge McCurry's house, did Spratte pay the rent of the property, do you know, or do you know anything about it? If you do not, say so?—A. I do not remember whether he did or not.

Q. After quitting that house, you say he was still clerking around your hotel?—A. Well, while he was living there, he was clerking in the hotel too, and then I could not get along with him.

Q. You could not get along with him, why?—A. Well, he was drinking too heavily, and I had to let him go, and he went to Toronto, and was in Toronto for I do not know how long, some little time, and he finally came back to Parry Sound again, and came back to the house, and was there I think nearly all winter, until I got a position for him with Johnston & Beveridge. I was interested in a lumber contract up at Pomogasing. He went clerking up in the camp there.

Q. That is up in Algoma?—A. Yes. Then he came back and was round there a short time.

Q. Was he devoting himself to his work in any sort of proper fashion during this time? When he was up at Johnston & Beveridge's were you satisfied with his services there, and why did he leave?—A. Well, they were through with him there. They got through with the contract and quit.

Q. During the whole course of their married life that you observed, what if anything did Spratte contribute to his wife's and daughter's maintenance and support?—A. Well, very little, I think. I had to keep them practically all the time.

Such evidence would be all right in a civil action against the man for non-support. Then the father is further examined as follows:—

Q. During the whole course of their married life that you observed, what if anything did Spratte contribute to his wife's and daughter's maintenance and support?—A. Well, very little, I think. I had to keep them practically all the time. Even when they were living in the house they got the most of the supplies and living from the hotel.

Q. What sort of person was Spratte? What sort of a looking man was he? You have not any picture of him?—A. No.

Q. What sort of a looking man was he?—A. I do not know that I can describe him very well.

Q. Small or tall?—A. A small man.

Q. What was the colour of his hair?—A. Light.

Q. White or red?—A. Well, it was a kind of a light colour.

Q. Was it inclined to white or sandy?—A. No, it was not red. It was more a lighter colour. It was not sandy. It was a kind of lighter colour.

Q. Was it a sort of reddish? Have you got a good perception of colour?—A. I should not describe that very well.

By the Hon. Mr. Wilson:

Q. Was it brown or red?—A. It was a kind of reddish; it was not brown.

Q. Did he have any marked habits?—A. Drinking was the most marked.

Q. Was there anything else that he did that marked him at all in any other way, any other habit that you know of? Did he smoke?—A. Yes, he smoked; a very heavy cigarette smoker.

Q. Do you know why he went to St. Albans? Do you know why your daughter went there?—A. Yes.

Q. And so far as you know she went there to meet him and live with him at St. Albans?—A. Yes.

Q. Did he not tell you so at any time thereafter?—A. I do not know that he did.

By the Hon. Mr. McMullen:

Q. What was his condition before he got married to your daughter?—A. As far as I ever saw him, it was all right.

Q. When did you notice he began to drink?—A. Shortly after he got married. He was clerking for me some time before, but I never noticed him drinking very much until after he was married.

Now, there is the entire evidence in this case, and I ask this honourable House, and the gentlemen of the committee not to grant this Bill. I have made no argument; I have simply put the evidence as fairly as possible before the House, and I ask in the name of our fathers and mothers and our families, if we cannot abolish divorce altogether to have it restricted as far as possible. I, on behalf of the clergy of this country of all creeds and denominations, from bishops down, appeal to the legislators and the courts to help us to restrict the evils of divorce. We have had here recently an eminent prelate of the Catholic Church from Ireland, Cardinal Logue, and he is marching hand and hand with all the ministers and bishops of all denominations throughout the civilized world in seeking a remedy for this evil. Here is what he says:

I have watched and studied the divorce problem here with a good deal of interest, and the time has come for all religious bodies to unite upon this subject. It has been a great pleasure to me to note that the ministers of all the sects are united in preaching against it. It is not entirely a matter of religion. The welfare of the state demands that something should be done in this country to check this evil.

A continuation of the divorce evil means the degradation of the race. The reason for this is very evident—the welfare of the family being the foundation of the race.

The only object that eminent prelate can have is to secure the welfare of mankind, and as much stability to society as can be secured, and that stability rests largely on the sanctity of the marriage tie. When I introduced a Bill in regard to this matter a couple of months ago, I did so spontaneously, and without consulting a soul. I did so after reading several critical divorce cases, and when I felt it my duty to ask the Senate to take part in this fight for decent manhood and womanhood, I felt that this House should not permit any ruffian whom we declare by our votes to be a ruffian, to bring ruin upon innocent parties by allowing him to marry again. It is not within my jurisdiction or duty to interpose any obstacle in the way of the rights or wishes of parties seeking divorce; but we have the power and authority, under the Criminal Code, to check the evil course of any man whom we declare to be unworthy the title of husband. I took that step on my own responsibility and without consulting any one. It has been said that I acted on behalf of the clergy. I doubt if the clergy would approve of my action, because some consider it more or less a toleration of the evil; but I never had an opportunity of consulting them. In all my political experience, the clergy were, as far as I am concerned, my most powerful opponents. I have had the most active oppostion of the clergy from the highest

down. I knew what it was to be a strong Liberal thirty years ago, and to have the fulminations of the church against me. I remember when the people were asked to vote against me because I took a certain stand on the Manitoba School Bill. I know what it was to be denounced from the pulpit twenty-five years ago, because I stood up for home rule. I have gone through all that fire, have stood it all, and the causes for which I worked are triumphant and I am still alive. The home rule cause, which was then looked upon with suspicions, is to-day triumphant, and has become a plank in the platform of the Liberal party and is the policy of the young men of the empire. When I am told that I have taken up this matter for the sake of the clergy, hon. gentlemen do me a grievious injustice. I am acting in the interests of my country and of the people I am supposed to represent here. That is why I introduced a Bill to restrict the evils of divorce, and I am happy to say it was only lost by a majority of one. Later on I shall, if possible, present a Bill along the same lines, whereby all persons divorced and who were the cause of the divorce by their own evil conduct shall not have the privilege of remarrying in Canada, and if they remarry outside the limits of Canada, they shall not have the right to come back here without rendering themselves liable to arrest for bigamy. I am led to take that action from what I have been reading lately. Here is a paragraph from the Montreal 'Star' of May 23:

New Brunswick divorces.—Several sensational cases have been instituted.
(Special to the Montreal 'Star.')

Fredericton, New Brunswick, May 22.—Some sensational divorce cases, in which the principals include residents of both Moncton and St. Stephen who are prominent in the upper social set, as well as in business circles, have been instituted in the court of the province.

One of the cases is that of Madeline Whitlock vs. Julius T. Whitlock, of St. Stephen. Her husand is cashier of the St. Stephen Bank, and ex-mayor of St. Stephen.

Mrs. Madeline Douglas Edith Clark asks for separation, a mensa et thoro, from her husband, Robert Clark. Mrs. Clark is a niece of the late Sir Alexander Gault, of Montreal, while her husband is the manager of the Bank of Montreal.

Dr. William A. Ferguson, of Moncton, is asking for an absolute divorce from his wife Bertha.

Edward A. Harris, of Moncton, is asking for an absolute divorce from his wife, Beulah Longfellow. Mr. Harris is a member of one of the best families in Moncton, and his wife is a daughter of P. S. Archibald, one of the commissioners of the Central Railway, being a member of a highly respected family.

Hon. Mr. DOMVILLE—What has New Brunswick got to do with this case?

Hon. Mr. CLORAN—I am discussing the divorce question, and I say it is my intention to introduce a Bill to restrict the evils of divorce as far as it is possible to do so by our legislation. I find it is necessary to introduce it under the Criminal Code to protect society against the decisions of courts, so that the court in any province where they have the right to grant divorce shall not have the right to give both parties, the innocent and the guilty alike, the privilege of re-marrying. Here are several cases on one day in New Brunswick, not ordinary people, but people who are supposed to set an example to the rest of society, who are seeking divorce. What are the ordinary classes of society to do when they see such a formidable number of the leading people, who should be examples to their fellowmen, taking such a step? And now I come to the last argument that I have to offer. I want to read a telegram relating to a recent divorce case in the United States. It is as follows:—

Mrs. Alfred Vanderbilt's divorce.

New York, May 25.—Mrs. Ellen French Vanderbilt was granted an interlocutory degree of divorce from Alfred Gwynne Vanderbilt by Justice O'Gorman in the Supreme Court to-day on the report of David McClure, the referee, who was appointed to take testimony and determine the findings in the suit instituted by Mrs. Vanderbilt. Justice O'Gorman confirmed the report of the referee that Mr. Vanderbilt had been guilty of misconduct and directed that Mrs. Vanderbilt be granted a judgment of absolute divorce.

The divorce decree provides that Mrs. Vanderbilt may marry during the lifetime of Mr. Vanderbilt, but prevents him from marrying during her lifetime. The custody of Wm. H. Vanderbilt, the only child of the marriage, was awarded to Mrs. Vanderbilt. No provision was made for alimony in the decree, nor was the subject alluded to in the report of Referee McClure.

Now, here is a step identical with the one I asked this House to take. Here is one of the judges of the United States taking upon himself to prevent the guilty party

re-marrying. In regard to the case now before the House, I have done my duty as a citizen of this country and as a senator to direct attention to the wholly inadequate evidence on which we are asked to grant this divorce. Without consulting any one, if I can find a seconder, I 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. KIRCHHOFFER—In my young days there was a class of entertainers who used to go around the country giving recitations and readings from prominent authors. With them we used to have 'an evening wi Scott,' or 'a Nicht wi Burns.' Now, it is not often we have opportunities for amusement or relaxation of this staid old Senate of ours, but when we have, it seems to degenerate into what we might call 'an afternoon wi Cloran.' It is not often I take any notice of the persistent and periodical attacks which the hon. gentleman makes upon the divorce tribunal of the Senate. He considers that he has a mission, and that mission is the abolition of the Divorce Committee of the Senate.

Hon. Mr. CLORAN—No.

Hon. Mr. KIRCHHOFFER—Or the doing away with divorce altogether. He is obsessed with that idea. It pervades what the hon. gentleman is pleased to call his mind, and the report of the committee has on him the same sort of effect that a red rag has on a mad bull. It is to this that we are indebted for the frequent flights of oratory and bursts of eloquence with which the hon. gentleman entertains us on these occasions, and I do not wonder at the reports we hear from him of the wonderful impression which he makes upon his constituents and friends in Griffintown, or whatever the classic suburb is that he is accustomed to hold forth in, and the impression he makes and the way in which he influences the Horans and the Dorans and the Clorans, and as the old Irish song says:

The Kelleys, the Reillys, the O'Shaughnesseys,
The Caseys and Mary Maguire
Bow down to him low, as walking they go.

because they are being impressed by what they so often hear of him, that he runs the Senate. That we hear in a great many cases, but it generally comes back to the hon. gentleman himself. His people revere him as he dilates on the smashing he gives to the Divorce Committee in speeches such as we have listened to this afternoon—the same speech to which we have listened on many occasions, and as the poet says:

And still they gazed, and still their wonder grew
That one small head could carry all he knew.

It is a marvel to them, but hon. gentlemen, the man with a mission or a hobby, while often no doubt a very deserving and estimable creature frequently degenerates into a most unmitigated bore when he is so constantly obtruding it on people who are not anxious to hear him on the subject. Now, to judge by the hon. gentleman's attacks on the Divorce Committee, one would imagine that that committee was a collection of innocent and very imbecile old gentlemen who are quite unable to judge of the value of the evidence put before them; that they revel so much in the granting divorces, so anxious to do it, that they grant divorces just for the fun of the thing, and without taking any notice of the evidence put before them. I should like to say it, and I am sure I will not be contradicted by the members of this House, that this Divorce Committee is a very fair representation of the average ability and intelligence that there is in this House. We are no orators, as Brutus is, whose tongue drops manna, and can make the worse appear the better reason, but three senators on our committee are members of the legal profession, and the rest of them have attained to a high degree of success and elevation in other professions or in business in the country and are highly respected wherever they go, and are as capable of intelligent appreciation of evidence as our friend whom Thackaray might have referred to as 'The Cicero of the Shannon shore.' I think it is an outrage for any member of this House to try to throw such a slur upon the Divorce Committee as the hon. gentleman from Victoria is so constantly in the habit of doing. That he impresses some members of this House I am absolutely certain, because the last time he delivered his eloquent speech he succeeded in converting my hon. friend beside me (Hon. Mr. Perley) to such an extent that he voted with him on that occasion. My hon. friend

(Hon. Mr. Perley) I have had here beside me for the last fifteen or sixteen years, an hon. gentleman whom I have used to second my motions all that time. I think it is disgraceful that he should have gone back on me. But just now he sees the error of his ways, and will not vote with the hon. gentleman on this occasion. It is hardly worth while for me to refer to the evidence, and the particular points which this hon. gentleman (Hon. Mr. Cloran) with all his legal acumen was able to make out against the decision of the committee. He stated that this divorce was recommended, according to his idea, because the man smoked cigarettes and drank whisky, and claimed that that was the only evidence we had against him. He also thought it very hard that we should decide against this man because he ran away after he had been arrested by this woman for her seduction. The hon. gentleman will remember the old saying that he who fights and probably does other things, and runs away, will live to fight another day, and that is the reason why the man girded up his loins and gat him out. But another matter struck me as curious. The hon. gentleman reading from the evidence—he read it over carefully—as to the colour of the hair of the dog that bit, and turned him almost hydrophobic on the question. He read the evidence of the father——

Hon. Mr. CLORAN—He ought to know.

Hon. Mr. KIRCHHOFFER—He read the evidence of the father of the petitioner and tried to show that the father could not tell what the colour of his son-in-law's hair was. He read the evidence to a certain point. When asked about the colour of the hair the father of the girl said, 'It was a kind of reddish; it was not brown,' and my hon. friend stopped short when he got that far. He left out what followed in order to make a point of the admission of the father that the man's hair was red.

Hon. Mr. CLORAN—I rise to a quesiton of privilege. I am accused of falsely reading to the Senate the evidence. I ask the hon. senator to read the part where the father speaks of the colour of his son-in-law's hair.

Hon. Mr. KIRCHHOFFER—I am not going to read it all over for the hon. gentleman. The education which enables him to make these speeches, ought to enable him to read the evidence too. About this poor girl in Vermont, I want to say that this was one of the most pitable cases that we ever had before us, one of the most cruel cases that I have had to consider. The hon. gentleman tries to tear to pieces the evidence given in the letter of the unfortunate girl. I shall read the letter because it is a most pitiful appeal——

Hon. Mr. CLORAN—Is it true?

Hon. Mr. KIRCHHOFFER—What right has the hon. gentleman to come here and say that the evidence furnished to the committee on oath and not contradicted is not true? The man charged with the offence runs away. The papers filed in the case show that he was personally served with a notice and given an opportunity to defend himself. Now, he does not come before our tribunal, does not make an appearance, and yet, in spite of that, the hon. gentleman wants to throw a slur on the evidence given by this unfortunate girl whom he had seduced. Here is the letter of the unfortunate girl, which is not contradicted, and she herself appeared before the committee and under oath corroborated every word of it:

Fairfax W., R.F.D., November 1, Box 48,
January 23, 1907.

Dear George,—As I heard you were in Depot Harbour I thought I would write you to let you know I had not forgotten you—you will no dout be supprize to hear frome me but I cant seeme to get you out of my mind although I have tried to think you did not think so much of me as you prtended to untill you ruined me. O George think of how you left me to bear my shame and disgrace Oh if I had never meet you but I did and learn to love you, it seems as though I could not live and bear my shame alone, now I am going to ask you a favor as long as you have cause me this shame and disgrace will you give me one comfort and that is to write and let me know what you are doing as I swear I will find you if I travell the world over as you know I have sold my body and soul for you, you may blame me if you are where you are to-day but you know better Oh George—if you could have been in my place the 30th June and suffered what I did and brought a dear little baby boy into the world to bear its mothers disgrace God forbide, and every time I look into its little inonce face I can see you before me, as he is the very picture of you. Oh for the boys sake write and let me know you are not so heartless as they all say you are as you knew I did things for you I would not do for my own

brother, if you will write and let me know you have not forgotten your Jen as you used to call me I will not lisn a word that I have ever heard frome you as you do not know what I have suffered since you went away I will ask you once more for babys sake to write and let me know where you are will say good by and God bless you.

I remain as ever,

J. M. B.

The hon. gentleman makes a great point because this girl is only a kitchen girl, a cook, and therefore her evidence ought not to be accepted. This is the letter that the hon. gentleman says is not fit to be read here to this House, and he wants this House to censure the committee, and the divorce Bill here on which we have reported to be turned down on such an argument as he presents here to-day. I say it is a disgrace to ask the House to do anything of the kind.

The SPEAKER—The question is on the motion for the third reading of the Bill.

Hon. Mr. POWER—The hon. gentleman from Victoria has moved an amendment.

The SPEAKER—The amendment was not seconded.

Hon. Mr. CLORAN—The hon. senator from Rothesay will second the motion.

Hon. Mr. DOMVILLE—It is always the right of any hon. gentleman in any legislative body to get a seconder.

Hon. Mr. KIRCHHOFFER—Senator Perley would not have seconded it.

Hon. Mr. DOMVILLE—Senator Perley was not quick enough. As I say, every hon. member has a right to have his motion seconded and I think it is a good thing because every question should be tested. I have not looked into it very carefully ; in fact I do not like a good deal of the evidence taken in the committee because of the frivolity of it. Young people appear there, and when they are good looking they are often asked a great many questions. I do not think we should have those cases brought here at all. In New Brunswick we have a divorce court of our own, and there are divorce courts in Nova Scotia and Prince Edward Island. Although I second the motion of the hon. senator, I cannot say that I approve of the way he has brought the question of divorce in New Brunswick before this House. That province has a court of its own and washes its dirty linen at home. Very little is heard of divorce in our province, and now for the first time we are going to have on the annals of this House some unfortunate transactions that have taken place in New Brunswick. I never heard of them before, although I come from New Brunswick myself. There may be some scandal alleged against people in New Brunswick, but that is an experience everywhere, and I cannot believe all the reports which come from New Brunswick of things alleged to have taken place there. I think the time has come for a change in the method of dealing with divorce cases ; they should be settled outside of this Chamber. Why should we have to deal with these unfortunate affairs and read over all the evidence taken in such cases. The matter rests with the government, and I hope they will find some way of relieving this Chamber of the duty of dealing with divorce. Let us send them to the courts. It is no part of our prayer book or litany and I do not think there are many members of this House who, if they voted as they would like to vote, could be found to endorse bringing divorce cases into the Senate.

Hon. Mr. McMULLEN—I must express my amazement at the amendment and speech of the hon. senator from Victoria. From what I know of the Divorce Committee, it is a matter of pain and regret to them when evidence is given that clearly shows that an applicant for divorce has ground for it, making it our duty to recommend the relief sought. In every instance we have taken great care that the evidence clearly establishes adultery on the part of the respondent. I do not think there ever has been a case before this Chamber better sustained by evidence than the one now under consideration. It is a case clear beyond all question. In addition to that, we have the evidence of the woman who came before the committee and clearly established the fact that this man had deliberately misled her, stating that he was a young man and promising marriage, and in that way led the poor creature

into trouble and himself into disgrace. I take no exceptions whatever to any man holding views contrary to the granting of divorce under any circumstances. At the same time, if I were one of those, I would feel it my duty not to take an active part in opposition to a Bill where there is a clear case proven, or refrain from voting altogether. I do not challenge the right of any senator who has conscientious convictions against granting divorces to do that. In the face of the evidence my hon. friend has in his hands, in the face of the statements made by the witnesses who came before the committee, I must confess that I am amazed at the proposal that this Bill for the relief for Hattie Spratte should be thrown out. If it had been an ordinary individual who had never received the education, which one learned in the law is supposed to have, had taken the position the hon. gentleman has done, I could easily understand it; but I cannot understand a man educated in the law and in the value to be attached to evidence, taking the position that my hon. friend has assumed. If ever there was a case before this House entirely deserving of relief, I think it is the case of this poor woman. From her appearance and conduct before the committee, and her manner of giving evidence, she was evidently a decent, respectable, intelligent woman, a woman that would be an ornament in any man's home, and she evidently had been deceived by this man, a fact which was clearly proven, and backed up by the evidence of the woman from Vermont. If we are to grant divorces at all, I do not see how we can refuse this petition. With regard to the question brought up by my hon. and esteemed friend, with regard to granting divorces, or having a divorce court for the Dominion, that question has been discussed from year to year for many years. Sir John Macdonald was opposed to it on the ground that it would encourage divorce. They have divorce courts in New Brunswick and Nova Scotia and British Columbia. If you take the number of divorces granted in those three provinces, where they have divorce courts, you will find that there are more per capita in these provinces than in any other province.

Hon. Mr. McMULLEN.

Hon. Mr. DOMVILLE—The hon. gentleman should give some authority for that bald statement.

Hon. Mr. McMULLEN—I refer my hon. friend to the returns. I will withdraw the statement, if I do not prove that there are more divorces granted in the provinces where they have divorce courts, per capita, than in the other provinces where no divorce courts are established. The question is whether it is wise to encourage divorce. On the other side of the line, divorces are granted on the most flimsy pretexts. Here we limit them to one offense. Drunkenness or smoking cigarettes are not grounds for divorce under our law. A short time ago, when I was travelling in the United States, I read in a morning paper in St. Louis that on the previous day there had been some 32 divorces granted by the judge in that city, and they urged him to consider some more, but he said that he thought he had done a pretty good day's work. I looked over the list to see the grounds on which these divorces had been granted, and in one case I noticed that a lady got a divorce from her husband because he snored too loudly and she could not sleep with him, and she brought a lady who lived across the road, 66 feet away, to prove that she could hear him snoring from that distance. The result was she got a divorce. We do not grant divorces on such grounds in Canada, and God forbid that we should. We claim to be a people of better character and higher standing than to consider for a moment a separation between man and wife on any other ground than one, and that in every single instance where the committee have recommended to this House a separation between man and wife that offence has been proved to the satisfaction of the committee, and in this case it has been proved quite up to the hilt.

Hon. Mr. DOMVILLE—I wish to ask the hon. gentleman why it is we are bothered with all these Ontario cases? He has talked about New Brunswick but I have never searched the records there. Why not leave Ontario cases to Ontario, as New Brunswick cases are left to that province ?

Hon. Mr. ROSS (Halifax)—My opinion with regard to the propriety of the Di-

vorce Committee being a tribunal by which divorces are granted has been expressed often in this House, and I say that it is a disgrace that the divorce cases shall be tried by parliament and sent to the country and given publicity. I think the hon. senator who has just resumed his seat is wrong about the number of divorces granted in Nova Scotia. I have the authority of the judge who tries those cases, that there have been less than three divorces a year in that province since confederation. We consider it to be the correct tribunal because the poor man can go there as well as the rich. But here you have a tribunal for the rich, to which the poor man cannot appeal, and, consequently, the number of divorces is reduced. I was complimenting the hon. senator from Victoria upon the very moderate way in which he spoke on this subject. Sometimes I think he speaks a little strongly, but I thought he was equal to almost any preacher in the country in his moderation when he spoke about this matter. There was one impression which he made upon my mind, which is not quite clear—perhaps it may be clear to the committee—who is the father of the child ? I do not think the committee themselves are very clear upon that point. I only rise, as I said before, to protest against the Senate being the tribunal by which divorces are granted.

The amendment was declared lost.

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

MANITOBA GRAIN ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself again in Committee of the Whole on Bill (ZZ) An Act to amend the Manitoba Grain Act.

(In the Committee.)

On clause 37,

37. The following subsection is added to section 110 as subsection 2 thereof:—

2. Every person who buys grain on track in carload lots, shall keep a true and correct account in writing in proper books of all grain bought by him in such carload lots, and shall deliver to the vendor of each such carload lot of grain a grain purchase note, retaining himself a duplicate thereof; which note shall bear on its face the license season, the license number of such track buyer's license, the date and place of purchase, the name and address of such track buyer, the name and address of the vendor, the initial letter and number of the car purchased, the approximate number of bushels and kind of grain contained therein, and the purchase price per bushel in store at Fort William, Port Arthur or other destination; such grain purchase note shall also express upon its face an acknowledgement of the receipt of the bill of lading issued by the railway company for such carload shipment, the amount of cash paid to the vendor in advance as part payment on account of such car lot purchase, also that the full balance of the purchase money shall be paid to the vendor immediately the purchaser shall have received the grade and weight certificates and the railway expense bill. Every such grain purchase note shall be signed by the track buyer or his duly appointed agent, and the vendor shall endorse his acceptance of the terms of the sale thereon as well as his receipt for payment of the money advanced him on account of such carload lot sale.

Hon. Mr. WATSON—What protection is there for the seller of grain to get his money from track buyers?

Hon. Sir RICHARD CARTWRIGHT—He must look after that himself.

Hon. Mr. WATSON—You can make conditions with an elevator man but not with a track buyer.

Hon. Mr. DAVIS—I suppose in that case he does not have to take a cash ticket or order. He may insist on receiving the money.

The clause was adopted.

On clause 39,

39. The following section is inserted immediately after section 118, as section 118a:—

118a. Every railway company shall place painted lines inside of each of its cars used for the carriage of grain, indicating the height to which the various kinds of grain can be loaded therein, and no car shall be loaded with any kind of grain above its appropriate line. The person loading any such car shall state in the bill of lading, prior to its being signed by the agent of the railway company, that the car is loaded to or below such line, and such agent before signing the bill, shall verify such statement. The bill of lading so signed shall be prima facie evidence of the loading, and no charges for loading in excess of the quantity so limited shall lie against such car. No railway company that fails to equip any car as aforesaid shall collect any charges for the transportation of grain in said car above the regular tariff rates for carload lots.

2. The contravention of any requirement of this section shall be an offence against this Act.

Hon. Sir RICHARD CARTWRIGHT—I call the attention of the House to this clause, because it is new and was not fully discussed before. This is an extract from the grain laws of the State of Minnesota, and is expected to relieve a great deal of the friction and complaint which, I am informed, arises from disputes as to the quantity of grain that may be loaded into each car.

Hon. Mr. DAVIS—Before that section is carried, I want to submit a small amendment that I think will very properly come in at this point: that is with respect to spotting of cars. My proposed amendment reads as follows:

No car shall be considered spotted until it is cleaned and made in a fit condition to receive grain.

I might say that at a great many railway points where the railway agents distribute cars, they are not particular about the manner in which they leave them. They very often ship cattle in box cars, and the cars are brought back and the agent has them spotted at the elevator or loading platform, and they may be quarter full of manure, or the doors may be broken and they may not be in a fit condition to carry grain. The railway companies complain of the length of time the farmers keep cars at loading platforms. Sometimes a farmer loses half a day in cleaning the car and sometimes a full day, before he is fit to receive grain. I contend that the railway agent should see that that car is cleaned and put in a proper condition to load grain before the time from which it is spotted shall count.

Hon. Sir RICHARD CARTWRIGHT—In that connection, while I daresay there is a great deal to be said in regard to compelling the railway companies to have their cars in proper condition, it seems to me to be one of those things which belong more particularly to the Railway Commission Board which we have created for the express purpose of dealing with just such matters as these. I think it would be better to leave that to their charge rather than attempt to inflict it on the Commissioner of Grain who will have enough to do without it.

Hon. Mr. DAVIS.

Hon. Mr. DAVIS—The Grain Commissioner could ask the Railway Commission to issue an order to see that it was done.

Hon. Sir RICHARD CARTWRIGHT—That could be done.

Hon. Mr. PERLEY—It seems to me something of that kind should be done in the interests of the company, and I will tell the House why. The car may be sent to a farmer who is not a railroad man. He is anxious to put his grain in the car. He is not a carpenter and is not conversant with the condition of things, and he may load up a car which has a crack on the side, and it leaks all the way to Winnipeg or Fort William, and by the time it reaches its destination it has lost 100 bushels. If the man who put the grain in the car could swear to the amount he put in the car, he would have an action against the railway company, but he cannot do it. I know every bushel I put into cars from my elevator, and I keep track of it for the very purpose of remedying such a case as that. It is in the interests of the railway that the car should be in a fit condition, and the ordinary farmer cannot put a defective car in such condition. The car should be tendered to the farmer in a proper condition to receive the grain. In that way a great deal of difficulty would be overcome, and it would be a safeguard to the railway company. Take the case of a Doukhobor or Galician. He is not proficient in mechanics and does not understand how to fix a car. He accepts the car, and takes it for granted that it is all right, and he loads his grain. That car may leak all the way to Winnipeg. I have often had to fill up a crack in the side of a car, but an incompetent man will not do that, and loss results. If I owned a railway, I would not allow them to send out defective cars.

Hon. Sir RICHARD CARTWRIGHT—It seems to me those are matters which belong exclusively to the Railway Commission. We have organized at great expense this railway commission for the express purpose of dealing with such complaints and they ought to deal with these matters.

Hon. Mr. WATSON—I should like to call the attention of the House to the fact that section 92 of the Manitoba Grain Act pro-

vides for the allotment of the car in good order and condition. I think that would be sufficient to cover it.

The clause was adopted.

On clause 40,

Section 125 is amended by inserting, in the third line thereof, after the words 'public terminal warehouseman' the words 'or of an eastern transfer warehouseman.'

Hon. Sir RICHARD CARTWRIGHT—This simply brings the eastern transportation warehouses under the provisions of the section.

Hon. Mr. DAVIS—I do not see any provision for government agents having authority given to them at these transfer elevators at Fort William. It may be said the government can appoint inspectors, and they go there and take charge; but I think there should be a clause in the Bill giving them power to examine the elevator bins or anything else they wish to examine.

Hon. Sir RICHARD CARTWRIGHT—They have that power.

Hon. Mr. DAVIS—Not in this Bill.

Hon. Sir RICHARD CARTWRIGHT—It is under the Manitoba Grain and Inspection Act.

The clause was adopted.

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

JUVENILE DELINQUENTS' BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (QQ) An Act respecting Juvenile Delinquents

(In the Committee.)

On subclause (a) of clause 2,

(a) 'child' means a boy apparently or actually under the age of sixteen years, or a girl apparently or actually under the age of seventeen years.

Hon. Mr. De BOUCHERVILLE—I think that ought to be changed. Girls are more advanced than boys, and it would be more reasonable to say girls of sixteen and boys of seventeen.

Hon. Mr. POWER—One can readily understand that a girl of seventeen is much less likely to make trouble in any small community than a boy of seventeen. There is much less risk from sending a girl of seventeen to a home than there is from sending a boy of seventeen to a home; and then one of the objects of this legislation is to prevent the moral tone of a child from being lowered by being treated as an ordinary criminal. The moral tone of a girl is a much more delicate thing than that of a boy, and I think she needs more protection than a boy does.

Hon. Mr. BEIQUE—Another object is to make it agree with the provincial statutes. Ontario has a statute which I think is to the same effect, and unless we adopted the clause in this form it would come into conflict with the Ontario statute.

Hon. Mr. De BOUCHERVILLE—What is the law in the province of Quebec?

Hon. Mr. BEIQUE—There is no law of that kind in the province of Quebec.

Hon. Mr. De BOUCHERVILLE—Is there not a law by which instead of sending a child to jail he is sent to a reformatory school? Is not the age for girls lower than for boys in the province of Quebec?

Hon. Mr. BEIQUE—I have not the Quebec statute before me, but I will look into it.

Hon. Mr. SCOTT—In other countries they have fixed the age for females up to eighteen years. It is all in the direction of protecting the girl. We ought rather to be abreast of the rest of the world than behind them in a matter of this kind.

Hon. Mr. WILSON—You must bear in mind that a girl of seventeen is more mature than a boy at the age of twenty. I can understand that a girl requires more protection than a boy, but I do not think this will protect girls.

Hon. Mr. SCOTT—In all the legislation that has taken place in this country and abroad, the age of the girl has been one or two years higher than that of the boy. It has been recognized that the girl requires more protection.

Hon. Mr. De BOUCHERVILLE—In the province of Quebec, a girl, under such circumstances, is sent to the reformatory school.

Hon. Mr. BEIQUE—If the hon. member will allow this clause to pass, I will look up the question, and at the third reading will consider that point.

Subclause (a) was adopted.

On subclause (h),

(h) 'industrial school' means any industrial school or juvenile reformatory or other reformative institution or refuge for children duly approved by the Lieutenant Governor in Council in any province.

Hon. Mr. POWER—When this Bill becomes law, it will, to a certain extent, put the industrial schools throughout the country out of business. As it is now, under Dominion statutes which apply to nearly all the provinces, there is a provision that young people under the age of sixteen shall be dealt with by the courts in a certain way and in cases of conviction sent to industrial schools. I put them all under one title. If this Bill becomes law that will cease. This Bill will apply to all young persons under the age of sixteen; they will be dealt with under this Bill. Except to a very limited extent, this Bill makes no provision for those young people being committed to industrial schools. I would suggest to the hon. gentleman that he should consider that matter and prepare some amendment which will enable us to use the industrial schools to a greater extent than the Bill proposes to do in its present shape.

Hon. Mr. BEIQUE—It is not my understanding of the Bill that it will interfere with the industrial schools. Of course there may be a smaller number sent to the industrial schools, because other means will be tried before having recourse to that; otherwise it will not interfere with such schools.

Subclause (h) was adopted.

On clause 16, subclause 3,

3. Every such child, whether allowed to remain at home or placed in a foster home, or committed to an institution, shall continue to be a ward by order of the court until it has been discharged as such ward by order of the court or has reached the age of twenty-one years; and the court may at any time during the period of wardship cause such child to be returned to the court for further or other proceedings, including discharge upon parole or release from an institution.

Hon. Mr. BEIQUE—I propose to add the following to this clause:

Provided that in any province in which there is a superintendent of neglected and dependent children appointed under the authority of any provincial Act, no child shall be released by the judge from an industrial school, without a report from such superintendent recommending such release.

Hon. Mr. De BOUCHERVILLE—Will he be subjected to another proceeding when he is 21 years of age?

Hon. Mr. BEIQUE—He will be discharged. The words 'to an institution' would not mean anything, and it may not be in accord with the rest of the Bill, because the subsections 'provide for the committing of the child to a foster house, or even in a private family.' I want to enlarge that part of the section by inserting the words 'if he be in any way committed,' and then at the end of the clause, for the same reason, I strike out the word 'institution' and replace it by the word 'commitment.' He is a ward of the court until he reaches 21, and then, ipso facto, he is not at all under this clause. This amendment was suggested to me because of the system obtaining in Ontario. In that province there is a superintendent of neglected and dependent children, acting under the provincial statute, and this officer is intrusted with very important duties, and it was suggested to me that no child should be released under that paragraph without a favourable report being made by that officer. After the child reaches 21 he would be no longer under this Bill.

Hon. Mr. POWER—Suppose that the child who had been sent to this institution has attained the age of 18, then he has ceased to be a child under the definition of the second clause of the Bill. Does the hon. gentleman think it is quite covered?

Hon. Mr. BEIQUE—The moment the child has come under the operation of this Act, then he may remain a ward of the court and remain under the operation of the Act until he reaches the age of 21.

The subclause was adopted.

On clause 17, subclause 5,

5. A parent or guardian shall have the same right or appeal from an order made under the provisions of this section as if the order had been made on the conviction of the parent or guardian.

Hon. Mr. WILSON—It seems to me that this is a pretty hard provision. If the child has not committed an indictable offense so as to render him liable to be committed for it, you make the parent responsible for any damage that may be imposed by the court. I understood that the law was intended to avoid having children appear before the public as criminals. This clause virtually makes the child a criminal, and even goes so far as to make girls of 16 years appear as criminals, and so held responsible and that fact published to the world. It seems to me the promoter of the Bill might consider whether he cannot release, to some extent, the penalties that would attach to the wrong-doing.

Hon. Mr. BEIQUE—This clause is borrowed from the imperial Bill which I have in my hand, and such legislation exists in France, Belgium, Denmark, Sweden, Norway and a number of other countries.

Hon. Mr. SULLIVAN—There is a good deal of difference between Canadian children and the children of those countries the hon. gentleman has mentioned.

Hon. Mr. POWER—I think this is one of the most admirable clauses in the Bill. Parents, as a rule, are responsible for their children, and they should be so held.

The clause was adopted.

Clause 18.

18. Whenever an order has been made under the next preceding section, committing a child to a children's aid society, or to a superintendent of neglected children, the child may thereafter be dealt with under the law of the province in the same manner in all respects as if an order had been lawfully made in respect of a proceeding instituted under authority of a statute of the province.

I propose to add to this clause the following:

And from the date of such order the child shall cease to be a ward of the court, and except for new offences, he shall not be dealt with under the provisions of this Act.

Under the previous section the child remains a ward of the court until he reaches 21. If the child is to be dealt with under the law of the province, then he should not remain any longer under this Act. On the other hand, if he remains under this Act he should not be under the law of the province. I propose to add further:

The order of the Provincial Secretary may be made in advance and to apply to all cases of commitment mentioned in this section.

The Act would not be workable if the Provincial Secretary had to give an order in every case, so that if my amendment is accepted it will be open to the Provincial Secretary to order that in all cases where the child is committed to a Children's Aid Society or to the superintendent of Neglected or Dependent Children, or to an Industrial School, he shall be dealt with under the law of the province.

Hon. Mr. POWER—That is a very important amendment.

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

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

THE SENATE.

OTTAWA, Thursday, June 4, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PROROGATION.

Hon. Mr. PERLEY—Before the orders of the day are called, I should like to ask the leader of the House a question. I observe that a notice of motion has been given to adjourn the Senate till next week, and I cannot find any signs of prorogation in sight. We are now in the seventh month of the session, and I should like to know something about when it will end, because I have some work at home which I want to attend to. When I left Wolseley, in November last, I never expected I would be here the whole year, and did not arrange my business so that I could be away for such a length of time. Can the hon. leader of the House give us any intimation as to when parliament is

likely to prorogue? I cannot go home during the short adjournments and have to remain here.

Hon. Mr. SCOTT—I did not catch the pertinent part of the question.

Hon. Mr. PERLEY—My question is when will parliament prorogue ?

Hon. Mr. SCOTT—That depends on the friends of the hon. gentleman in the other Chamber. It rests with them.

Hon. Mr. FERGUSON—Altogether with them ?

Hon. Mr. SCOTT—Yes. The important part is the passage of the estimates, the supply required to keep up the public service in Canada, to pay the various amounts due for public works, to keep up the Intercolonial Railway and a variety of other public charges. Of course that cannot be done while the opposition hold up the government.

Hon. Mr. FERGUSON—Are the government measures down ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—All down ?

Hon. Mr. POWER—The hon. gentleman has no right to discuss the answer of the minister.

Hon. Mr. PERLEY—Then I will ask another question. I anticipated this trouble and I will now move that the Senate adjourn.

The SPEAKER—There need not be a motion to adjourn, because if the hon. gentleman has a question to put. he is quite in order.

Hon. Mr. KERR—I rise to a point of order. There is nothing before the House.

The SPEAKER—There is a question which the hon, gentleman is about to ask.

Hon. Mr. PERLEY—How can I get my remarks in ?

The SPEAKER—The point of order is not well taken because the hon. gentleman has a question to put.

Hon. Mr. PERLEY—I am astonished that the hon. gentleman from Toronto, a lawyer of high standing, should raise a question of order. He ought to know better. The hon. minister states that the opposition are delaying the business of parliament, and in consequence of that he cannot tell when parliament is likely to prorogue. I hold that the opposition are simply doing their duty.

The SPEAKER—That is not another question. I thought the hon. gentleman intended to put a question.

Hon. Mr. PERLEY—I did, but the answer of the minister led to this.

Hon. Mr. FERGUSON—The hon. gentleman is in order in speaking on the motion to adjourn.

Hon. Mr. PERLEY—I move that we adjourn, seconded by the Hon. Mr. Kirchhoffer. Now can I speak ? I say that a parliament that is elected by the people of Canada is supposed to be elected to govern the country and administer the affairs of the country with advantage to Canada, and a certain proportion of the representatives in the other House think affairs have not been managed satisfactorily to Canada, and for that reason they are making inquiries into the public expenditure and various other matters in the departments of the government, so as to regulate things and keep them within bounds. That is the duty of an opposition, and I go further to say that I think the government ought to be as anxious as the opposition to see that matters are done properly and correctly and to see that nothing wrong is done. But when the government does not do that, the opposition feel that it is incumbent upon them to look after it. They have been trying to get at the bottom of various expenditures, and investigate the conduct of men in the employ of the government, and they are delayed in that inquiry by members supporting the government in the other House, and that is what keeps us here seven or eight or nine months. I was in the House of Commons this morning and saw two committees of inquiry at work, which committees would have nothing to do if the business of the

country were properly conducted. The opposition were trying to get information and they were obstructed, as other persons who have been willing and anxious to make inquiries have been obstructed. The Franchise Bill also has been the object of considerable attention by the opposition. They are disatisfied with it, and that is the reason, to some extent, why parliament has been held up. I am not a lawyer, nor a doctor, nor a philosopher, and I do not profess to be a very great statesman.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. PERLEY—But I have commou sense, which seems to me an unknown product on the other side of the House. I am going to ask the members of the government—because they framed this Franchise Bill—what clause 17 means. It reads as follows:

> Section 173 of the said Act is amended by adding at the end of paragraph C the following proviso:—
> Provided however that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

I should like to have the hon. gentleman's interpretation of what that clause means.

Hon. Mr. SCOTT—An election was contested some time ago in consequeuce of the deputy returning officer unintentionally putting marks on the ballot paper, and a judge of the court held that although the election was regular in everything, and that there was no criminal intent in making those marks, it had the effect of throwing out all the ballots on which the marks appeared. Placing a mark on a ballot gave the returning officer the opportunity of disfranchising any voter he wished. It arose in a case in the county of Wentworth, where the court held that in consequence of the deputy returning officer unwittingly putting certain marks on the ballot, it had the effect of throwing out those ballots, and unseating the man who received the majority of the votes.

Hon. Mr. FERGUSON—But the clause read by the hon. gentleman does not refer to marks put on unintentionally.

Hon. Mr. SCOTT—Any marks at all.

Hon. Mr. FERGUSON—The returning officer may, under that clause, have an arrangement with parties outside by which he could put particular marks on and thus disfranchise as many of his political opponents as he chooses.

Hon. Mr. SCOTT—No fraud has been discovered yet. The reason I stated 'unwittingly,' is because in the case to which I have referred it was not contended that the returning officer did it with any criminal intent.

Hon. Mr. DAVIS—That is all out of order.

The SPEAKER—I would draw the attention of the House to the fact that this is discussing a Bill which is now before the other House and we cannot discuss it until it comes here.

Hon. Sir MACKENZIE BOWELL—His Honour the Speaker is right in his decision, and I do not intend to discuss the question of the marking of ballots. I can only repeat what has already been said by the hon. senator from Marshfield, that it opens the door for any amount of fraud. I could give a number of instances where it has happened. I am surprised at the answer given by the hon. Secretary of State to the question put to him by the hon. senator from Marshfield, when he said that the government had brought down all its measures. The Civil Service Bill has not been brought down, and there is no indication of what the Insurance Bill is to be or when it is to come. The Premier said that these Bills were to be introduced and considered this session. If I were to express an opinion it is this, that neither of those measures at this period of the session should be brought down, and the government would be justified in not pushing them this session. They are very important in their character, but to tell us at this hour, after the statement made by the Premier in the other House, that all the measures the government intended to deal with this session have been brought down, is contrary to the record.

Hon. Mr. PERLEY—If I am in order I should like to say that according to clause 17 they could not——

An hon. GENTLEMAN—Order, order.

The SPEAKER—What is the point of order.

Some hon. GENTLEMEN—The hon. gentleman has already spoken.

The SPEAKER—The hon. gentleman has spoken twice.

Hon. Mr. FERGUSON—The hon. senator from Wolseley only gave the floor to permit the Secretary of State to answer a question. I wish to protest against the custom in this House of hon. gentlemen calling 'order, order,' as they have done this afternoon. If any one wishes to raise a point of order, he should rise in his place and do so, and the chair will decide.

The motion was withdrawn.

THIRD READING.

Bill (SS) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.—(Hon. Mr. Belcourt.)

JUVENILE DELINQUENTS' BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (QQ) An Act respecting Juvenile Delinquents.

(In the Committee.)

Hon. Mr. BEIQUE moved that the following be substituted for clause 18:

18. Whenever an odrer has been made under the next preceding section, committing a child to a children's aid society, or to a superintendent of neglected and dependent children, or to an industrial school, if so ordered by the secretary of the province, the child may thereafter be dealt with under the law of the province in the same manner in all respects as if an order had been lawfully made in resepect of a proceeding instituted under authority of a statute of the province; and from the date of the issuing of such order the child shall cease to be a ward of the court, and, except for any new offences, he shall not be further dealt with under the provisions of this Act. The order of the provincial secretary may be made in advance and to apply to all cases of commitment made under this section.

Hon. Mr. DeBOUCHERVILLE—This does not meet the objection that I have taken. By this Bill we are amending the Act of a local legislature. If we take it upon ourselves to amend the legislation of the local legislatures, then whenever the sections of a local law do not agree with a federal law, the federal law will prevail, and therefore I think it is unfair that we should take away from the local authorities the rights they possess. I do not see that this will make the matter better; it will only make it worse.

Hon. Mr. BEIQUE—The hon. gentleman will bear in mind that this Bill creates the certain acts mentioned in subclause (c) of clause 2 juvenile offences, and brings the act under the provisions of this Bill if it becomes law. It is intended in case a provincial legislature has any legislation on the subject, as they have in the province of Ontario, to give the Provincial Secretary power to issue an order directing that any children committed to an industrial school or any of the institutions referred to in clause 18 shall be proceeded with under the provincial Act instead of under this Act. We cannot go any further than that. It is providing that provincial legislation shall supersede this law if the Provincial Secretary thinks it advisable.

Hon. Mr. DeBOUCHERVILLE—My objection is just there. We are interfering with a local law.

Hon. Mr. SCOTT—Oh, no, it does not interfere. Where the two Acts are in harmony, it provides that the provincial law shall prevail.

Hon. Mr. BEIQUE—I may further call attention to clause 31, where it says:

31. Nothing in this Act contained shall be constructed as having the effect of repealing or over-riding any provision of any provincial statute relating to neglected or dependent children; and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of the criminal code an indictable offence, comes within the provisions of a provincial statute relating to neglected or dependent children, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child.

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

On clause 19,

19. No Protestant child dealt with under this Act shall be committed to the care of any Roman Catholic children's aid society or be placed in any Roman Catholic family as its foster home; nor shall any Roman Catholic child dealt with under this Act be committed to the care of any Protestant children's aid society, or be placed in any Protestant family as its foster home; but this section shall not

apply to the placing of children in a temporary home of shelter for children, established under the authority of a statute of the province, or, in a municipality where there is but one children's aid society, to such children's aid society.

2. If a Protestant child is committed to the care of a Roman Catholic children's aid society or placed in a Roman Catholic family as its foster home or if a Roman Catholic child is committed to the care of a Protestant children's aid society or placed in a Protestant family as its foster home, contrary to the provisions of subsection 1 of this section, the court shall, on the application of any person in that behalf, make an order providing for the proper commitment or placing of the child as required by subsection 1 of this section.

Hon. Mr. SULLIVAN—This clause ignores the title of the parent altogether. If that is the intention of the Bill, I have nothing to say; but I hold differently with regard to the vexed question of religion. A child up to four or five years of age belongs to the mother, but from seven years of age onwards. I think the father has a right to the child, when it is able to decide for itself. I do not know what age this Bill takes cognizance of.

Hon. Mr. BEIQUE—My hon. friend is dealing with the subject matter of clause 16, which has been already adopted. That clause gives power to the officer to remove the child from the parents, in certain cases.

Hon. Mr. SULLIVAN—Supposing one parent is Protestant and the other Catholic.

Hon. Mr. POWER—The father has the child.

Hon. Mr. BEIQUE—Yes, the father has the child.

Hon. Mr. SULLIVAN—I think at a young age the mother has the child.

Hon. Mr. BEIQUE—We cannot interfere with the law. If the mother has the prior right, the law will apply.

Hon. Sir MACKENZIE BOWELL—This clause declares that in a municipality where there is but one Children's Aid Society, a child, no matter of which religion, may be sent to it, independent of the parent or anybody else.

Hon. Mr. BEIQUE—I have followed the wording of the Imperial Bill which is very wide.

Hon. Mr. SULLIVAN—There have been terrible rows in England about the same question; it upset the whole country, and I should like to guard against such agitation in Canada.

Hon. Mr. POWER—I wish to direct the attention of the hon. gentleman from Kingston to the fact that clause 16 gives the court the power to allow the child to remain in its home, subject to the visitations of the probation officer, and, of course if the father, or, the father being dead, the mother of the child is able to show that he or she is prepared to bring the child up properly, the judge of the court will naturally allow the child to remain in its home.

The subclause was adopted.

On clause 24,

24. Every probation officer duly appointed under provisions of any provincial statute shall have in the discharge of his or her duties as such probation officer all the powers of a constable, and shall be protected from civil actions for anything done in bona fide exercise of the powers conferred by this Act.

Hon. Mr. WILSON—Does this clause empower an officer acting under this Act to do anything, whether it is consistent or inconsistent with it, and free him from any action? Has he full and absolute power to do as he thinks proper? The Act gives him very important privileges and very important duties to perform. One clause gives him power where a Roman Catholic child has been placed in a Protestant family, if any one makes a representation to him, to have that child taken away. We are granting absolute power to him without any restriction whatever, and he can simply quote this Act as his protection.

Hon. Mr. BEIQUE—These probation officers are made officers of the court by this Act, and this is the protection which is always afforded officers of the court, provided they act in good faith. Otherwise they would be open to all kinds of actions, and the Act would not be workable.

Hon. Sir MACKENZIE BOWELL—This only gives him the power that is vested in a constable now.

Hon. Mr. WILSON—We know the powers of the constables, and we know that

they exercise those powers very frequently, not in the best interests of justice, and they are protected from civil action for anything done in the bona fide exercise of the powers conferred by this Act. If they say that they are acting bona fide under this Act, then there is no redress to any one who may suffer from their conduct. If we are passing this Act for the protection of juveniles, we should see that they shall not be so disposed of as to become criminals. The effect of this Act would appear to me the hardening of juvenile criminals rather than reforming them.

Hon. Mr. SCOTT—My hon. friend should remember who the probation officers are. They are selected from people who take a great interest in the child and in his welfare, and if they do not possess those qualities my hon. friend refers to, they are unfit for the position. They go into a home where father and mother are fighting, or perhaps drunkards, and they bring the child away and protect it in order that it may become a valuable member of society. Does the hon. gentleman say that any one acting in that capacity should not be protected when looking after the vital interests of the child and the well-being of society? The Act is no use otherwise.

Hon. Mr. WILSON—We are all desirous of making every child as it grows up a useful member of society, but we may differ as to the means of accomplishing that. Here we pass an Act to permit a child being taken away from its parents and put in other charge, and who is as solicitous for the welfare of the child as the parent? We put young children in the hands of an officer and that officer has absolute power and control over them. He may do anything under the Act, and he is protected. I say that it is an unreasonable proposition to make, and I am fearful that instead of lessening the criminal juvenile class it will increase them. I do not see any reason why we should pass such a restrictive measure.

Hon. Mr. SCOTT—I have had some familiarity with the working of the Act. My son has been president of one of these societies for years, and I have never heard an instance where the whole community did not sustain the probation officer in the action he took.

The clause was adopted.

On subclause 3, of clause 25,

3. Where there is no children's aid society in a city or town in which this Act is in force the court shall appoint three or more persons to be the juvenile court committee.

Hon. Mr. POWER—It is desirable to amend subclause 3. In subclause 2 there is a provision that there shall be two juvenile court committees, one to deal with Protestant children and the other with Catholic children, and I think the same provision should be extended to this clause. I suggest to the hon. gentleman that he should add to subclause 3 these words :

As regards Protestant children, and three or more other persons to be the juvenile court committee, as regards Roman Catholic children.

Hon. Mr. BEIQUE—I have no objection.

The subclause was amended and adopted.

Hon. Mr. BEIQUE—I beg to move that the following clause be added to this clause :

Wherever no probation officer has been appointed under the provincial authority, and remuneration for such has been provided by municipal grant, public subscription or otherwise, the court shall, with the concurrence of the juvenile court committee, appoint one or more suitable persons to act as probation officers.

Hon. Mr. WILSON—Am I to understand that the court appoints certain persons, as a juvenile court committee, and these officers with the approval of the court may appoint a probation officer ? I understood ordinary constables were to act, as the officers under this Bill.

Hon. Mr. BEIQUE—Oh, no.

Hon. Mr. WILSON—Here we find that where there is no Children's Aid Society in a city or town in which this Act is in force, the court shall appoint three or more persons to be the juvenile court committee, and then it says the court shall with the concurrence of the juvenile court committee appoint a probation officer and he is to have all the powers and all the immunities provided by this Bill. It may be all right.

The clause was adopted.

On clause 28,

28. Any person who knowingly or wilfully encourages, aids, causes, abets or connives at the commission by a child of a delinquency, or who knowingly or wilfully does any act producing, promoting or contributing to a child's being or becoming a juvenile delinquent, whether or not such person is the parent or guardian or the child, or who, being the parent or guardian of the child and being able to do so, wilfully neglects to do that which would directly tend to prevent a child's being or becoming a juvenile delinquent, or to remove the conditions which render a child a juvenile delinquent, shall be liable on summary conviction before a juvenile court or a justice, to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding one year, or to both fine and imprisonment.

2. The court or justice may impose conditions upon any person found guilty under this section, and suspend sentence subject to such conditions; and on proof at any time that such conditions have been violated may pass sentence under the original conviction.

Hon. Mr. WILSON—It strikes me that this is intended to make every individual an officer to see that children are protected. If one happens to see a child doing wrong and does not undertake to restrain him, he is liable to this penalty. What is a delinquency? The least offence may be a delinquency, and if one does not try to prevent it one becomes responsible.

Hon. Mr. SCOTT—No, it is only if you encourage, aid or assist a child to commit crime.

Hon. Mr. WILSON—The clause covers all that I claim. If we know that a child is doing wrong and do not take steps to have him punished, we are contributing.

Hon. Mr. BEIQUE—A person who would merely know of it, if he did not aid or encourage it, would not come within the purview of this clause. This is the wording which is used in the Criminal Code in relation to matters of this kind.

Hon. Sir MACKENZIE BOWELL—As I understand the clause, it is a provision to punish any one who encourages a child in doing wrong.

The clause was adopted.

On clause 29,

29. Prosecutions for offences against any provision of the criminal code in respect of a child may be brought in the juvenile court without the necessity of a preliminary hearing before a justice, and may be summarily disposed of where the offence is triable summarily, or otherwise dealt with as in the case of a preliminary hearing before a justice.

Hon. Mr. POWER—I would ask the hon. gentleman what he thinks of this case; suppose that a party is accused of a criminal assault on a girl under the age of sixteen, does the hon. gentleman think that that case should be tried in a children's court?

Hon. Mr. BEIQUE—Yes, with the discretion given to the judge by section 7.

The clause was adopted.

On clause 34,

34. This Act may be put in force in any city or town by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 33 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city or town by the municipal council thereof or otherwise.

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city or town in which the Act is so put in force, or may appoint some other duly qualified person, to act as juvenile court judge for such city or town, and the judge or justice or person so designated or appointed shall have and exercise in such city or town all the powers by this Act conferred on the juvenile court.

Hon. Mr. WILSON—By this clause cities and towns are empowered to put the law in force. How about rural sections? We have township societies for the protection of juveniles; would this enable the township to make such an application?

Hon. Mr. BEIQUE—I think so, because we have added the words 'Or other portions of a province.'

Hon. Mr. SULLIVAN—I do not think they would require anything of the kind in townships or villages, because the moral atmosphere in such places is purer than in cities or towns.

Hon. Mr. BEIQUE—I think it would be well to add the words 'or other portions of a province.'

The clause was amended and adopted.

Hon. Mr. BEIQUE—I move a reconsideration of the clause in regard to age. It makes a difference between the ages of girls and boys. I move that the age be made uniform—16 years. It will be more in accord with the other statutes.

Hon. Mr. ELLIS—I am very sorry that the hon. gentleman consents to this, be-

cause, notwithstanding the criticisms of yesterday, a girl requires more care than a boy, and it would have been much better to have left the clause as it is in the original draft of the Bill.

Hon. Mr. BEIQUE—I have come to this conclusion because all the other statutes make no difference and I am afraid it might create some confusion.

Hon. Mr. ELLIS—That is all very well, but a 17 year old girl, notwithstanding this Act, may be taken into an ordinary police court and whatever is vicious and wicked would be demonstrated as before, and she would lose the benefits of the Act. The hon. gentleman has done so well that one feels disposed to praise him for his work, but in this case he is too easy.

Hon. Mr. BEIQUE—I want to follow the imperial Act and the Ontario statutes as far as possible, and I think it will disarm opposition in the other chamber by making it uniform.

The clause was amended and adopted.

Hon. Mr. ROY, from the committee, reported the Bill with amendments.

CHINESE IMMIGRATION ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (OO) An Act to amend the Chinese Immigration Act.

(In the Committee.)

On clause 2,

Hon. Sir RICHARD CARTWRIGHT—The object of this clause is simply this: certain abuses have occurred under the old statute under which men of mature age claimed exemption as being children. Here we define who the children may be by introducing the word minor, and by limiting the students who may claim exemption to students who are under 17 years of age.

Hon. Mr. POWER—Is not that rather a low age?

Hon. Mr. WILSON—Would the right hon. minister state why the limitation is to students under 17?

Hon. Sir RICHARD CARTWRIGHT—Because parties much over that age have come in and claimed exemption, and it is not considered desirable that Chinese students over 17 should be allowed to attend schools in British Columbia with ordinary white children of tender years.

Hon. Mr. WILSON—I suppose that students entering for instance under 15 or 16, desiring to go through their regular course will be compelled to withdraw when they reach the age of 17, under the provisions of this Bill? The clause merely exempts students under 17 years of age from coming into the country.

Hon. Mr. POWER—If a student proposes to go to a day school in British Columbia, I can understand the fixing of seventeen; but suppose a case which sometimes happens, I think, that a Chinese studen wishes to study at McGill or Toronto University, it seems to me that 17 is a low age.

Hon. Mr. WILSON—It struck me the limitation of 17 was a little premature, and that an older age should be fixed. They would hardly complete their education at 17.

Hon. Sir RICHARD CARTWRIGHT—They are not interfered with in the slightest degree. If a man of fifteen comes in he can go on studying till he is 35 or any age he likes.

Hon. Mr. WILSON—I understand that, and I understand we have officers who can guard against students coming in under false pretences, and a bona fide student of 17½ years should not be excluded.

Hon. Sir RICHARD CARTWRIGHT—He is not excluded, but he must pay his $500 like any other Chinaman.

Hon. Mr. WILSON—If he comes in under false pretences, let the officers attend to that matter, but bona fide students should be permitted to come.

Hon. Mr. McMULLEN—I understand there is an arrangement whereby the province of British Columbia receives something like one-half of the per capita tax imposed upon Chinamen entering Canada. I notice that the Chinese are scattered pretty well over the whole Dominion. You will not find a village or town where there are not half a dozen of them. I should

like to know whether it is the intention of the government to continue that system? If Ontario is going to have her fair share, or perhaps more than her share of the Chinese coming into Canada, and doing all kinds of work, she should be entitled to a per capita allowance as well as British Columbia.

Hon. Sir RICHARD CARTWRIGHT—I am afraid it gets its share in the case of people who enter at an Ontario port, and you can bond them through if you like, from a British Columbia port to an Ontario city or village, but it would be very difficult to carry out what my hon. friend intends, that after a man has entered British Columbia and stayed a little while and goes elsewhere, the province to which he goes should put in a claim for a part of the tax.

Hon. Mr. McMULLEN—That is the point I am calling attention to. I know that when they get to Ontario they pay their tax, and Ontario gets its share. Four-fifths of the Chinese land in British Columbia, stay there a little while and then come to Ontario, and we receive no allowance at all.

Hon. Mr. WILSON—All the money goes to British Columbia.

Hon. Sir RICHARD CARTWRIGHT—I do not want to pursue the matter too sectionally, but I may say this for my friends in British Columbia, that in proportion to their population they contribute exceedingly well to the revenue, and I do not think we could afford to raise the question as to the comparatively small amount that would be involved in this matter.

Hon. Sir MACKENZIE BOWELL—It goes beyond that. The permission to come into the country is about the same as the old law, with the exception of limiting the age at which Chinese students shall be permitted to come into the country. I take it that if a student comes in at the age of 16 he would be able to remain until he was 20 according to this law, but you have omitted a portion of subsection C of section 7. Instead of the provision which is in the old law, you have made it 'subject to such regulations as may from time to time be made by the Governor in Council, duly certified teachers.' The present Act provides:

> Subject to the approval of the minister, duly certified teachers, or who are bearers of certificates of identity or other similar documents issued by the government or by a recognized official or representative of the government, whose subjects they are, specifying their occupation and their object in coming into Canada.

You repeal that portion of the Act and relegate the power to the Governor in Council to make such regulations as he thinks proper. Is that with the intention of adopting such regulations as will limit the importation of Chinese into this country?

Hon. Sir RICHARD CARTWRIGHT—Not specially, but the object we had in view is this, as my hon. friend will see: We have had a certain amount of trouble from parties coming to our ports and presenting certificates, say from Mexico or places of that kind, where they had been accredited or signed by resident Chinese diplomatic agents, who had got them through influence with the British ambassador or British minister, perhaps, who did not want to squabble with them and was required to have a little power of control over them. It is a privilege that is subject to being abused a little. The United States authorities have made rather strong complaints to us that quite a successful business in the way of smuggling Chinamen into the United States was done by certificates of this kind under which they came into Canada, and then made their way into the United States. We have had a good deal of trouble with that, and I think we had better take a little power to say what will constitute proper certificates. It is not that I intend to meddle with the introduction of Chinese of the high class into Canada at all.

Hon. Sir MACKENZIE BOWELL—There is another point that this will meet, or that this is intended to meet, and that is the granting of bogus certificates by companies that are in Hong Kong and other portions of China. I know that the government of the United States have had that difficulty.

Hon. Sir RICHARD CARTWRIGHT—That has been done occasionally.

Hon. Sir MACKENZIE BOWELL—While we desire to be on very friendly relations with the United States, I do not know that we should pass laws especially to protect the United States against the introduction of Chinese into their country if they think proper to go, nor can I understand the passage of any law by our parliament that will prevent the smuggling of Chinese from Canada into the United States.

Hon. Sir RICHARD CARTWRIGHT—I would not do that, but I should not like to encourage turning Canada into a kind of base for smuggling Chinese into the United States contrary to their law.

Hon. Sir MACKENZIE BOWELL—No, I can understand there is no desire to encourage it; but the point I make is this: one of the explanations given by the hon. gentleman is that we are passing this law principally to protect the United States from the importation of Chinese. We know what the effect has been in the past, particularly in the opium trade. At one time there were thirteen or fourteen refiners of opium in British Columbia, principally in Vancouver, but also in Victoria. That arose from the wording of law, which was passed by Canada. A heavy duty was put upon the refined article, and a low duty upon the raw material or the crude opium. The result of that was the building up of 13 or 14 refineries in British Columbia, and when they came to inquire into what became of the refined article, it was found that it was smuggled into the United States. There is no question about that. Then the United States, in order to meet that state of affairs, reduced the duty upon the crude opium—it was very high at the time—and that resulted in shutting up all the refineries in British Columbia, and the raw material being imported directed into the United States; they could manufacture there, and save them the trouble and risks of smuggling. My hon. friend smiles, but I think he understands that that was the fact. Now, as this law is going to have the effect of protecting the United States against this, there can be no objection.

The clause was adopted.

On clause 3,

3. Subsection 3 of section 7 is amended by inserting after the words 'Chinese origin' in the first line thereof the words 'under seventeen years of age.'

Hon. Sir MACKENZIE BOWELL—I suppose the government have given that question thorough consideration?

Hon. Sir RICHARD CARTWRIGHT—We did.

Hon. Sir MACKENZIE BOWELL—It seems to me that if they are to be admitted at all, the age might be a little higher, say 18 or 19.

Hon. Sir RICHARD CARTWRIGHT—If you put it higher than that we find that the British Columbia people object strenuously to young men of 18 or 19 attending their schools. The hon. gentleman knows there was an abuse of the privilege. Chinese young men went to the schools for the purpose of obtaining exemption from the capitation tax. It was not intended that that should be done.

The clause was adopted.

On clause 4,

4. Section 19 of the said Act is hereby repealed and the following is substituted therefor:—

19. Persons of Chinese origin may pass through Canada in transit from one port or place out of Canada to another port or place either in or out of Canada, without previous payment of the tax of five hundred dollars imposed by this Act: provided that such passage is made in accordance with, and under such regulations as are made for the purpose by the Governor in Council.

Hon. Sir RICHARD CARTWIRGHT—If my hon. friends will look at clause 19 in the Revised Statutes they will see that there is very little change there. It is almost identically the same. On the third line it reads: 'Whereas it was without payment' and it is now 'without previous payment.'

Hon. Mr. POWER—That is surplusage.

Hon. Sir RICHARD CARTWRIGHT—The Department of Justice appeared no to think so.

Hon. Sir MACKENZIE BOWELL—What are the regulations now? If a Chinaman lands at Vancouver and wants to pass through the country to the United States he goes on the Canadian Pacific Railway. He has to pay the $500 before he is permitted to be transported through the country, has he not?

Hon. Sir RICHARD CARTWRIGHT—Unless he is, in a sort of fashion, bonded through.

Hon. Sir MACKENZIE BOWELL—Now you make a provision that he can be transported through in bond under such regulation. Will the railway be held responsible if he escapes?

Hon. Sir RICHARD CARTWRIGHT—Yes, if they let him go we can collect the $500. We have collected in a good many cases.

Hon. Sir MACKENZIE BOWELL—I know that, but you are relieving them of it now, unless you make a regulation holding them responsible.

Hon. Sir RICHARD CARTWRIGHT—No. The only alteration is the introduction of that one word.

Hon. Sir MACKENZIE BOWELL—If the Chinaman is coming to Ontario, to be a resident here, British Columbia does not want the $500.

Hon. Sir RICHARD CARTWRIGHT—I do not know whether it wants it or not, but it will not get it.

The clause was adopted.

On clause 5,

5. Section 27 of the said Act is hereby repealed and the following is substituted therefor:—

27. Every person of Chinese origin who—
(a) lands or attempts to land in Canada without payment of the tax payable under this Act; or—
(b) wilfully evades or attempts to evade any of the provisions of this Act as respects the payment of the tax by personating any other individual; or—
(c) wilfully makes use of or attempts to make use of any forged or fraudulent certificate or of a certificate issued to any other person for any purpose connected with this Act; is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding five hundred dollars, or to both.

2. Persons of Chinese origin shall, if guilty of an offence under the last preceding subsection, in addition to the said penalties also be liable to deportation.

Hon. Sir RICHARD CARTWRIGHT—This clause is intended to amend the present section and make it full enough to enable us to deal with parties who evade the law, and afterwards to deport them. This was recommended by the Department of Justice in consequence of certain legal difficulties that met us in dealing with the ingenious John Chinamen, who got into the country at Sydney or some port in the maritime provinces, and who are likely to spend twelve months in jail instead of paying $500, and who beat us on that.

Hon. Mr. BOSTOCK—I should like to know why the last part of the clause is left out, with regard to people who aid and abet the Chinamen to do so and so?

Hon. Sir RICHARD CARTWRIGHT—I do not understand that. There is a clause which imposes a heavy penalty on people who aid and abet the Chinese to evade the law.

Hon. Mr. WILSON—They might all be of Chinese origin, and may have paid their tax, and yet you hold them responsible and liable to deportation.

Hon. Sir RICHARD CARTWRIGHT—Yes, if they commit the offence described in the previous subsection.

Hon. Mr. WILSON—You make no provision here that if they be of Chinese origin they are liable to be sent out of the country, even though they had paid their full tax of $500?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Mr. WILSON—That clause would hardly be fair.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman has not dealt very much with John Chinaman. He is an ingenious mortal and difficult to catch, and we have to insert stringent provisions in the law regarding him. If he has been guilty of wilfully making use of forged or fraudulent certificates, then we provide for his punishment.

Hon. Mr. WILSON—The clause says that if he be guilty of any of the offences men-

tioned in the preceding sections, if he is of Chinese origin you send him out.

Hon. Sir RICHARD CARTWRIGHT—It is a treble penalty.

Hon. Mr. WILSON—It is a pretty heavy penalty.

Hon. Sir RICHARD CARTWIRGHT—It is a heavy penalty, I grant you.

Hon. Mr. McMULLEN—In case a penalty is imposed of $500 or imprisonment for 12 months, and he puts in 12 months in jail, what is done with him then?

Hon. Sir RICHARD CARTWRIGHT—We can deport him.

Hon. Mr. McMULLEN—The question is, will he be deported?

Hon. Sir RICHARD CARTWRIGHT—This gives us the power to deport him.

Hon. Mr. McMULLEN—If he goes to jail for 12 months rather than pay $500, he would be earning good wages.

Hon. Sir RICHARD CARTWRIGHT—We have cases of that kind. Some Chinese were imprisoned in default of paying a fine, and they put us at defiance. They said 'jail pretty good.'

Hon. Mr. ELLIS—Is there not some confusion in clause 5? You say persons of Chinese origin, shall, if guilty of any offence under the last preceding subsection 'be liable to deportation.' Why limit it to the last preceding subsection?

Hon. Sir RICHARD CARTWRIGHT—This clause was specially drawn by the Department of Justice, having reference to special evasions of the law, and I would not care to alter it on my own responsibility. Where the Department of Justice draws a clause to meet a special defect in the law, I would hesitate to alter it.

The clause was adopted.

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

The Bill was then read the third time, and passed under suspension of the rules.

Hon. Mr. WILSON.

EXCHEQUER COURT ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (116) An Act to amend the Exchequer Court Act.

(In the Committee.)

Hon. Mr. SCOTT—The main object of this Bill is to enlarge the occasions when a substitute for the judge of the Exchequer Court may be appointed. What is calling it up at the present moment is the fact that Justice Cassels has been appointed to make an inquiry into the Department of Marine and Fisheries, and he considered that some arrangement should be made for the carrying on of the business of the court while he was so engaged.

Hon. Sir MACKENZIE BOWELL—Is this for the appointment of another official?

Hon. Mr. SCOTT—No, it is for the appointment of a substitute while the judge is absent from his duty through illness, or because he is interested in a case or if he has other judicial duties which make it impossible for him to hear without undue delay any cause or matter.

Hon. Mr. FERGUSON—Will my hon. friend explain the circumstances which led up to this? It is understood that Judge Cassels declined to receive any emolument for his services.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Was that the position taken by the judge?

Hon. Mr. SCOTT—Yes, he declined to receive any emolument, and he declined also, unless some one was appointed to discharge the duties of the court.

Hon. Mr. FERGUSON—But the judge declined to receive any emolument for the office?

Hon. Mr. SCOTT—That I understood was in his letters to the Premier. There is nothing said about that in this Bill.

Hon. Mr. FERGUSON—I asked the question because virtue has been made with regard to the judge declining to receive any

emolument for his services. My hon. friend is not aware that the judge cannot accept any emolument for any service of the kind. Under the Exchequer Court Act it is provided in section 6 that the judge of the court shall not hold any other office of emolument, either under the government of Canada or under the government of any province of Canada. Therefore it was no particular merit on the part of the government or the judge regarding salary, because he is precluded under the Exchequer Court Act from taking any emolument. Now there is another point; subclause 2 says: 'Has other judicial duties which make it impossible for him to hear without undue delay any cause or matter.' I presume is the one that is intended to warrant the appointment of an ad hoc judge in place of Judge Cassels.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Will that meet the case of the appointment of Judge Cassels to inquire into the administration of the Department of Marine and Fisheries?

Hon. Mr. SCOTT—So I believe. That is the opinion of Judge Cassels himself. The clause was drawn after correspondence between him and the Minister of Justice. It occurred to me that the clause was not broad enough, and I wrote the Minister of Justice a note on the subject and afterwards called on him and discussed the matter, and he said it was wide enough.

Hon. Mr. FERGUSON—Is the investigation of a department and of the management of a department a judicial duty?

Hon. Mr. SCOTT—That is the opinion of both Judge Cassels and the Minister of Justice.

Hon. Mr. FERGUSON—It may be made to cover it, but I doubt if such an investigation can be regarded as a judicial duty.

Hon. Mr. SCOTT—Other gentlemen thought it was not wide enough, and I held the Bill over until I had an opportunity of consulting the Minister of Justice about it.

Hon. Mr. FERGUSON—All this arises from the vicious principle of the government appointing judges for work of this kind. The whole country was open to them to make appointments; it was quite easy to have had that investigation conducted by a layman, either by the commissioners who had done a certain amount of work in connection with it, or if there was no confidence in them, by some one else besides a judge. This appointment is made under the Inquiry Act and I have a serious doubt as to whether the word judicial applies to such an investigation.

Hon. Mr. SCOTT—If the judge himself and the Minister of Justice think the language sufficient we need not have any scruples about it.

Hon. Mr. FERGUSON—We have known this Minister of Justice to make mistakes before.

Hon. Mr. SCOTT—The Minister of Justice prides himself on the care with which he drafts a Bill, and he is satisfied.

Hon. Sir MACKENZIE BOWELL—It very often happens that people who pride themselves on their superior knowledge make mistakes like ordinary men. Did we not pass an Act a few sessions ago to prevent the appointment of judges to investigate or to act on commissions, which led to the threatened resignation of some judges—Judge Ouimet for instance? Is this Bill for the purpose of over-riding the provisions of the Act? We know very well that the appointment of a number of judges to certain commissions to make investigations in the province of Ontario caused a good deal of trouble. At one time there were three or four judges whose time had been occupied for months as commissioners, thus interfering with the administration of justice, and this led to the passage of an Act by the Ontario legislature authorizing the appointment of two or three other judges offering to fill their places. Their time was occupied investigating certain questions which might have been investigated by men who were not judges. To such an extent was that carried that it necessitated the appointment of other judges.

Hon. Mr. SCOTT—That had reference to persons who occupied seats as directors in companies; this is only a temporary inquiry.

Hon. Sir MACKENZIE BOWELL—But the cases to which I have called the hon.

gentleman's attention were only temporary. As soon as the investigation of the subject was over their duties ceased, but the judicial business of the country suffered just in proportion to the time occupied by them in their investigations. We all know the causes which have led to the introduction of this Bill. Now, under the old government, when similar cases occurred the government made the investigation themselves. The head of the department, on finding that wrongs had been committed, either dismissed or punished, and in some cases sent the offenders to jail. Why could not the head of the present government have pursued the same course and save all this trouble and expense? It is all very well to say that Judge Cassels under the law, cannot, and as he declared himself, will not accept any remuneration for his services, as commissioner, but his appointment to that duty necessitates the appointment of another lawyer to act in his place as Exchequer Court judge, and he will have to be paid. What I contend is, it was the duty of the head of the department to have made that investigation, and if he found the parties guilty, as was intimated by the Royal Commission, he should have taken action to punish them. It is merely an evasion of his duties by the head of the department, at the expense of the country.

Hon. Mr. SCOTT—I quite recognize that the investigation might have been made by the head of the department, but the gravamen of the report was so serious and the charges so indefinite, it was thought the appointment of an independent person to make the inquiry would be more satisfactory to parliament and the public. That is the reason that prompted the appointment of Judge Cassels.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman says some of the charges were so indefinite that it was necessary to appoint an outsider to make the investigation. Some of the charges were direct enough.

Hon. Mr. SCOTT—No names were mentioned.

Hon. Sir MACKENZIE BOWELL—That makes no difference. The commissioners declined to mention names, but they pointed out the fact that irregularities had occurred in the department and it was the duty of the head of the department to make the investigation and not to refer it to a judge.

Hon. Mr. FERGUSON—My hon. friend the Secretary of State has pointed out that both the Minister of Justice and Judge Cassels have agreed that the word 'judicial' is wide enough to cover the matter. They are not the parliament of Canada, great and wise as they are, and well posted as they are in matters of this kind. We with the lower House are the parliament of Canada and make the law and have a right to consider it in our own way. This investigation that is being conducted by Judge Cassels is under the Inquiries Act and not under any Act constituting a judiciary, and it would have been quite competent under that Act to have appointed say Mr. Courtney, the chairman of the first commission, to make the investigation. I imagine it does not make the work any more judicial if performed by Judge Cassels than if performed by Mr. Courtney, but if the duty had been entrusted to Mr. Courtney, could any one say that it was judicial? I think not. It is under the Inquiries Act and had a layman been appointed I do not think the word 'judicial' would cover his duties. However, if the government is satisfied with it, I shall not press my opinion.

Hon. Mr. ELLIS—The word 'judicial' appears to me to have been inserted here to justify the judge in doing what a judge ought not to do. It seems to me that a judge occupying a position in any superior court ought not to enter on this business. I have no hesitation in stating so, and I believe it is the opinion not only of some members of the Senate, but of the great Liberal party of Canada.

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

Hon. Mr. SCOTT moved that the Bill be read the third time on Tuesday next.

Hon. Sir MACKENZIE BOWELL—I notice in the discussion in the House of Commons that when a question was asked as

to the investigation by Judge Cassels as to what had been done and why the investigation had not been proceeded with, the Premier's answer was that the Judge was busy attending to Exchequer Court business, and that the Bill authorizing them to appoint some one in his place to discharge the duties of the court was still in the Senate, and had not been passed, and consequently they were not in a position to appoint some one to transact the business and enable Judge Cassels to proceed with the investigation. Now, in order that the Premier shall have no further excuse of that kind, I would suggest, as there has been no amendment to the Bill, that it be read the third time presently, and the Premier will be relieved of the necessity of throwing the responsibility for the delay on the Senate.

Hon. Sir RICHARD CARTWRIGHT—We accept the suggestion.

The Bill was then read the third time, and passed under a suspension of the rules.

SECOND READINGS.

Bill (CCC) An Act to amend the Inspection and Sale Act as regards grain.—(Hon. Sir Richard Cartwright.)

Bill (DDD) An Act to incorporate the Alberta Southwestern Railway Company.—(Hon. Sir Mackenzie Bowell.)

SCHOOL LANDS EXCHANGE BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (163) An Act to authorise the exchange of certain school lands for other Dominion lands.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—This Bill, unless properly administered, might result in many acts of wrong-doing being committed. Has the government sufficient evidence to justify them in making the change which they propose to make in substituting some of the sections of land for others? And have they ascertained whether the lands which are to be substituted for the ones which are to be deeded to the parties who have become settlers upon them, are of equal value? There is no doubt that in the settlement of these lands, they have picked out the very best sections they could find, and now at this period in the history of the country, after so many settlers have gone in, and so much land has been taken, unless due care is exercised, depend upon it the school fund will suffer by the action which will be taken in cases of this kind. I can understand the difficulty. If the law gave power to the government to fix a price for the land, and sell it, then they could put a value upon it themselves; but the Act provides that it must be sold by auction, and under those circumstances you either had to put up the property for sale under the provisions of the law, or take the course which you have taken but why could the land not be put up at auction and sold, subject to payment for the improvements which are upon the lots? If that were done, then any fraud which might arise in the exchange of one land for another would not occur. Are these lands in any portion of the country that contains coal or other mineral? There are some of these school sections upon which valuable coal deposits exist, and it should be ascertained by the government, before taking this action, that there is no mineral of value upon the lands, and that the lands which are to be substituted for these should be of equal value.

Hon. Mr. SCOTT—I think the country may rely on the Minister of the Interior having in view the very great importance of seeing that lands of equal, or probably greater, value are transferred to the school lands. It is such an important fund that I have never heard anybody question the method of making the exchange whenever it has been made. The quid pro quo has always been equivalent to the land, if not more. It must be equivalent.

Hon. Mr. FERGUSON—Do minerals exist upon these lands?

Hon. Mr. SCOTT—Oh, no.

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

MARKING OF GOLD AND SILVER PLATED WARE BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (AAA) An Act respecting the

Marking of Manufactures of Gold and Silver, and Gold and Silver Plated Ware.

He said: This is a reprint, practically, of the Bill passed two years ago, and the operation of which from time to time was suspended and postponed in the hope that parties who differed in reference to certain details would come to an agreement. They finally did come to an agreement, which was chiefly on the standard to be adopted. One set were in favour of a standard of not less than ten carat gold to be imported into the country. The others were in favour of nine carats. The Bill fixes the nine carats standard. The Bill may go to a second reading now, and we can take the committee stage next week, and discuss the clauses. The parties were unable to agree on the standard, and they left it to the government, and the government have fixed it at nine carats.

Hon. Sir MACKENZIE BOWELL—But the manufacturers have not agreed on that recommendation.

Hon. Mr. SCOTT—The parties did not agree on the standard, but they said: 'It is now important that some Bill should pass, because American gold and silver ware is being dumped into Canada to the very serious disadvantage of the Canadian manufacturers and we are quite content now to let it be nine or ten; but give us a Bill.' The hon. gentleman from Beamsville, after the first Bill passed, introduced a second Bill, which was adopted in this Chamber, fixing the standard at nine carats. It went through the Commons, but was held over till the beginning of the next session. However, the whole question will be open for discussion when we go into committee.

Hon. Mr. FERGUSON—There were two points of controversy over this Bill, as between the nine and ten carats for gold, and also with regard to silver—gold and silver plated ware—which I think was very much the more important. I cannot remember whether the Bill of the hon. gentleman from Welland interfered with the decision of this House and of parliament two years ago, with reference to gold and silver plated goods.

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—I think not.

Hon. Mr. FERGUSON—The clauses in this Bill are those that were adopted by parliament with regard to plated goods two years ago.

Hon. Mr. SCOTT—I think so.

Hon. Mr. FERGUSON—The only point of disagreement is as to the standard being nine carats or ten carats?

Hon. Mr. SCOTT—I think so, but there are some other matters dealt with in the Bill. The parties compromised with regard to the other clauses.

Hon. Mr. FERGUSON—To my mind, the main merit in the Bill was to put a stop to the sale of those plated goods on the guarantee that they would wear so many years.

Hon. Mr. SCOTT—Yes, that has been done away with.

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

The Senate adjourned till Tuesday evening next at eight o'clock.

THE SENATE.

OTTAWA, Tuesday, June 9, 1908.

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

Prayers and routine proceedings.

HAMILTON, GUELPH AND WATERLOO RAILWAY COMPANY.

PETITION PRESENTED.

Hon. Mr. ROSS (Middlesex)—I move that rules 24-A, 108 and 112 be suspended in so far as the same relate to the Hamilton, Guelph and Waterloo Railway Company.

Hon. Mr. POWER—I do not propose to object to this motion, but I think we are getting into a very loose way of doing business.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—The uniform practice, up to the present session, was that a petition was presented asking leave to

present a petition, and the petition so presented set out the ground on which the party asked to be allowed to present a petition. Now, apparently, we have got into the way of moving that the rule be suspended, and then the petition comes in. It is directly contrary to the spirit of our rules. I am not opposing this motion, because we have allowed several of these motions to pass, but I think we are getting into a very objectionable practice.

Hon. Mr. LANDRY—When shall we put a stop to this?

Hon. Mr. ROSS (Middlesex)—I agree that the practice is not precisely that required by the rules, but I followed a precedent set by the hon. gentleman from Killarney.

The SPEAKER—The hon. gentleman has simply followed two precedents set within the last two weeks, but it was remarked by some hon. gentleman at the time that we should revert to the old conservative rule, and I thought somebody would rise to maintain the principle; but when I did put the question, the Senate was unanimous.

Hon. Mr. ROSS—Well, after this I suppose we shall follow the old rule. I beg to present the petition of the Hamilton, Guelph and Waterloo Railway Company and move that the same be read at the table.

The motion was agreed to.

INSPECTORS AND GRADERS OF GRAIN AT WINNIPEG.

INQUIRY.

Hon. Mr. PERLEY inquired:

For a list of names of grain inspectors and graders of grain at Winnipeg, Manitoba, and what examination for qualification did they pass before appointment?

Hon. Mr. SCOTT—The following is a list of grain inspectors and persons qualified to grade grain, who are stationed at Winnipeg, Man.:—David Horn, Chief Inspector; Thos. H. Horn, deputy inspector; Geo. Serls, deputy inspector; Jas. D. Fraser, deputy inspector; C. S. Langille, assistant, qualified as deputy inspector; W. W. Cumming, assistant, qualified as deputy inspector; Frank Collins, assistant, qualified as deputy inspector.

By paragraph 2 of the schedule to chapter 25 of 62-63 Victoria, Statutes of 1899, all inspectors and their qualified deputies were to become inspectors and deputy inspectors respectively without necessity for further qualification or appointment. This applies to D. Horn, T. M. Horn and Geo. Serls. The others have qualified by examination. At these examinations 136 samples of grain are submitted representing 408 marks. Of these 85 per cent is the minimum required to qualify for inspector and 75 per cent as deputy inspector.

PAYMENTS TO EDMOND TASCHEREAU.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Does the government know whether Mr. Edmond Taschereau, of Quebec, notary, was employed as notary and in that capacity signed the deed of agreement entered into on the 19th October, 1903, between the federal authorities and the Quebec Bridge and Railway Company, relating to the financial obligations contracted by the government with the said company?

2. How much was he paid for that transaction and by whom? By the government or by the company?

3. How much, in addition, did he receive from the commissioners of the Transcontinental Railway, for having as notary verified the titles of ownership of certain lands acquired by the aforesaid commission for the passage of its road?

Apart from what it has already paid him, does the Transcontinental Railway Commission still owe anything to Mr. Edmond Taschereau?

What amount? And for what services?

Hon. Mr. SCOTT—The following are the answers:

1. Yes, Mr. Edmond Taschereau was employed as notary to the agreement of the 19th October, 1903, and witnessed the execution of the same between the government and the company.

2. The sum of $606.05, which included travelling expenses to Ottawa, deposit and copies of deed, paid by company.

3. The following sums of money were paid by the Transcontinental Railway Commission to Mr. Edmond Taschereau, for services in connection with verifying titles and obtaining deeds of lands for right of way:

Bill of October 31st, 1906.....	$677.21
Bill of December 11th, 1907....	520.00
Bill of April 13th, 1908.....	746.00

He was also paid $745.48, for disbursements for certificates from registrars, &c. There is an outstanding bill of $184 rendered for attendances, which has not been passed, pending a rate to be fixed by the Solicitor General.

QUEBEC TERMINUS COMMITTEE.

INQUIRY.

Hon. Mr. LANDRY rose to direct the attention of the Senate to the following facts:

I. On the 14th May instant the Hon. Mr. Landry asked the government the following questions:

(a) 1. Has there been at any time, and particularly during the period comprised between the 1st July, 1906, and the 1st May, 1908, at Quebec, a committee known under the name of the Quebec Terminus Committee?

2. From what company, association, or organization, did this committee proceed?

3. Who was the president?

4. Who acted as secretary?

5. Who were the members of it?

6. Where were its sittings held?

7. How many sittings has that committee held? On what dates?

8. Has the government paid anything whatsoever to the president or to the secretary of that committee?

9. How much to each?

10. And under what authority?

(b) He obtained, amongst other answers, the following ones:

4. Mr. Ulric Barthe, on motion of the committee.

8. Nothing was paid to anybody.

II. The same day the Hon. Mr. Landry likewise asked:

(a) 1. Over and above the sums which have been paid to Mr. Ulric Barthe as salary as secretary of the Quebec Bridge and Railway Company, or as reimbursement of his travelling expenses, have the commissioners of the Transcontinental Railway paid any other moneys to the same Mr. Barthe?

2. When, for what services, and what amount?

3. Amongst these payments are there any whatsoever which have relation to his presence at meetings of a committee known under the name of the Quebec Terminus Committee?

4. Under this head, how much has been paid to him, and at what date was each of such payments made?

5. What was the amount of each of such payments?

(b) And for answer he obtained the following information:

Hon. Mr. Scott.—The answers to the hon. gentleman's questions are as follows:

1. The commissioners have nothing to do with the payment of the salary and disbursements referred to.

2. Answered by number one.

3. There are no such payments, and moreover answer to this has already been given under question 8, order No. 19 of May 6.

4. Answered by above.

5. Answered by above.

III. The report of the Auditor General for the nine months ending on the 1st March, 1907, contains at page W—298, the following entry:

(a) Legal expenses, Ulric Barthe, attendance at Quebec Terminals Committee meetings, 6 days at $10; sundry expenses, $19.30; L. A. Taschereau, expenses swearing in constables, $29.20, $108.50.

(b) At page W—303, the following entry:

Barthe, Ulric, investigation re Horsey and Earle; receiving depositions, 4 days at $10; expenses, $11, $51.00.

And that he will ask—

Is it the report of the Auditor General which contains the truth or the answer which has been put in the mouth of the hon. the leader of the Senate?

Who furnished the hon. minister with the answers which he has given?

Is it the intention of the government to discontinue the payment of such sums of money to men who appear to be in the employ of companies of which Mr. Parent is still the president?

Hon. Mr. SCOTT—The following is a copy of a letter received from the secretary of the Transcontinental Railway Commission, under date May 23rd, 1908, in explanation of question No. 6, for the Senate June 2nd, 1908:

Ottawa, May 23, 1908.

Dear Sir,—Referring to notice of motion—Hon. Senator Landry—appearing on page 806, Minutes of Proceedings of the Senate, I have the honour to advise:

The answer of the leader of the Senate was correct: The commissioners have nothing to do with the salary and disbursements of Mr. Barthe as secretary of the Quebec Bridge Company. The government, it is understood from the answer made, had paid nothing to Mr. Barthe for services as secretary of the Quebec Terminals Committee, but the commissioners have paid Mr. Barthe for such services for six days at $10 per day, and sundry expenses amounting to $19.30; also the sum of $51 on account of the investigation re Horsey and Earle.

I have the honour to be,

Your obedient servant,

(Sgd.) P. E. RYAN,

Secretary.

L. K. Jones, Esq.,
Secretary, Department of Railways and Canals, Ottawa.

Ottawa, June 2, 1908.

Hon. Mr. LANDRY—That is from the secretary of the National Transcontinental Railway Commission?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—When I first asked if there was a committee known as the Quebec Terminus Committee, and who was its president and who acted as secretary, and if the government had paid anything to the secretary or president of that com-

mission, the answer I received was 'No.' But the National Transcontinental Railway Commission has paid something of which we have an acknowledgment now. They had paid $108.50 and $51, so the answer given first by the National Transcontinental Railway Commission was not correct—not in accordance with what we find in the Auditor General's Report, and I was asking where is the truth to be found. Is it to be found in the Auditor General's Report or in the answer given by the commission? The commissioners say that the answer of the minister is correct: that is not an answer at all. If it is the same party that gave both answers, the first answer is a contradiction of the second answer.

Hon. Mr. SCOTT—That may be; I am not responsible for that.

Hon. Mr. LANDRY—But the government should be responsible.

Hon. Mr. SCOTT—No, I deny that the government are in any way responsible.

Hon. Mr. LANDRY—They are officials of the government, and the government must be responsible for the answers they give.

Hon. Mr. SCOTT—No.

The SPEAKER—What subject is the hon. gentleman discussing now?

Hon. Mr. SCOTT—The hon. gentleman is debating the question, and he has no right to do so.

Hon. Mr. LANDRY—I beg the hon. gentleman's pardon; I have a perfect right to debate the question.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—I beg the hon. gentleman's pardon. I have. I have called attention to certain facts, and I have a perfect right to discuss them. If the hon. gentleman will look at my motion he will see that I call attention to certain facts and propose to ask a question, and I am perfectly within my right in discussing the matter.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY POSTPONED.

The order of the day being called :

Hon. Mr. LANDRY inquired :

When the government, in 1903, concluded a financial arrangement with the Quebec Bridge and Railway Company, did it then require, and has it made it one of the obligations of the contract that the company should forthwith subscribe additional shares to the amount of $200,000?

Has the company caused this additional sum to be subscribed?

By whom, giving the names?

Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 per cent?

Hon. Mr. SCOTT—I have not No. 5 on my paper. As I said before, the hon. gentleman fires a lot of questions at me.

Hon. Mr. LANDRY—That is my right.

Hon. Mr. SCOTT—And he expects that I shall have answers that will please him.

Hon. Mr. LANDRY—That is your duty.

Hon. Mr. SCOTT—He knows that there is a scandal afloat about Quebec, and tries to expose it here.

Hon. Mr. LANDRY—The hon. gentleman has no right to impute motives. He is entirely out of order. I have a duty to perform, and I perform it, and he should not impute motives.

The SPEAKER—I think the whole proceeding is irregular, because the hon. gentleman did not stick to the order paper.

Hon. Mr. LANDRY—That is the hon. gentleman's fault.

The SPEAKER—Has item No. 4 been disposed of ?

Hon. Mr. LANDRY—Not so far as I am concerned.

The SPEAKER—Will it stand ?

Hon. Mr. LANDRY—The hon. minister can have no objection to its standing if he has no answer.

Hon. Mr. SCOTT—I have nothing to say. I have no answer to that.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

The order of the day being called :

Hon. Mr. LANDRY inquired :

That he will call the attention of this House to the fact that Mr. Hoare, the chief engineer of the Quebec Bridge and Railway Company, of which Mr. Parent is president, has received from the Transcontinental Railway Commission, of which the same Mr. Parent is also president, certain amounts during the years 1904-5, 1905-6, 1906-7 and 1907-8, and that he will inquire--

Hon. Mr. SCOTT—I have already answered this question No. 4, and the hon. gentleman will get no further answer.

Hon. Mr. LANDRY—The hon. gentleman answered No. 4 of the order of the day of a fortnight ago.

Hon. Mr. SCOTT—I am not going to answer it again.

Hon. Mr. LANDRY—This is a new question. No. 4 of a fortnight ago, was one relating to Edmond Taschereau ; but No. 4 of to-day has not been answered. If the hon. gentleman is not prepared to give an answer we shall let it stand.

Hon. Mr. SCOTT—I have no answer to it. No. 5 I have answered and I have answered No. 8.

Hon. Mr LANDRY—No 8 has been answered under the call of No. 5.

Hon. Mr. SCOTT—I prepared to answer what is No. 9 on the order paper, and question 7 as put first.

The SPEAKER—How will we dispose of item No. 5 ?

Hon. Mr. SCOTT—I have answered that.

Hon. Mr. LANDRY—I beg pardon. The hon gentleman should take the orders of the day for to-day and not the orders of a fortnight ago

Hon. Mr. SCOTT—I send them out according to the numbers on the order paper at the time they are put. The answer comes back days after, and in the multiplicity of questions the hon. gentleman puts, it is quite impossible to follow the various stages of the notices. They all relate to the same questions, either to Mr. Hoare, Mr. Taschereau or the Quebec Bridge Company, and they get so confused and mixed up that it is absolutely impossible for any ordinary intelligence to keep up with the intricacies of the hon. gentleman's inquiries.

Hon. Mr. LANDRY—That would be a good reason for a man of ordinary intelligence ; but as the minister has more than ordinary intelligence, it is a very poor answer he has given.

Hon. Mr. FERGUSON—We can all understand that it is quite difficult for the hon. leader of the House, if he were depending upon his own industry, to follow all the notices; but my hon. friend is perfectly within his right in bringing them up, and the government is not so poor that my hon. friend is deprived of all clerical assistance.

The SPEAKER—The hon. gentleman is putting a question. It is only a matter as to whether there is an answer or no answer. If there is no answer the notice is adjourned.

Hon. Mr. FERGUSON—It calls attention to certain facts and makes inquiry, and gives a right to discussion in the House. I tried to interpose the same remark with regard to item No. 8. We can all sympathize with the hon. leader of the House. These questions are somewhat complicated, and there are a great number of them ; but I submit that my hon. friend should get such assistance as would enable him to trace them and follow them out, because the hon. gentleman is undoubtedly in his right in asking these questions. He has discovered a discrepancy between an answer given by the minister and the Auditor General's Report. This is a debatable matter, and it is not open for any person to shut out discussion upon it. Because a certain question arises across the floor of the House between the hon. gentleman from Stadacona and the hon. leader of the House, they

cannot narrow it down to a simple question and answer, they cannot do that, when it is a matter open for discussion. We know that the hon. gentleman from Stadacona is a very industrious man, and that he is a very intelligent man, and does not ask questions here unless he has a public object in his mind with regard to them; and although it may give my hon. friend the Secretary of State a great deal of trouble—and we know it does—yet the hon. gentleman is perfectly within his right in asking questions, and I would suggest that my hon. friend should get such assistance as will enable him to answer the questions intelligently.

Hon. Mr. SCOTT—Surely the hon. gentleman, with his familiarity with the ways of government, does not suppose that any assistance I could get would affect the answer?

Hon. Mr. FERGUSON—You would get the numbering correctly.

Hon. Mr. SCOTT—That is only a detail. Can I go to the Railway Commission to get them to prepare those questions, and have them tell me that they have much more important business, and put me off?

Hon. Mr. FERGUSON—Oh, no, they cannot do that.

Hon. Mr. SCOTT—With reference to the Transcontinental Railway Commission and other departments, where I am able to remonstrate with my colleagues in council, it is a different matter; but the Board of Railway Commissioners are a perfectly independent body, and they snap their fingers at me, and say 'we have too much important business to attend to to answer those questions. Those questions are irrelevant.' If I would produce the answers I receive they would surprise the hon. gentleman. He does not propose that I shall give all my time to ferreting out these details in each department?

Hon. Mr. FERGUSON—I think that is just what the hon. gentleman should do.

Hon. Mr. SCOTT—The questions go to a special officer in my department who inquires 'Why is there not an answer?' The minister wants an answer and he cannot get it. He cannot do more than he is doing.

Hon. Mr. FERGUSON—Surely the Board of Railway Commissioners cannot snap their fingers at the hon. gentleman or at this House. If they do it, they should be brought to task.

Hon. Mr. SCOTT—There is a question of the hon. gentleman's before the Railway Commissioners for the last two months, and I am told the clerks are busy preparing it.

Hon. Mr. LANDRY—That is not the same board.

Hon. Mr. FERGUSON—My former question was asked of the Railway Commissioners; but this is a matter connected with the Transcontinental Railway Commission. They are two different affairs. They have a perfect right to answer questions asked in this House, and they cannot be allowed to snap their fingers at us.

DISBURSEMENTS OF EDMOND TASCHEREAU.

INQUIRY.

Hon. Mr. LANDRY—If the hon. gentleman will be kind enough to take up the orders of the day, he will see that item No. 4 has not been answered, and has been allowed to stand.

Hon. Mr. SCOTT—I answered the long question on the order paper, No. 8. I have answered what is marked No. 5 on my order paper, but it is some other number on the hon. gentleman's paper.

Hon. Mr. LANDRY—That is No. 7 on the orders of the day. Then as to Nos. 5 and 6?

Hon. Mr. SCOTT—I have not got answers to those, and I am not likely to. I will read what I have got. That will be the better way. It is inquiry No. 7 on my paper, and reads as follows:

1. When were the disbursements of Mr. Edmond Taschereau fixed at the amount of $745.48 by the answer given to this House on May 20 instant, incurred, i.e., what period of time do they cover?
2. When was the demand for reimbursement presented?
3. Did the reimbursement take place in one and the same payment, or was it made in several instalments?
4. At what dates?

The answer to that is:

No. 1. The disbursements cover from November 2, 1906, to August 29, 1907.

No. 2. September 5, 1907.

No. 3. One payment.

No. 4. September 16th, 1907.

Hon. Mr. LANDRY—That is No. 9 on to-day's order paper.

Hon. Mr. SCOTT—Then the other answer which I have is to No. 8 on my order paper.

Hon. Mr. LANDRY—No. 10 on the order paper for to-day.

Hon. Mr. SCOTT—The inquiry is:

1. Has the claim of Mr. Edmond Taschereau for the amount of $184, as indicated by the answer given to this House on the 20th May instant, been paid?
2. What is the nature of the services for which Mr. Taschereau asks payment of that sum?
3. At what date were the pretended services rendered?
4. At what date did Mr. Taschereau present to the government this claim for $184?

The answers are:

1. No.

2. Attendances as notary at registry offices, and other public offices and special attendance outside of the city of Quebec in acquiring the title to the right of way of the National Transcontinental Railway.

3. November 6, 1906, to June 30, 1907.

4. 12th March, I think it is, or 18th, 1908. I cannot make it out.

Hon. Mr. LANDRY—Then there just remains Nos. 5 and 6 to be answered on to-day's orders. Let those two stand with No. 4.

Hon. Mr. SCOTT—The department decline to answer the question and said it was argumentative.

THIRD READINGS.

Bill (82) An Act respecting the Niagara, St. Catharines and Toronto Railway Company, as amended.—(Hon. Mr. Casgrain.)

Bill (163) An Act to authorize the exchange of certain school lands for other Dominion lands.—(Hon. Mr. Scott.)

PRINTING OF PARLIAMENT.

FIFTH REPORT OF COMMITTEE ADOPTED.

Hon. Mr. ELLIS moved the consideration of the fifth report of the Joint Committee of both Houses on the printing of parliament.

Hon. Sir MACKENZIE BOWELL. The committee seem to deem it inadvisable to print many of the returns which are brought down to parliament. I notice that the report before us recommends the printing of one return, and that return affects the report of the Committee of the Privy Council, dated 13th March, 1908, and is connected with the celebration of the Quebec tercentenary, and so on. That is the only return recommended to be printed. I notice that immediately following the recommending of the printing of that return, it recommends the non-printing of no less than 72 other returns. I have counted them all, and in looking over them I find many of a very important character, giving information in reference to the administration of the affairs of the Northwest Territories, and in Manitoba, the number of timber licenses, the number of the coal areas that have been granted to gentlemen not only in this country but also in the United States. It may be possible that the gentlemen who moved for those returns in the House of Commons, having discussed them there, are satisfied with the information that they have received; but those who have not had the advantage of listening to the debates and have not had time to read the reports in the Commons 'Hansard' might obtain and would obtain, if many of those returns were printed, a great deal of information which would be of benefit to the reader, and impart a general knowledge to the public of the manner in which the lands, mines and timber limits have been administered in the Northwest Territories and in Manitoba and the mines of the Yukon. I notice also that returns affecting the administration of affairs in the Yukon Territory are also recommended not to be printed. In fact, every return that has been laid before parliament which has been considered—if these returns have been considered—by the Printing Committee—are ordered not to be printed. There are many of them, I freely admit, which are not of sufficient public importance to justify the expense of printing them ; but if hon. gentlemen will read the memorandum of what they contain they will come to the conclu-

sion that they ought to be printed for the information of the public generally, unless the majority of the committee, being ministerialists, desire to suppress the information laid before parliament on very controversial subjects, and which has created, as the chairman knows, a great deal of comment adverse to the government throughout the whole country. I am not going to oppose the passing of the motion that the hon. gentleman has made, but I deem it my duty, after casting my eye over these 72 returns, to call the attention of the Senate to the fact that they are not ordered to be printed. My hon. friend may say that members of the committee came to the conclusion that it was not necessary to print these returns. I was going to venture an opinion—perhaps I had better not do it—as to the probability of the non-investigation of the returns by many members of the committee. Be that as it may, there are the facts and I ask any hon. member who takes an interest in the subject to look at the returns, and I am satisfied he will come to the same conclusion that I have reached, that many of them ought to be in the possession of those who take an interest in the affairs of the Dominion.

Hon. Mr. FERGUSON—I would call attention to the first number ordered not to be printed, 39-f. I have been on the Printing Committee, and know very well that if the committee make a right and left recommendation for the printing of documents, the public records will become altogether too voluminous, and the expense will be enormous; but it seems to me there has been an almost indiscriminate conclusion to print nothing. The return to which I call attention was ordered on the 23rd March last, and calls for orders in council, &c., relating to the length of the National Transcontinental Railway and the estimated and the probable cost of same. This is a matter of immense importance, relating to an expenditure of over $100,000,000 and it is very important that the information should be accessible not only to members of parliament but to the whole country. That is a return which ought to be considered of sufficient importance to warrant its being printed. I have not looked over the whole of the list. I have no doubt the judgment of the committee is quite right as to the majority of them; but such a return as that to which I have referred, it appears to me, should be printed.

Hon. Mr. LOUGHEED—I should like to know what principle is usually adopted by the Printing Committee with reference to the printing of public documents? In looking over this report, one must irresistibly come to the conclusion that the policy of the committee is to suppress the printing of documents which would be of immense importance to the public. A majority of the items in this report are of very great consequence to the public, involving as they do questions of the most important public policy. There is scarcely one of these returns that has not evoked very considerable discussion in the House of Commons, yet we find that they are not to be printed. The very first item, to which reference has been made by the hon. senator from Marshfield, involves practically a history of the National Transcontinental. It would be very interesting reading if these reports were printed, to determine the fallibility of the government, particularly as to their predictions as to the length and the cost of the road and the actual expenditure. It would be interesting to know that the road is much longer than was first estimated, and is costing the country very much more than the anticipated cost. He will find that the information with reference to the Ross rifle, which has agitated the country, is not to be printed. If he turns over the page he will find that information which has been furnished by investigation and otherwise as to the alienation of our timber, coal and other public resources, is to be suppressed. If he will look through the list he will find also as the hon. senator from Hastings has said, that those items involve, practically, a general discussion of the policy of the government; yet all that information is not to be placed before the people. If the policy of the Printing Committee be to suppress everything which would be of interest to the people concerning the administration of the

government, we can readily understand why they make this recommendation. When you contrast the importance of those subjects with the one report which is ordered to be printed, namely: the Quebec Battlefields, one cannot fail to be amused at the mental attitude of the committee which would regard old historic subjects as being of much more importance to the people than subjects which concern us to-day, and for which we are paying dearly.

Hon. Mr. ELLIS—I might say that the committee is composed, as hon. gentlemen know, of members of both Houses of parliament and also of both parties. I might say, without disclosing the business of the committee too much that I do not recollect any motion being made by anybody to print those papers. When there is no motion before the chair to print, there is no authority. I do not think the committee has any particular policy. Almost all of these papers appear in some other form. Take for instance the point raised by the hon. senator from Marshfield, as to the return No. 39-f, that appears in the reports of the National Transcontinental Railway Commission, or whatever commission has that in charge, and when you go through almost all of those reports they appear in some form or other, although not in the form of the return. That no doubt influenced the minds of the committee very considerably, and is probably the reason why they are not recommended to be printed, because those that are of any value for public information are printed in some other form.

Hon. Sir MACKENZIE BOWELL—In what other form ?

Hon. Mr. ELLIS—They are printed, for instance, as a part of the report of the National Transcontinental Railway Commission.

Hon. Mr. LOUGHEED—These are all returns laid on the table of parliament.

Hon. Mr. ELLIS—They are moved for by members of the Commons or Senate who desire particular information, made up by the department for their particular use, and many of those papers are used by gentlemen who bring subjects before the House and are called for by them and form the basis of speeches and discussions; but the matter can be found in the original reports —at least most of the matter. I may say that the call for returns has increased to such an extent that the committee was fairly appalled at the expenditure which the publication of these returns or even half of them would entail on the country. The natural disposition of my mind, so far as my mind has any natural disposition, in that matter, is to print everything, but it would involve such an enormous outlay that I am satisfied I would not stand well in the estimation of the country if I acted in that way.

Hon. Mr. YOUNG—You could blame the government for the increased expenditure.

Hon. Mr. ELLIS—The principle of economy which influenced the committee prevented them going too far. I presume the inutility of many of these returns from that point of view decided the committee. I would say to hon. gentlemen, if they would follow the returns as they are brought down in this House or the other House, and if any hon. gentleman in either branch of parliament desires to have a particular paper printed, he can always make representations of that kind to the committee; but when it is left to the judgment of the committee, I do not see what you can do except blame the chairman.

Hon. Mr. LANDRY—I would call the hon. gentleman's attention to item 182 relating to correspondence between Sir Wilfrid Laurier and Judge Cassels, on the subject of the appointment of the latter to make an investigation relative to the civil service. That will be a very valuable document to be printed.

Hon. Mr. POWER—That is all in the Commons 'Hansard.'

Hon. Mr. ELLIS—I shall endeavour to impress the committee with the view expressed by the hon. senator from Hastings.

Hon. Mr. LANDRY—There are some other returns like that report on the Civil Service Commission.

Hon. Mr. ELLIS—That was all printed—an extra five or six thousand copies were printed.

Hon. Mr. LANDRY—Of the 73 items, only one is ordered to be printed.

Hon. Mr. FERGUSON—Some years ago, a very frequent practice was to order the publication of such parts of any return as had not already been printed in some other form. It would be very improper to republish a great deal of this information about, say, the National Transcontinental Railway, which had already been in a report of the Railway Commission. I presume that report does not come up to a very late date, and the object of the member who asked this question was, no doubt, to get late information and the committee would not be at all warranted in ordering a great many of these returns that were already printed to be printed again, but important information which was more recent than anything could be obtained in the report should have been published in connection with this very important subject. No better reason could be urged for the publication of this information than the fact that it might be useful in the event of an election.

Hon. Sir MACKENZIE BOWELL—The practice some years ago was to print documents which were not considered of sufficient importance to go on the records of the journals, for circulation among members only. Other documents to which attention has been called here would have been considered of sufficient importance not only to print for circulation, but to be inserted in the journals for future reference. It is much easier when you are discussing questions of this kind to have them under your hand than to look through a number of reports. That was the practice when I was on that committee, and took a good deal of interest in the printing of parliament, and I think it would be well to return to that practice in the future. There can be no policy in doing otherwise except the suppression of all documents. I wish to be distinctly understood that in any remarks I make I have no desire to apply them to the chairman of that committee, because I am sure if a request were made for the printing of any particular document, he would raise no objection. However, it is something to which more attention should be paid, and the members of the committee of this House ought to investigate the returns and see that those which are of real importance are printed.

Hon. Mr. ELLIS—When I was first a member of the committee, sitting in the House of Commons, the returns were not brought to the committee at all. The committee sat, and without knowing what they were doing, ordered one thing to be printed and another thing not to be printed. Now, every document or file of documents is brought into the committee, unless it happens to be in the hands of a member. Some of these returns come in great piles and the very appearance of them probably appalled the committee. I will keep in mind what my hon. friend has said and perhaps it will influence the committee.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (PP) An Act to amend the Railway Act as regards the preferential charge created by the issue of securities.

(In the Committee.)

Hon. Mr. CASGRAIN—When the House had this Bill under consideration before, I said I had obtained further information, and some hon. member from the other side suggested that I must have got it from some mysterious source.

Hon. Sir MACKENZIE BOWELL—That depends on whether the hon. gentleman was a spiritualist or not.

Hon. Mr. CASGRAIN—I found some one on this earth who had charge of the compilation of the Railway Act of 1903. It was the law clerk of the Department of Railways and Canals, Mr. H. H. Hansard. When discussing it with him at first he was not absolutely clear about it in his mind. However, I went back to him, and in the interval he had occasion to examine his notes and refer back to the records he had kept, and he consented, at my request, to give me a short letter which I will read to the committee. It is dated May 22, 1908, and is as follows :

My Dear Senator Casgrain,—In looking over my papers in connection with the preparation of the Railway Act, 1903, to ascertain if pos-

sible how working expenditures happen to be given priority over mortgage bonds of railway companies, after you had directed my attention to the same, I have come to the conclusion that it did not appear to have been the intention to give working expenses such priority. If you will refer to section 301 of the Railway Act, 1903, which I believe is a reproduction of the similar section of the old Act of 1888, you will notice that penalties are given such priority, and I think that in consolidating and carrying those provisions into the mortgage section of the Railway Act of 1903, working expenditures have been added to it as a prior legislation. I am of the opinion that working expenditures could only ask a prior lien in respect to rent and revenue, not of property and assets, as distinguished from rent and revenue.

Mr. Hansard is now an independent lawyer practising law in Ottawa.

Hon. Mr. LOUGHEED—It would seem to me that the reason why the Act should remain as it is is all the stronger, because it must have been the deliberate intention of parliament, when the Act came before parliament for discussion, that the old Act should be so far departed from as to give priority to these particular claims over property and assets. What my hon. friend has read simply proves this fact, that it was not the intention of the law clerk of the department that the law should be as it is to-day, but after the Bill was introduced, parliament must have deliberately departed from the text which was prepared by the department, and have passed the Act as we find it to-day. I have spoken so frequently on this subject, expressing the views which I hold, that I do not intend to again crave the indulgence of the House to state the objections which I have already urged. Still I am as strongly of opinion as I was when this Bill was first introduced, that it is in the public interest that the Act should remain as it is to-day and that the amendment should not be accepted.

Hon. Mr. SCOTT—It is well to secure the opinion of members of the bar on this subject, and when the question was up before, expecting that it would be fully discussed, I brought from the department the mortgage given by the Canadian Northern. It was drawn by, I think, Mr. Lash and drawn on the old form, entirely ignoring the legislation of 1903.

Hon. Mr. LOUGHEED—What is the date of the mortgage?

Hon. Mr. CASGRAIN.

Hon. Mr. SCOTT—A year or two ago—at all events since 1903. If I had known the subject was to come up to-night I would have brought that document here to show that so good an authority as Mr. Lash, who is considered one of the best authorities on the Railway Act—should have failed to have his attention drawn to the fact, because the mortgage covers all the plant of the company the same as mortgages formerly did. Then there was another, that was only filed the other day—I forget the name of it. I intended to bring it to show that another member of the profession who is engaged in preparing such mortgages, was evidently of the same opinion; his attention had not been drawn to the Act of 1903, not supposing any change had been made. Because it seems to me that if it were known, it would certainly weaken the value of the mortgages on railway property, and would be regarded, so far as past years are concerned, as a breach of faith by the parliament of Canada. That is the view I took of it, and I still hold the same view. A mortgage is a document recognized by everybody. It is a lien on a property, and when it is a first mortgage it is a first charge, not subject to any other charges except taxes and such impositions as may be placed on it by the municipality. I merely mention those two cases as showing that the profession, at all events, had not grasped the changes made in the law.

Hon. Mr. LOUGHEED—Will my hon. friend explain how a mortgage would otherwise be drawn? He overlooks the fact that the mortgage would be drawn in conformity with the Act covering everything; but the Act then steps in and says that if the revenue is not sufficient to cover the running expenditure, you enter upon the corpus to furnish the balance. The mortgages referred to by my hon. friend would be drawn perfectly correct, and the statement he has made is not a statement in favour of the proposition advanced by the promoter of the Bill.

Hon. Mr. POWER—I am just a little surprised at the ground taken by the leader of the opposition. If repairs, wages and working expenses were to take precedence of the mortgage, the mortgage would naturally set that out.

Hon. Mr. FERGUSON—No.

Hon. Mr. POWER—Yes. It would, necessarily, because a mortgage gives to the mortgagee the legal right to the property under certain conditions.

Hon. Mr. CASGRAIN—Gives the legal estate.

Hon. Mr. POWER—If the wages of employees, the cost of repairs, and the running expenses of the road are to take precedence of the mortgage, then the mortgage must set that out.

It gives a legal title to the property, subject to these charges. I think that is a perfectly clear proposition. If the hon. gentleman himself were to undertake to draw a mortgage on property where the wages of the employees who were working, on a farm, say, were to take precedence of the mortgage, he would take very good care to put that in the mortgage.

Hon. Sir MACKENZIE BOWELL—It seems to me that we are introducing a new system of government. We have a consolidation of a very important Act of Parliament regulating and affecting all the railways in the Dominion. An important change is made in the law, the change being evidently for the purpose of securing the payment of debts that are incurred for the purpose of keeping the railways in running order. We find now that these two or three words which have been added to the clause affect to a certain extent the position of those who hold bonds upon the road, and in order to induce us to change the law which was deliberately passed by both houses of parliament, we are asked to take the declaration of the clerk of one of the committees, who says that two or three words that were not intended were inadvertently put in the Act. If this were a matter of no importance, we could understand that there may have been some error or blunder in the drafting of the clause, but the amendment which was made, was of such an important character, that parliament is now asked to change it in the interest of the bondholders. As a precedent in making such a change, we have the Secretary of State instancing mortgages which he says have been drawn, and by one of the cleverest—I think I am safe in saying that—railway solicitors in the Dominion, Mr. Lash, without a knowledge of the provision of the law which authorized the granting of the mortgage, or, in other words, that he was so negligent of his duty (which I am not prepared at all to admit, knowing Mr. Lash so well, and having been connected with him in various branches of the administration of the affairs of this country for so many years) that he could be guilty of an act of that kind. It is not complimentary either to the law clerk, who drafts the laws, or to the Minister of Railways, to tell us that they so blundered in the consolidation of the Act, as to add in clauses words which are of vital importance to those who hold the bonds upon the road, and that it was simply an error and a blunder. It is not complimentary to the law clerk, to the Minister of Railways and Canals under whose supervision these clauses were drafted, and certainly is not complimentary to Mr. Lash, when parliament is told he has drawn or drafted mortgages without knowing what the law was governing those mortgages. If a man holds a mortgage on a farm, that holds the property, but it does not give him priority of claim over the horses and plows and other farming utensils which are necessary for the working of the land. If the owner fails in the payment of his interest, he can be sued, and those chattels can be seized under execution to satisfy the debt.

That is all this amendment to the Railway Act provides, that in case articles are purchased and are not paid for, the creditor has the right to go and take possession of them under an execution and sell them to liquidate the debt incurred for the purpose of running the road and keeping it in operation. My hon. friend's desire is to remove the security which the creditor has upon the movable property. The mortgage of the bondholders would hold the real estate; that is they would hold the railway itself and everything connected with it, but under the provision now made by this law, as I understand it, it removes the security which the ordinary creditor would have for goods and articles supplied for the working of the road. He tells us that it has interfered with the sale of railway bonds in the English market. That may be. It may have a great deal more importance than a lay mind would attach to it; but to suppose for a moment

that these words were added to that clause without knowing what their effect would be, and that it was done unintentionally, is asking us to believe a great deal more than I am prepared to believe.

Hon. Mr. FERGUSON—Since the question was before the committee the last time, I have looked more carefully into it than I had previously done, and I think if my hon. friend had examined the matter, he would not have proposed this amendment, and I further submit that if this amendment is carried, there will have to be a great many more amendments made to the Act in order to produce harmony.

There was a certain policy with reference to this subject adopted in 1903, and the evidence is most convincing, that so far from this change having been the result of accident on the part of some clerk in the office, there is every evidence it was done deliberately and for a definite purpose by those who had charge of the revision of the Railway Act in 1903. I will direct the hon. gentleman's attention to this clause, 138, that we are proposing to amend, and from which we are proposing to strike out the words 'property and assets.' As far as that clause is concerned, it would give priority to the interest due bondholders over working expenditure.

Hon. Mr. CASGRAIN—Not the interest.

Hon. Mr. FERGUSON—It would change the priority, as far as the property and assets are concerned, in favour of the bondholders as over working expenditure, which includes a great many things, taxes, insurance, wages, rent of rolling stock, and a number of things of that kind. When we look at section 138, my hon. friend no doubt thought he had done the whole thing, but if he will turn to section 141, he will see that it was amended. It stood 95 in the old Act, and those words were inserted in it which shows that the policy of the Act was exactly in accordance with section 138 as it stands now in the law. The words were inserted there:

> Subject as hereinbefore provided to the payment of penalties and the working expenditure on railways, etc.

The section further says:

> And to any lawful restriction or exception contained in the mortgage deed, the securities so authorized to be issued should be taken and considered to be the first preferential claim and charge upon the company and the franchise, undertaking, tolls and income, rents and revenues, and the real and personal property thereof.

The first three lines were placed there to make it harmonize with section 138 which established a priority to working expenditure. There is no question about that, and even if we were to strike out the words in clause 138 the other provision would have to be changed. But there is another stronger evidence as to what the intention of the Minister of Railways and of the department and of parliament was in the revision of 1903. I turn to section 430 of the Act, wherein it says:

> If any company has been convicted of any penalty under this Act, such penalty should be a first lien or charge upon the property of the railway, assets, rents and revenues of the company.

But if my hon. friend was to strike these words out of section 138 he would have then to repeal this section. My hon. friend shakes his head. If he does not see that, I despair of convincing him of anything. Section 430 gives absolute priority to penalties of all kinds over bondholders' interest.

Hon. Mr. CASGRAIN—That remains.

Hon. Mr. FERGUSON—If the hon. gentleman is going to establish another principle by the amendment he makes to section 138, he would have to repeal section 430 in in order to make them harmonize. The effect of clause 430 being inserted in the law of 1903 exactly conforming with the other change of those two words in 138, and the words I have already read in section 141, again harmonizing, shows there was a settled policy on the part of the Minister of Railways and of parliament in 1903 with regard to this subject. I have made inquiries, and I find that there was a strong reason for making that change, one of which arose in this way: In the early history of railways in Canada, rolling stock was purchased out of the proceeds of mortgages and bonds, and only the maintenance of that rolling stock was included in working expenditure. A different practice has grown up with railways at the present time. Instead of purchasing the rolling stock outright, to a very large degree it is leased to the railways. Hon. gentleman remember when the Grand

Trunk Pacific Bill went through, there was a provision for about twenty millions of rolling stock, and it was provided that rolling stock was to be rented. Not only that company, but other companies were adopting this practice. The interpretation clause of the Railway Act was changed to meet this very important situation, and in place of working expenditure being defined as it was in the old Act, as merely maintenance of rolling stock—that would have been repairs and such as that—it was made to include the rent or hire of rolling stock. As I have already remarked, the practice in previous years had been to buy the rolling stock out of the proceeds of the bonds and mortgages. Now it is proposed to get it in another way, and last year we passed a Bill on the subject, facilitating the giving of security on the part of railways for rolling stock that they may have hired in this way, and in securing the purchase of rolling stock. The question had become a very much more important one in 1903 and since that, on account of the railways hiring rolling stock——

Hon. Mr. CASGRAIN—In Canada?

Hon. Mr. FERGUSON—In Canada. My hon. friend knows very well. I think we all know perfectly well that in 1903 that was the plan adopted by the Grand Trunk Pacific, and all their financing in their Bills provided for that, and the mortgage the government was to get upon the assets of the Grand Trunk Pacific to secure the bonds for the western division was made to exclude rolling stock that would be hired in that way. Some hon. gentlemen referred to taxes. Under the old interpretation clause as well as under the new one, taxes are included in working expenditure, and my hon. friend's amendment will place taxes in an inferior position in that regard. My hon. friend shakes his head and differs from that; I despair of agreeing with him, because working expenditure is made to include taxes, and if we give working expenditure an inferior position in mark of priority, wages, taxes and insurance go with it. With regard to taxes, before I leave it, on the spur of the moment I expressed, when we were in committee on this question the other day, the opinion that no matter what we did in this Act, no matter how incongruous we made it with reference to this subject, that the right of the province to tax the railway would remain, and that it would be able to get a prior position for its claim in enforcing payment for taxes. I was under that impression, but I have investigated the subject since, and have consulted with a very eminent authority, who tells me that that views is not correct; that this parliament has undoubtedly the right to run and manage our railways and pass legislation necessary for running them, and although the province has the control of property and civil rights, yet in the exercise of our authority this parliament would be paramount, and if a conflict would arise, the right of this parliament, to give an inferior position to taxes as against the province, would be conclusive. At any rate, the effect of my hon. friend's motion, as it would put working expenditure in an inferior position to the interest of bonds, taxes would go with it. I think the right of the province is clearly expressed in the British North America Act with reference to property and civil rights, and the rights of taxation, and we should not put anything in the law in the way of the province taxing the railways and of collecting their taxes, and not make it inferior to different as to what is done, but I think any other charge whatever. Then with reference to insurance, there ought to be no question that it is very much in the interests of the bondholders that the terminals and workshops and valuable property belonging to the railway should be insured. If they were burned or destroyed, the security would suffer, and it is in their interest that such a matter as insurance should be provided for, and that is included with the working expenses. Then we come to wages. My hon. friend admitted there was something in the point with reference to wages, and my hon. friend from De Salaberry submitted an amendment which he thought, or appeared to think, would effect the object. I have looked it over carefully. I expressed my doubt at the time, and am quite convinced that my hon. friend's amendment would just leave wages

exactly as it stands in section 138. Probably my hon. friend, on further reflection, will not insist that that amendment would accomplish the object he then claimed it would.

Wages is included in the interpretation clause of the Railway Act as part of working expenditure, and my hon. friend's amendment would place it on par with other working expenditure, and wages would just stand exactly as it stood before, and this amendment made to section 138. would put wages in a secondary position to the interest of bonds. There is evidence all through the Act, and there is evidence in the practice which has grown up with regard to the renting of rolling stock in place of buying it out of the proceeds of bonds, that this amendment of 1903 was to meet the changed conditions of the railways of the country at that time, and that it was well and fully considered, and I am quite satisfied, whatever the fate of my hon. friend's amendment may be here, that it will never be made law, that it will be found that it is in conflict with the general policy of the Railway Act, and that it is not in accordance with the principles of justice. What was done in 1903 was evidently done carefully and well, and should be allowed to stand, and I will give my vote in that way. I do not think it is necessary to discuss this matter any further. As far as I am personally concerned, I am perfectly indifferent as to what is done, but I think this House should do what is right, and that we should not put ourselves in the position of having passed such an important measure without having given full consideration and ascertained what the policy of the Act of 1903 is, and without a clear understanding of what we were doing, and what effect our amendment would have.

Hon. Mr. POWER—Common sense, I think is altogether adverse to the view taken by hon. gentlemen on the other side of the House. It could not have been the deliberate intention of this parliament to do anything to make it difficult, if not impossible, for companies undertaking to construct railways in Canada, to borrow money for the purpose of that construction. I think that is a self-evident proposition. Now, what was the law up to 1903 ? That law is to be found in the first subsection of section 94, of the Railway Act of 1888 :

> The company may secure such bonds, debentures or other securities by a mortgage deed creating such mortgages, charges and encumbrances upon the whole of such property, assets, rents and revenues of the company present or future, or both, as are described in said deed, but such rents and revenues should be subject in the first instance to the payment of any penalty imposed for non-compliance with the requirements of this Act respecting returns to be made to the minister, and next to the working expenditure of the company.

And then the second subsection goes on to say that the company may grant to the mortgagee all the powers, rights and so on, and that is practically all, except that the mortgage shall be deposited in the office of the Secretary of State. In 1903 the then Minister of Railways had this Railway Act of 1888 reconsidered. The evidence which has been supplied by the hon. gentleman from De Lanaudière is the evidence of the officer who was employed in re-revising and re-arranging this Act, and that officer has no remembrance that it was the intention to make any change with reference to this particular matter. The hon. gentleman says it is a very solemn Act of Parliament, and that we must not set up the recollection of any clerk in the department against what parliament has done. Of course you cannot set it up in a court of law, but when you are considering what the intention of parliament was, I think we here in parliament have a perfect right to take the evidence of an officer of that sort. It is good so far as it goes. The hon. gentleman from Marshfield has stated that this matter was considered most fully and solemnly, and that the change was made deliberately. Now this was a very important change in policy. Would a change of that kind be made without some discussion in either house of parliament or in both houses? Has the hon. gentleman, or can he or any other hon. gentleman here produce a single word said when this important change was being made in the House of Commons or in this chamber with respect to this matter. Surely if the intention of parliament was to make so serious a change as the hon. gentleman contends, we should have some record of it in 'Hansard.'

Hon. Mr. FERGUSON—How did these changes get into different parts of the Act?

Hon. Mr. POWER—If the hon. gentleman will allow me, I shall tell him what I think has happened. Clearly there was no deliberate intention on the part of parliament to alter this law at all, because if there was such an intention, it would have appeared from the debates of both Houses, or at any rate of one House. It does not appear at all. Consequently, it was not the intention of parliament to make any such important change. Now, how did the change come to be made? The impression of the clerk is that in preparing the law for the printer some error was made. Section 301 of the Act of 1903 says :

Where a company has been convicted of any penalty under this Act, such penalty shall be a first charge upon the railway, property, rents and revenues of the company.

You see the working expenses are not made a first charge. His theory is that in consolidating and carrying this provision into the mortgage section of the Railway Act of 1903, working expenditure has been added as a prior lien.

He says :

I am of the opinion that working expenditures could only ask a prior lien in respect to rent and revenue not of property and assets, as distinguished from rent and revenue.

The draft prepared by this law clerk, was put, I suppose, into the hands of a junior clerk and typewriter, and the mistake was made of inserting these words. It would be a very natural things, where the party found in section 112, in the first subclause, that the property, assets, rents and revenues were to be subject to the mortgage, that he would think that property and assets should go in the other places too. When the Act of 1903 came to be dealt with by the revisors who prepared the Revised Statutes, they broke up section 112 into two or three sections. My opinion is that the Bill of the hon. senator from De Lanaudière, in its present shape, will hardly carry out his intention, and perhaps the wiser plan would be for the hon. gentleman to let the Bill remain in committee and prepare such an amendment as will meet the whole case. I do not think that in its present shape the Bill will meet the whole case. Probably the hon. senator from De Salaberry has looked into the matter carefully and will be able to give an opinion on the point which would be worth more than mine.

Hon. Mr. LOUGHEED—The more this matter is discussed, the more one's adverse opinion is confirmed against the utility of this proposed amendment. If my hon. friend will take into consideration what the effect of this amendment will be on subsection 34 of the Interpretation Act, the enormity of the amendment will at once present itself to one's mind. What does it mean? It means that all the expenses referred to in subsection 34 of the Interpretation Act, in clauses a, b, c, d, e, f, g, h and i, will be postponed, so that no recourse can be had for payment if there be not property to cover that particular class of expenditure. My hon. friend will observe that section 34 interprets what working expenditure means.

Hon. Mr. CASGRAIN—Does the hon. gentleman refer to the Railway Act in the Revised Statutes?

Hon. Mr. LOUGHEED—Yes, if we postpone working expenses to property and assets, and if the revenue is insufficient to cover these various expenses, then it is not possible to secure the payment of those expenses out of any other property. That is to say, if the revenue is insufficient to pay wages, the working men will not be able to secure their wages from the property and assets. If the revenue is insufficient to pay taxes, the municipality is defrauded—I use the term advisedly—of its taxes. I challenge the hon. gentleman to controvert that statement, that if the revenue is insufficient to meet the taxes, the municipality has no other resource from which it can obtain payment, and so on all along those lines.

Hon. Mr. CASGRAIN—And you would eat away all the property.

Hon. Mr. LOUGHEED—My hon. friend cannot find anything in the laws of any community which cut out taxes. The municipality always has recourse against the property for the payment of its taxes, notwithstanding the mortgage covering everything.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LOUGHEED—My hon. friend says hear, hear : I challenge him to controvert that statement. Taxes come under working expenditure ; consequently if the revenue is insufficient to meet the working expenditure under this proposed amendment, the taxes are cut out and also all those other charges, rates, taxes, insurance, compensation for accidents or loss, salaries and wages of persons employed about the railway, all office and management expenses, all costs and expenses incidental to the compliance of an order of the board and other such charges.

Hon. Mr. FERGUSON—And interest on the purchase of lands.

Hon. Mr. LOUGHEED—Yes. Therefore, if you defer the payment of working expenses to the mortgage on the property and assets of the company, there is no other property from which this class of expenditure is recoverable. Are we going to deliberately pass an amendment to the Railway Act by which, if the revenue of a railway is insufficient to meet all these charges which constitute working expenditure, we give the mortgagees priority over the payment of municipal taxes, wages, and the legitimate claims of creditors who furnish supplies for the enhancement of the value of the property, and consequently of the mortgage itself—are we going to cut out all those legitimate expenses and allow the mortgagees to swoop down on the railway and cut out taxes and other such claims ?

Hon. Mr. SCOTT—Taxes and insurance are not on the same footing as the other charges.

Hon. Mr. LOUGHEED—I say they are.

Hon. Mr. SCOTT—They are a prerogative of the province.

Hon. Mr. FERGUSON—If my hon. friend would look at the Act, he would not say that.

Hon. Mr. SCOTT—I have looked at it. I have had expedience of it for 50 years.

Mr. LOUGHEED—My hon. friend has the happy faculty of setting aside with one fell swoop all well recognized principles of law. Will my hon. friend point out why taxes should not be paid?

Hon. Mr. SCOTT.

Hon. Mr. SCOTT—If they do not pay taxes they do not cut off the prerogative of the province.

Hon. Mr. LOUGHEED—We give a prior claim to the mortgagee and this excludes the payment of taxes. However, my hon. friend represents the government in this House, and if the government approve of an amendment of this kind, they can take the responsibility. If it is proper to say to the municipalities of Canada, we have passed legislation which exclude you from getting your taxes from the corpus of the railway, the government can take the responsibility of saying so. If my hon. friend is prepared to sanction legislation by which the wages of the workingmen are cut out, I register my protest against it. If my hon. friend, representing the government, will undertake the responsibility of saying that this government is prepared to cut out all the legitimate claims which may be chargeable against a railway for legitimate purposes and give the mortgagee priority over those claims, I can do naught else but protest against the legislation.

Hon. Mr. SCOTT—This is not a Government Bill. My attention was never called to it until it was introduced in this House. I am merely expressing my own opinion ; I have never talked to any of my colleagues about it.

Hon. Mr. LOUGHEAD—I should judge not.

Hon. Mr. SCOTT—Before it goes further, I wish to discuss it with the Minister of Justice.

Hon. Mr. CASGRAIN—Does the hon. leader of the opposition mean to say that this amendment would deprive the province of the right of taxing railways ?

Hon. Mr. LOUGHEAD—No, but it will deprive the province of the property out of which the taxes should be realized.

Hon. Mr. SCOTT—The mortgage is always subject to taxes.

Hon. Mr. BEIQUE—I feel very much like the leader of the opposition in hesitating to again address this hon. House on this question. I have done so on several occasions before and to a great extent I would have to repeat what I have already stated. I understand that the hon. leader of the op-

position may find that the Bill does not go far enough, that there are rights which should be safeguarded. For instance if in his opinion the claim of the province for taxes would be cut off by this amendment, it is surely his duty to suggest an amendment which would safeguard the rights of the province in that respect. It is for that reason that the other day I suggested after we dealt with this clause of the Bill an amendment in regard to three months arrears of wages. There may be also other claims which should be safeguarded, but to my mind the Bill, so far as this clause goes, is in the right direction, and I am astonished that any lawyer, and especially a lawyer of the ability of the leader of the opposition, would stand up here and assert that a law should remain on the Statute Book in such a position that it would be in the power of the debtor to destroy the security under which capital has been invested in his property. I know of instances which can be cited to illustrate this. Take for instance the Baie de Chaleurs Railway when it came to grief; if that law had been on the statute book before 1903, the rights of the bondholders would have been cut off almost entirely, because there were claims of all kinds amounting to two or three hundred thousand dollars which had accrued on that railway. It was hanging in the courts for ten years, and was the subject of Bill after Bill in this parliament for the purpose of coming to the rescue of those claimants. Happily the rights of the bondholders remained intact because this mischievious Act had not been passed.

Hon. Mr. SCOTT—Parliament actually increased the subsidy for the purpose of paying the men.

Hon. Mr. BEIQUE—I know of another case where this Railway Act had not been for a long time in operation. It had been in operation for 18 months only; nevertheless the rights of the bondholders, or vendor's lien, were considerably affected by the accumulation of traffic balances to an amount of between sixty and eighty thousand dollars. The hon. leader of the opposition suggested that in most of the provinces there are laws which protect the improvements made on the property to the extent of the improvements—that the law protects the creditor who has made advances for such improvements. I understand the wisdom of a law of that kind, and if the Railway Act were in that direction I would not suggest that it be amended, but I again call attention to the fact that such is not the effect of this wording. If it indiscriminately gave a preference for all such claims as have been suggested what would be the effect? If ties had been purchased and placed on the property, the claim should be recognized because of the increased value given to the property; but suppose the ties were resold by the company and never placed on the property at all, where is the equity of destroying the bondholders' lien by giving a preference for the purchase price of those ties? Again, if coal has been purchased and used on a steamer, for instance, or resold or used up, is there any increased value given to the property, and would it be wise to destroy the value of the lien to the extent of such claim? To my mind, it would be preposterous. I agree with the suggestion made by the hon. senator from Halifax that the Bill deserves very serious consideration. The suggestion I made the other day with regard to wages is in a good direction. The amendment may be worded differently if there is any objection to the form suggested, but as far as the first clause of the Bill goes I am entirely in accord with it. Whatever we may decide in the way of protecting wages or other claims the result of which has been to increase the value of the property—let them if you wish stand before the bondholders—but to recognize that all working expenditures for claims shall rank before the bondholders and be a first charge upon the property would be most mischievous legislation. I would suggest that this clause be adopted and that the committee rise in order that we may have time to consider what other claims should be protected.

Hon. Mr. LOUGHEED—I think the amendments should be all brought down together.

Hon. Mr. CLORAN—Capital should be made to understand that it cannot float or even survive at the expense of other good money. The bondholders put their money into a scheme, and the labour which goes

to enhance that capital should have equal privilege with the capital for security. No bondholder should have a greater right on the security of a road than the humble labourer, who gives his work, or the man who furnishes goods and supplies. No honest capital would ask to have its value increased by the sacrifice of the rights of others. It is all very fine to say that capital cannot be secured under these circumstances. If it cannot, then we can do without it. We have been told that since 1903 more money from England, France, Germany and Belgium has been invested in Canada than in the fifteen years before 1903, notwithstanding the fact that this law has been on the Statute Book for the last five years. The answer is that they did not know it was on the Statute Book. That is a challenge to the honesty, intelligence and the ability of the attorneys of these companies. That section is the most essential one in the whole Railway Act, yet we are told that it has escaped the observation of lawyers who have been advising the Grand Trunk Pacific, McKenzie & Mann, and other great railway corporations of this country. If this law has done no harm to Canada during the past five years, why not leave it where it is? Who put it there? The man who framed it has gone from this earth—the late Minister of Railways, Mr. Blair. But we are told that the law clerk did not know anything of it. That law was made to read as it is to-day by the Hon. Mr. Blair, who was responsible for introducing the legislation, and this parliament passed it with open eyes. In five years it has done no harm, and if this Senate changes that law in the interest of capital and against the interest of the labourer it will be taken as a mark of want of confidence in the government and the minister that adopted it five years ago. I have no sympathy with capital that will seek to enrich itself at the expense of others. I do not ask this House to give to labour or to those who furnish supplies to companies prior rights, but I do ask that they be given equal rights with the bondholders.

Hon. Mr. ELLIS—I listened to the discussion on the last occasion this Bill was before us, and made up my mind that it would not be well to adopt this legislation. The Act was put on the statutes by the government of the country, and if circumstances have arisen which require that the Act should be amended, the government had better come down with a Bill for the purpose and take the responsibility. It should not be left to a private member to amend an Act of such importance. I have listened carefully to the discussion this evening, and the fact comes out the Act requires amendment and we are asked to assent to this clause. I am not prepared to assent to the Bill, holding the view that I have. It is not asserted that during the time the Act has been on the Statute Book any harm has arisen. If the government knew that harm had arisen, it would have been their duty to bring forward an amendment, and I place the entire responsibility on them. I am prepared to listen to any argument they may advance when they bring down a Bill, but I am not prepared to take the responsibility of voting for the adoption of the first clause in view of the circumstances.

Hon. Mr. CASGRAIN—If the hon. gentleman will read the list of working expenses he will find that every conceivable expense is put before the mortgage bond. Now that is not right. If a company should purchase a terminal and spend a million dollars upon it after having issued bonds, that new purchase would rank before the bonds.

Hon. Mr. LOUGHEED—Why do you not narrow the interpretation section. That might meet the difficulty.

Hon. Mr. CASGRAIN—I have had this Bill prepared by legal gentlemen, but I am not wedded to the wording of the clauses. When it is absolutely clear to my mind that these words 'working expenses' were added in the consolidation just as a repetition of three lines where they had been put in the first place, evidently the work of a typewriter without any consideration——

Hon. Mr. LOUGHEED—No.

Hon. Mr. CASGRAIN—Can we conceive that parliament would make such a radical change in every bond in this country without saying a word about it? It is inconceivable. You cannot find in the 'Commons

Hansard' or in the 'Senate Debates' one word on the subject, and you are deminishing the security of the mortgage bonds of the country without discretion or even an explanation from the minister as to why he is making the change.

Hon. Mr. LANDRY—Why has the hon. senator himself been mute during the past five years?

Hon. Mr. CASGRAIN—The hon. senator from De Salaberry brought in a Bill when he noticed it. The hon. Secretary of State quoted just now the opinion of Mr. Lash. Apparently Mr. Lash is not familiar with the law. It is against the very spirit of the mortgage. The legal estate is vested in the mortgagee, and yet you would have the legal estate burdened by expenses made by the company. When the bonds are issued, the company looses possession of the property; it belongs to the bondholders, and yet the company has the right to borrow on property which does not belong to them. When the owners of the property issue bonds, the property goes to the bondholders and the company is only allowed to work the property under certain conditions, those conditions being payment of coupons when they become due and of the principal of the bonds when they mature. But, as the hon. senator from De Salaberry thinks there may be some amendments made, and as the hon. senator from Halifax has suggested other amendments, and as the hon. Secretary of State says he will get the opinion of the Minister of Justice, I move that the committee rise and report progress and ask leave to sit again.

Hon. Mr. WILSON—Before that motion is put, we should consider whether this important Bill should pass. I am informed in all directions that this Act has been in existence for several years. Under it bonds have been issued and mortgages taken by the cleverest lawyers in the country and no inconvenience or evil has resulted. I cannot understand, therefore, why this Bill has been introduced, and especially by a private member. The leader of the House disclaims any responsibility on the part of the government for this measure. We all know what the law has been. Thirty years ago, in the local legislature, we had a protracted fight as to the working expenses and how mortgages should be considered. That being the case, and not wishing to occupy too much of the time of the House, and feeling as I feel that this Bill is uncalled for and unnecessary, I move, in amendment to the motion of the hon. gentleman, that the committee rise.

Hon. Mr. CASGRAIN—I think the hon. gentleman should not do that, especially when the hon. Secretary of State has asked for time to consult the Minister of Justice. I ask, as a matter of courtesy, that the hon. gentleman do not insist.

Hon. Mr. LANDRY—This motion if carried, would give him ample time.

Hon. Mr. CASGRAIN—It would kill the Bill.

Hon. Mr. WILSON—If the government desire to introduce a new Bill and assume the responsibility, and desire to take out of the hands of the honest labouring man the right and privilege of obtaining their wages that they ought to have, and if they feel a disposition to deprive the municipalities of the various parts of the country of the right of collecting taxes from the railroad, and assume all that responsibility, I do not feel a disposition to withdraw my motion.

Hon. Mr. POWER—I trust the hon. gentleman will not persist in his motion. It would be one of the most marked departures from the courtesy which is supposed to prevail in this House, that I have ever seen. The hon. gentleman who is in charge of the Bill, for various good reasons which he gave, thinks it desirable he should have a further chance to consider the Bill with a view of amendment or modification, and surely the hon. gentleman would not interpose and try to strangle the Bill in this way in a thin House.

Hon. Mr. WILSON—I certainly do not feel that I am required to submit to a curtain lecture from the hon. gentleman from Halifax. I thought I was 21 years of age and responsible for that which I do, and for the remarks which I make, and if, in the future, I wish to obtain information in regard to decorum from the hon. gentleman from Halifax, I shall ask him for advice.

Hon. Mr. CLORAN—He might call in the Sergeant-at-Arms.

Hon. Mr. POWER—If the hon. gentleman from St. Thomas declines to take lessons from me, perhaps he will take lessons from the hon. gentleman from Victoria Division?

Hon. Mr. CASGRAIN—I must appeal to the hon. gentleman—I have asked him before—I think it is hardly fair when the hon. Secretary of State simply asks time to consult the Minister of Justice, that the committee should be asked to rise. I plead with him not to take advantage and not to insist upon his motion. It is not long to wait. If he will wait till to-morrow, there will be ample time.

Hon. Mr. WILSON—I certainly do not wish to place myself in an awkward position. I desire that there should be no ill feeling in reference to this matter. I wish to give the hon. gentleman a fair chance, and although the Bill has been before parliament for a number of days and weeks, I will withdraw my motion, with the consent of the House, provided we shall have a fair opportunity for a free discussion of this question when the Bill is brought up again.

Hon. Mr. FERGUSON—I suggest that if it is intended to bring in consequential amendments, which I certainly think will have to be done, that the notice of these amendments should be put upon the order paper, so that the House would have ample time to consider them. We have been in committee three times. There was a long discussion on each occasion, and when we go into committee again, I think we should have every opportunity to consider the whole matter.

Hon. Sir MACKENZIE BOWELL—We may take it for granted that if this matter is to be referred to the Secretary of State, and he is to take charge of it and consult the Minister of Justice, we shall have the opinion of the Minister of Justice when we are asked to adopt any amendments. Then we shall have the government taking the responsibility for whatever is necessary in order to amend the Act to meet the wishes of the hon. gentlemen, and at the same time protect those whom the present amendment to the Bill would deprive of their security.

Hon. Mr. FERGUSON—I would just add the suggestion, that any opinion of the Minister of Justice should come through the hon. leader of the House, and not be communicated to us without our having very exact knowledge as to whether it is authentic or not—dribbled through the House as I know things have done on previous occasions. I submit that the view of the Minister of Justice or the Minister of Railways should be communicated to the House through the hon. leader of the House.

Hon. Mr. McKAY (Truro), from the committee, reported that they had made some progress with the Bill and asked leave to sit again on Tuesday next.

QUEBEC BRIDGE COMMISSIONERS' REPORT.

Hon. Mr. LANDRY—Could we be informed by the hon. leader of this House if any progress has been made in the printing of the report of the commissioners on the Quebec bridge disaster?

Hon. Mr. SCOTT—The report is being printed at the Bureau now.

Hon. Mr. LANDRY—Has the translation been completed?

Hon. Mr. SCOTT—I could not tell the hon. gentleman.

Hon. Mr. LANDRY—If the hon. gentleman has time to inquire——

Hon. Mr. SCOTT—I will inquire.

The Senate adjourned until 3 o'clock to-morrow.

THE SENATE.

OTTAWA, Wednesday, June 10, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SHUSWAP AND THOMPSON RIVER RAILWAY COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN, from the Committee on Railways, Telegraphs and Harbours, reported Bill (49) An Act to incorporate the Shuswap and Thompson River Boom Company, with amendments.

Hon. Mr. LANDRY—Can I defer making certain objections which I wish to make to this report? I want to raise a question of order, and if it is convenient to the House I will postpone it.

Hon. Mr. CASGRAIN—I will delay the motion for adoption till to-morrow.

Hon. Mr. LANDRY—I do not want to be ruled out to-morrow. It may be said that we have received the report and accepted it.

Hon. Mr. CASGRAIN—The hon. gentleman can give his notice.

Hon. Mr. LANDRY—I have no notice to give.

The SPEAKER—I would say that if the objection is on the report itself, it can only be taken when the report is considered, because the Senate will not be seized with the matter of the report till that time.

Hon. Mr. LANDRY—Without asking a decision, and without discussing the point of order, I will just point out to the hon. Speaker the kind of objection I wish to raise. This Bill was first reported to the House some time ago, and the report that brought it before the House stated that the preamble of the Bill had not been proved. The committee had pronounced themselves on the preamble, and had refused to pass the Bill on the ground that the preamble had not been proven. A vote of this House on the 21st of May, referred the Bill back to the committee for reconsideration.

Hon. Mr. CASGRAIN—Further consideration.

Hon. Mr. LANDRY—Well, say further consideration. It must be further consideration, because it has been considered once. The interruption of my hon. firend does not enlighten us at all.

The SPEAKER—It is the same thing.

Hon. Mr. LANDRY—If it is reconsideration it must be further consideration. I claim that the committee, being guided by the rules which prevail in this House, could not give a decision contrary to the one it had first given, and, consequently, that the Bill could not come back here with the statement that the preamble had been proved, because the committee had previously decided that the preamble had not been proved. The committee could not go back on its decision unless they had received a special instruction from this House, or the Bill had been re-committed with instruction from the House to do such a thing. The committee has no right to go against the rules of debate which prevail in this House, and the committee had no right to go back on its decision and render a decision contrary to the first one, except, as I say, special instructions had been given to the committee. In that case the committee, having received a special instruction, was entitled to come to another decision according to the instruction given. The report is not yet received, but if the report is presented stating that the Bill has been passed with some amendments, I must conclude that the preamble has been proven. Consequently, the committee has given a decision contrary to the first one arrived at and that is the point I wish to have settled. I will give the authority in support of my views.

The SPEAKER—But the hon. gentleman does not want to go into details now ?

Hon. Mr. LANDRY—I want to know if this is the proper time to discuss the point of order. If I can bring it up to-morrow I am willing to wait until then; but I do not want to lose any of my rights to raise the point of order and have a decision.

The SPEAKER—It will be considered to-morrow, subject to the point of order raised by the hon. gentleman.

Hon. Mr. CASGRAIN moved that the report be taken into consideration to-morrow.

The motion was agreed to.

AN INSTITUTION FOR JUVENILE CONVICTS.

MOTION.

The notice of motion being called :

That in the opinion of this House steps should be taken to provide an institution for the keeping of juvenile convicts separate from older criminals.

Hon. Mr. COMEAU said : I desire to address to this honourable Chamber a few words with regard to the subject of Dominion penitentiaries; or more especially, I

might say, with regard to the system prevailing, under which the inmates thereof are committed to one common institution, which provides no real distinction between the young and the old ; the tempted, or naturally bad ; the redeemable or the incorrigible.

I think that it is the peculiar province of this honourable House, which is not called upon session after session to initiate a great deal of legislation of a general nature, to devote some time to the betterment of existing conditions, where the welfare of any class of people is concerned, and to provoke public discussions of those questions which are worthy of receiving the consideration of all who cherish high aspirations for the future of our country ; its institutions and its laws.

A study of the conditions under which the penitentiaries were created, will go far toward convincing the inquiring mind that they were called into existence with one object in view, namely: the punishment of crime. Perhaps I should add to this, and say with the view also of providing a place of detention for those persons who had proved to be dangerous members of society, and had by some act brought themselves within the reach of the criminal law. Punishment of crime, and the elimination of the dangerous element was, then, the prime object in view, in the establishment of these territorial houses of detention.

To be sure, the term of imprisonment usually carried with it an obligation on the part of those capable thereof, of being taught some trade, or of applying themselves to some labour of one class or another. This furnished a means of keeping their minds occupied, and thereby tended to reduce the danger from too many idle hands. It also in certain cases, furnished the unfortunate inmate who did not previously possess a trade, with the opportunity to acquire one, at which he might work and labour truly to get his own living, when the time came that he once more entered the world a free man.

Did I say a free man ? Well hardly perhaps that, for unhappily the person who has been so unfortunate, under existing conditions, as to 'do time,' no matter how sincerely repentant he may be; no matter how diligently he may in future apply himself to some honest calling, is never in the eyes of the self-righteous altogether free from that taint which a term in our penal institutions, as at present conducted, seems to carry with it.

Now, hon. gentlemen will bear me out, that since our penitentiaries were first established a great change has come to pass in sound public opinion regarding their purposes and possibilities, and to-day they are not regarded as a means of punishment and detention alone, but also as a means of reform for those who may from one cause or another be brought under sentence within their portals ; thereby as it is hoped, winning for the country good citizens and useful members of society.

But, hon. gentlemen, there is as I regard it, yet a difficulty in the way of reclaiming in the fullest extent as useful members of society those who have unhappily served a term, and that is the 'taint' to which I have alluded. For does it not very frequently prove a bar to their obtaining employment ? It is the unhappy lot of such a one, after his liberty has been restored to him, to be punished in a social way, and his record as a former inmate of the penitentiary proves life's chief handicap to him—sincerely and truly repentant though he may be.

In the case of a person in advanced years, with his life largely behind him, this condition is hard indeed. But it is still harder in the case of the young man, whose life is, or should be yet before him, but whose usefulness is destroyed by the corroding influence of this prison taint, which, it seems, must follow him all his days, depriving him of the best which life has to give and robbing the community in which he lives of the best work of which he is capable.

It is this latter class—that of the younger men, to which I desire particularly to direct attention, and in whose behalf I believe that something can and should be done.

On the 1st of March last there were in the Dominion penitentiaries 1,827 inmates of 20 years of age and upwards, 718 being of foreign birth. At the same date there were 206 inmates under the age of twenty, of which about 75 per cent were natives of Canada.

It will thus be seen, that while a very large percentage of the inmates of the penal institutions of the country above the age of twenty years, and upwards, are of foreign birth, most of those under that age are Canadian born, and I wish to devote a few moments to the consideration of this feature.

It unfortunately appears that there are people who are born with criminal instincts, tendencies and desires, and who from childhood prefer to do that which is wrong. Such persons are undoubtedly dangerous members of society, and it would seem from the dicta of eminent sociologists that little hope of trustworthy reform exists in the case of such.

There is again another class, composed of those who are not so bad of heart, nor imbued with the criminal instincts and tendencies which tincture those previously mentioned; for whose honest reform there is hope, and for whom there is a place and a useful career in the future of this country. And, hon. gentlemen, to my mind the system which brings these two classes together—especially those of them who are young—recognizes them as of one stamp, and causes them to mingle in one common house of detention, is unwise and defective. It is not in keeping with the spirit of the age of enlightenment and sociological advancement in which we live. It has a degenerating tendency and it is antagonistic to reform.

I have discussed this phase of the detention and reform of that class now indiscriminately stigmatized as 'criminals,' with the chaplains of penitentiaries; men who have the well-being of such unfortunate ones sincerely at heart, and who have great opportunities of studying the characters of those unto whom they are called upon to minister. Their views upon the subject are uniformly advanced, and to me their reasons seemed most cogent.

Briefly, the concensus of opinion among them was, that if kept separate from the old and more hardened offenders, the younger inmates, except where they possess the criminal instinct hitherto mentioned, are capable of reform, and of being dismissed good and useful members of society. But that where they are allowed to mingle indiscriminately, then, just as we are told it is impossible to touch pitch and not be defiled, even so is it with them. They carry into the world an added store of evil knowledge, and a heart more hardened than that out of the fullness of which they previously transgressed.

In my humble opinion there should be some method of selection, so that the instinctive criminals, and the circumstantial transgressor, should be kept apart. That those for whom there is an honest hope, and probability of reform, should not heedlessly be brought into constant contact with those of whom reason teaches us to believe the contrary. In other words, that the probable 'reform' and the true 'jail bird' should not, as at present, be placed in one catagory. And furthermore, that to alleviate this damaging and lasting influence of this convict's taint, in the case of the young and tempted, they should not even be subjected to detention in the same institution with the men of naturally criminal instincts. That our penal institutions should, in fact, be neither a training school in villainy for the young, not yet a mint, through which all who may pass—whether the naturally depraved and perverted man, or the one of better instincts who is an accidental transgressor—are of necessity discharged with the stamp of 'convict' indelibly impressed upon them.

But chiefly do I favour in our houses of detention, the separation of the young from the old, and the youth of criminal instincts, from the young man of better tendencies but, perhaps, weakness in the face of temptation. Charles Dickens recommended that prison doors be fastened no less securely from within than from without, and while many improvements in our system of punishment by detention have been put into practice since that gifted man penned those words, it is well that we in our age should not rest satisfied with what our predecessors have done, but endeavour to aid, so far as it lies within our power, those whose unhappy lot it is to fall by the wayside. I would like to suggest that if the government is not prepared to deal with this question at the present time, they should communicate with the wardens of the different penitentiaries, or possibly the wardens and the chaplains, and I am satisfied that they would receive a lot of valuable information

which would enable them to deal with this important subject.

Hon. Mr. SCOTT—The subject that the hon. gentleman has brought to the notice of this House is a really important one. I regret that I was quite unable to hear the greater portion of his observations. With his voice directed to his desk it was quite impossible to hear the expressions he gave utterance to. All I can say is that I shall be glad to call the attention of the Minister of Justice to the report published in the 'Debates,' and I have no doubt he will be glad to take from it any hints or suggestions that can be availed of. The subject is one that is engrossing the attention of philanthropists in all parts of the civilized world. I do not quite agree with the remark that fell from the hon. gentleman, that children inherited crime and became criminals because the father or mother had criminal tendencies. A very interesting work on that subject was recently issued from a distinguished scholar, who gave very many expressions that the assumed rule is not justified by facts. Now that is a very broad subject, and I do not propose to enter upon it. The hon. gentleman's observations are quite in line with the Bill now before the House favouring what are called children's aid societies, which are springing up all over Canada. They already exist in France, Germany, Belgium, Great Britain and other countries, and we are endeavouring to keep pace with the progress that has been made by those countries. I think there are upwards of fifty in the province of Ontario alone. Recently the citizens of Montreal and Quebec and some of the other cities in Quebec province have organized a similar association. The largest petition ever presented to parliament has been presented by those who are supporting the formation of societies that will aid the young and prevent them from becoming criminals. It is found that children are under the best influences particularly when they are exercised sympathetically, and I can assure the hon. gentleman that his remarks will be brought to the notice of the Minister of Justice.

Hon. Mr. SULLIVAN—I had no idea when I came in this afternoon that this subject would be brought up. I seconded the resolution with a great deal of pleasure, because I think it is a useful and philanthropic measure—one worthy of the consideration of the Senate. It is particularly apt at this time, because of the very much needed Bill which is now before the Senate, with regard to juvenile offenders. This, according to my idea, takes in an intermediate stage between the juvenile and hardened or regular criminal. I agree with the hon. Secretary of State, that there is a criminal class, but I think there is also, to a certain extent, heredity in crime, the same heredity as, to use a parallel, in the case of tuberculosis. A man has a certain form of constitution and physical build which render him particularly liable on slight occasion to contract that disease, and the same way with this criminal class; they do not inherit exactly such a tendency to crime, but their resistance to temptation is very slight indeed. They are very apt to fall into it much more readily than others. Therefore it is well to try and combat the tendency to crime at as early a period as possible. There is no doubt that it is unwise to place first offenders with those who have been guilty of crime, more than once, and who are between twenty-five and thirty years of age. This whole question requires deep consideration. I do not think we have arrived yet at a satisfactory way of dealing with crime and the best means of prevention. There can be no doubt that a crime once committed there is a great inducement to the criminal to repeat it, in this way, that he is removed from all society. He is followed inevitably with sleuth hound determination by those engaged in the suppression of crime, and often by those who are not. If he makes an effort to lead a good life, he is followed up and discharged and hounded on so that he cannot get a chance for a fair start in an honest occupation; and in despair he commits another crime. He becomes hardened against society. Another matter to which I wish to call attention is the extraordinary sentences that are sometimes pronounced. I do not know whether it is the case now—I hope there is an improvement in that respect—but the judges of the province of Quebec

were in the habit of imposing heavy sentences for comparatively small offences, such as petty theft. To send a young man to penitentiary for seven years for stealing clothes when perhaps he was in need of clothing is destroying the man's whole life. Some of the sentences of criminals should be revised. They differ remarkably with regard to their severity. I mention this to show that there are many points which might be taken up in connection with this subject. I consider the motion now before the House to be nothing more than a subject for discussion and that the seconding and adopting of this resolution does not involve any action on the part of the government. There is that one point though that it would be exceedingly wise to separate young criminals from their hardened associates. There can be no doubt that the facility of intercourse in prisons leads to the younger men becoming hardened, and all virtuous impulses or tendency to reform are resisted altogether by association with older and hardened criminals. Men and women have told me in the course of my professional experience, that they could not resist the desire to commit crime —the desire to steal and in the case of women to commit other offences. The hon. gentleman is directing the attention of many philanthropic gentlemen that I see before me in this House to this important question, and I hope his efforts may have some good effect, and he deserves the thanks of the Senate and of the community for bringing it forward.

Hon. Mr. POWER—I agree with the hon. senator from Kingston in thinking that the mover of the resolution deserves the thanks of the House, but I doubt whether this is a resolution which the Senate should pass. I do not very often raise questions of order, but I do in this instance. This question of public and reformatory prisons really does not come within the jurisdiction of parliament. Under the 91st section of the British North America Act, parliament deals with penitentiaries; but paragraph 6 of section 92, which sets out the subjects that come under the jurisdiction of provincial legislatures, is as follows:

The establishment, maintenance and management of public and reformatory prisons in and for the province.

So it really is not the business of the Dominion parliament to deal with this particular question. There are two other reasons why, while we all agree in the sentiments expressed by the hon. gentleman, we should not pass this resolution. One is that in every one of the provinces, there are industrial schools, and the law provides that, as a rule, boys, and, in some cases girls under the age of sixteen, shall be sent to these industrial schools instead of being sent to jail or to the ordinary prisons.

Hon. Mr. COMEAU—Does it say 'may' or 'shall?'

Hon. Mr. POWER—It does not matter whether it is 'may' or 'shall:' as a matter of fact where there is an industrial school the magistrate sends the child there. Again, we have now in one of its later stages before the House a Bill with respect to juvenile delinquents which provides that all offenders under the age of sixteen shall be dealt with by the juvenile court, and that Bill provides most carefully that the juvenile offender shall not be associated, even in the court room, with older offenders, so that the hon. gentleman must see that Canada has already made, or is in the act of making full provision for the cases to which he has directed attention.

The SPEAKER—I confess that I am somewhat unprepared to pass judgment on this point of order, because the hon. gentleman (Hon. Mr. Comeau) spoke so low that I could not follow his remarks. Taking the resolution that is before me only, I would think that it does clash with the Bill at present before the Senate. Did the hon. gentleman refer to another class of juvenile offenders?

Hon. Mr. COMEAU—I am dealing now with a class sent to the Dominion penitentiary. I am speaking of separate institutions altogether.

The SPEAKER—And covering young offenders older than sixteen years of age?

Hon. Mr. SCOTT—Yes.

The SPEAKER—Then I would say that the point of order is not well taken.

Hon. Mr. SCOTT—I understood the hon. gentleman referred to offenders under 20 years of age. The Bill before the Senate only refers to those of 16 or under. Of course it is part of the administration of the criminal law.

Hon. Mr. DeBOUCHERVILLE—Like the hon. the Speaker, I did not hear exactly what the hon. gentleman who introduced this subject said, and it would be much safer to let his remarks be printed so that we might all read and understand them before coming to a decision. I therefore move the adjournment of the debate.

Hon. Mr. CLORAN—I hardly agree with the suggestion of the hon. gentleman from Nova Scotia. The proposition does not come under the jurisdiction of this House or the other House. It is simply a question that in the opinion of this House steps should be taken to provide an institution for the keeping of juvenile convicts separate from older criminals. He does not say by whom such steps shall be taken—simply an expression of opinion from this honourable House, so as to excite the interest of the provinces or municipalities that would be interested in separating the young criminals from the old; but there is a way of getting at his object and securing it. There is no doubt that there are large numbers of criminals—over six or seven hundred I think he said—between 16 and 20 years of age. I am quite in accord with the hon. senator when he says that condition of things should not be maintained any longer. We know that under the criminal code, youths over sixteen cannot be sentenced to the industrial school. They must be sent to the common jail or to the penitentiary. A youth is sentenced for three or four or five years, just at the period of life when he can be reformed. A Bill with regard to juvenile offenders is also in line with the march of civilization and the reform of youth; but a very important age, from 16 to 20 is not covered by that Bill, and all offenders between 16 and 20 and 21 are liable to be herded with the worst class of criminals in our penitentiaries. I see a way out of ths difficulty, and it would be to suggest—and this House has a right to make suggestions and express opinions—to the Minister of Justice that steps should be taken—I do not say right off, but the question can be studied—to separate the younger criminals in penitentiaries, have a section set apart for them and provide that they shall not spend all their time with the older and hardened criminals. I think the suggestion is easy to carry out. Our penitentiaries are very large, and a section of the penitentiary should be set aside for that class of criminals. It would be a proper and humane thing to do. It might take a little organization, and it might require a few more officials. Even that department of the service which would be given over to the young could be vested in the probation officers, and could become more or less under the control of the bodies that you are going to establish under the Juvenile Delinquent Act. All this would work hand in hand and in harmony. There would be no clash of jurisdiction. The Dominion government has the sole right to establish penitentiaries and to send criminals there, and to keep them there under the laws. The other courts which are established by the provinces and by municipalities, such as the police magistrate courts and so on, deal with offences against the provincial and municipal laws, and so on; but there would be no infringing on the rights of the provinces if this suggestion were carried out, that in each of our large penitentiaries where criminals are sent under the criminal code, the young be separated from the old and be given a chance to reform. I think the suggestion is one well worthy of consideration, and that it should be brought to the attention of the Minister of Justice and of the government.

The motion was agreed to.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

That he will call the attention of this House to the fact that Mr. Hoare, the chief engineer of the Quebec Bridge and Railway Company, of which Mr. Parent is president, has received from the Transcontinental Railway Commission, of which the same Mr. Parent is also president, certain amounts during the years 1904-5, 1905-6, 1906-7 and 1907-8, and that he will inquire—

For what services have such amounts been paid by the Transcontinental Railway Commissions?

What position did then Mr. Hoare occupy in or for the said commission?
Was he paid as engineer of Quebec Bridge Company or as a temporary employee of the Transcontinental Railway Commission?

Hon. Mr. SCOTT—I have no answers to-day.

Hon. Mr. LANDRY—There is an inquiry of the 21st May, April 8th, and April 13th. Could we expect answers to these inquiries during the session?

Hon. Mr. SCOTT—I am unable to say any more than that the answers have not been sent to me. I applied for them and I could do no more.

Hon. Mr. LANDRY—I would ask the hon. gentleman to give us an answer in a few days.

Hon. Mr. SCOTT—The hon. gentleman knows it does not rest with me. I have stated that over and over again.

Hon. Mr. LANDRY—Here the money has been received by the Transcontinental Commission which is under the control of the government. Public money has been given. They are all booked in the Auditor General's account.

Hon. Mr. SCOTT—The government have not assumed the Quebec bridge.

Hon. Mr. LANDRY—I am not speaking of the Quebec bridge at all. The hon. gentleman has the Quebec bridge on the brain, but we are not speaking of that.

Hon. Mr. SCOTT—I must have got it from the hon. gentleman from Stadacona.

Hon. Mr. LANDRY—I will read the notice, because I am sure the hon. gentleman has not read it.

Hon. Mr. SCOTT—Well I have.

Hon. Mr. LANDRY—It is the Transcontinental Railway Commission—not the bridge, and this man is an employee of the Bridge Company

Hon. Mr. SCOTT—All I can say is that I could not get an answer to it. One answer I received was that the questions were argumentative and contrary to the rules of parliament. There was a preamble to the question. However, I am not going to discuss it.

Hon. Mr. LANDRY—A preamble to a question?

Hon. Mr. FERGUSON—There is nothing wrong in that.

Hon. Mr. LANDRY—I will not be put off any longer. I have a right to ask that question, and I will have an answer. If the hon. gentleman does not want to give me an answer, let him say so.

Hon. Mr. SCOTT—I have not the answer and cannot get it. I cannot take the officials by the throat and procure an answer in that way.

Hon. Mr. LANDRY—The hon. gentleman should not say: 'I cannot get an answer.' If he says: 'I will not give it,' I will take it as an answer; but when he says: 'I cannot obtain an answer.' he does not perform the duties of his office.

Hon. Mr. FERGUSON—Surely the Commission is not superior to the government and parliament?

Hon. Mr. LANDRY—Why should we not get an answer? We are asking for what services those moneys have been spent? Why should we not have an answer? It is the Transcontinental Railway Commission that pays the money. I wish to know if the hon. gentleman tried to get an answer?

Hon. Mr. SCOTT—I did.

Hon. Mr. LANDRY—From the Bridge Company?

Hon. Mr. SCOTT—I had no direct communication with the Commission. Any control there is, is exercised by the Railway Department, and I communicated with them repeatedly, asking for answers to those questions. The last I heard was that it was contrary to the rules of parliament as there was a preamble to the question.

Hon. Mr. LANDRY—We will try to get to the Railway Department and see if that department is above parliament or under parliament.

The SPEAKER—It will stand till what day?

Hon. Mr. LANDRY—To-morrow.

Hon. Mr. SCOTT—It makes no difference what day. I cannot get it.

Hon. Mr. FERGUSON—Say a week.

Hon. Mr. LANDRY—The hon. gentleman has decided not to give the answer.

The SPEAKER—It may stand till Tuesday next

Hon. Mr. GIBSON—Drop it.

Hon. Mr. LANDRY—I will not trop it. I will keep it up till the last days of the session, and you will see at that time whether I shall get an answer.

The motion was allowed to stand.

QUEBEC BRIDGE COMPANY.

INQUIRY.

Hon. Mr. LANDRY—The next inquiry is dated the 8th April, and reads as follows:

When the government, in 1903, concluded a financial arrangement with the Quebec Bridge and Railway Company, did it then require and has it made it one of the obligations of the contract that the company should forthwith subscribe additional shares to the amount of $200,000?

Has the company caused this additional sum to be subscribed?

By whom, giving the names?

Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 per cent.

That is one of the obligations imposed by the government themselves on the Quebec Bridge and Railway Company. I am asking if that has been complied with. Is there an answer to that question? The government is bound to see that the contract which was made between them and the Quebec Bridge Company is fulfilled, that all the conditions that have been subscribed to are carried out.

Hon. Mr. SCOTT—I answered that question and the $200,000 had been subscribed and paid. I answered that a month ago.

Hon. Mr. DERBYSHIRE—The hon. gentleman wants to have the answer repeated.

Hon. Mr. LANDRY—I will look up the files and see if it has been answered. My contention is that it has not been answered.

Hon. Mr. SCOTT—I read a certificate from an official in the Department of Finance, who had charge of it, certifying under seal that this $200,000 had been subscribed and paid and was entered in the books as paid.

Hon. Mr. LANDRY—And the hon. gentleman was content with that certificate.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—But my question goes further and asks: 'Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum in payment of the discount, &c.' However, let it stand till Tuesday.

The motion was allowed to stand.

EXPENSES OF MR. ALEXANDER TASCHEREAU.

INQUIRY POSTPONED.

Hon. Mr. LANDRY—My last inquiry reads as follows:

Have the commissioners of the Transcontinental Railway ever paid a sum of $29.20 for judicial expenses to Mr. Alexandre Taschereau, of Quebec, advocate, an ex-alderman of the city of Quebec?

What is the nature of those expenses?

Were they not incurred to aid the swearing in of a certain number of constables?

For what object and for what purpose were these constables sworn?

Where did they serve?

What was their number?

Was Mr. Taschereau paid a uniform price for the swearing in of each of them, and what is that price?

Multiplying that individual price by the number of constables sworn in and deducting from the sum total paid the product thus obtained, for what was the difference which remained utilized?

That is in the Public Accounts. It is one of the ministers of Quebec who got money from the federal government, a very prominent lawyer of Quebec who received that money, and I want to know if it was for swearing constables? Could we be informed of that? Could we get the nature of the services for which that gentleman was paid, and if a riot took place, in some locality, could we know where, because the

government paid that amount to swear in constables? There must have been a disturbance or something of the kind. I want to know where it took place, and if that swearing in of the constables was calculated per capita or otherwise? Because there must have been a certain amount expended for something else. We cannot divide that sum sufficiently well to explain the object of the expenditure. I want to be enlightened. Why should not the hon. gentleman throw a little light on it? We take an interest in those expenditures of public money; it is paid by us—by the people of the Dominion. It is recorded in the Auditor General's account, but there are some details we want to get. I suppose every item that appears in the Auditor General's account may be the subject of a question put in this House or in the other House as to the nature and as to the circumstances which surround the expenditure. When will the hon. gentleman be ready to give me an answer?

Hon. Mr. SCOTT—I answered the hon. gentleman, in the first instance, that I was quite unable to give any more answers than I had given.

Hon. Mr. LANDRY—But shall we get any answer?

Hon. Mr. SCOTT—I cannot answer it; it is not in my power. I will make no arrangements or promise whatever to the hon. gentleman. I am not going to do any more than I have done.

Hon. Mr. LANDRY—But the hon. gentleman will see, when he thinks it over, that he is able to give an answer and he will do it. I am quite sure he will have an answer on Tuesday next.

The question was allowed to stand.

QUEBEC BRIDGE COMMISSION REPORT.

Hon. Mr. LANDRY—Has the report of the Bridge Commission been distributed?

Hon. Mr. SCOTT—It is not printed yet.

Hon. Mr. LANDRY—I was of the opinion yesterday from what the hon. gentleman said that it was printed.

Hon. Mr. SCOTT—No, it is in course of being printed, but no part of it, I understand, has been finished yet. I inquired to-day.

Hon. Mr. LANDRY—There was a misunderstanding. I thought the hon. gentleman said it was printed.

Hon. Mr. SCOTT—No, it is an elaborate document, with a number of elaborate plans.

CIVIL SERVICE COMMISSION REPORT.

Hon. Mr. LANDRY—Has the civil service report been translated into French? Have we no rights here?

Hon. Mr. SCOTT—Yes. The hon. gentleman has rights. I will make inquiries as to the report, and will let the hon. gentleman know.

GEORGIAN BAY CANAL REPORT.

Hon. Mr. DeBOUCHERVILLE—When shall we have the report on the Georgian Bay canal?

Hon. Mr. SCOTT—I could not answer that question, because the engineers are still at work on it, and it is a very slow process I presume. It is one of the works you cannot hasten.

BILL INTRODUCED.

Bill (20) An Act respecting the Belleville, Prince Edward Bridge Company.—(Mr. Ross, Middlesex.)

MANITOBA GRAIN ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (Z) An Act to amend the Manitoba Grain Act.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I understand that my hon. friend from Prince Albert does not intend to press his amendment as it would be a very contentious one, and very much opposed by a certain interest.

Hon. Mr. DAVIS—I certainly propose to press it.

Hon. Sir RICHARD CARTWRIGHT—In that case I would have to oppose it.

Hon. Mr. DAVIS—Then, I move the following amendment:

23d. The following subsection is added to section 60:

4. No person, firm or corporation, operating a public country elevator or warehouse shall sell, assign, mortgage, pledge, hypothecate or charge in any manner whatsoever any grain stored in such elevator either in general storage or special bin, which grain is not the sole and absolute property of such operator. In the event of any operator so selling, assigning, mortgaging, hypothecating, pledging or charging as aforesaid any such grain, then, upon conviction, the license for such elevator or warehouse shall immediately become forfeited and void, and such operator shall on conviction be liable to a penalty of not less than five hundred dollars and not more than one thousand dollars for each offence, in addition to the forfeiture of said license; and no sale, assignment, pledge, mortgage, hypothecation or charge in any manner whatsoever shall be valid as against third parties lawfully claiming such grain; and further at the making of any assignment, pledge, mortgage, hypothecation or charge, the operator shall make affidavit declaring that the grain so pledged is the absolute property of the said operator, and showing the amount of grain in said elevator, the amount in store for other parties, and the amount belonging absolutely to such operator.

This amendment speaks for itself. I do not think that any person doing a grain business, running an elevator or interested in this Act should be opposed to this amendment, for the simple reason that if any man wants to do an honest business I do not see why he should be opposed to having a clause of that kind inserted in the Act. We have had in the west on, I think, several occasions, cases in point where farmers and others have stored their grain in the elevators, and the parties operating the elevator had hypothecated this grain to the bank. When the owners went to get their grain from the elevator they found that the bank had moved it all out, and, as a consequence, it was lost to the owners. I understand that in some cases the buyer or whoever is running the elevator gives a bond. If the bond is sufficient, and the farmer does not lose it, the guarantee company will lose, and if the present condition of affairs continues parties handling grain in the elevators will not be able to get any grain at all, because they have to furnish some security. I do not doubt that a person operating an elevator, if he were to make away with or hypothecate grain in the elevator, would come under the Criminal Code. It would be just as well to have it placed in the Bill itself, and if it does no harm placing it there I do not see how it could interfere with the working of the Bill. The principle should be adopted, and it would give a warning to those who run elevators that they must not dispose of or hypothecate something that does not belong to them. There are many people operating in the grain trade in the west on very limited capital. I saw an illustration in a country newspaper in the west, where a farmer was sowing grain and the blackbirds were waiting around singing 'In the Sweet Bye and Bye'—looking forward to eating the grain when it ripened. Now, there are many grain buyers in the west who are doing business on limited capital, and are tempted to make statements to the bank that they have so much grain in the elevator when, as a matter of fact, they do not own the grain or the greater part of it. There is another amendment which Hon. Senator Talbot proposes to move that fits in with this. It provides for the making of a return by the elevator man to the grain commissioner. That return could be kept on file, so that any one advancing money would know how much grain was in the elevator and could take the return furnished to the commissioner and compare it with the statement furnished when he wanted to get the money. I cannot see any possible objection to the amendment.

Hon. Mr. GIBSON—I regret very much that my hon. friend has changed his mind, because there has been a great deal of opposition to this proposed amendment of his, and when he told myself and other members of the Senate that he would withdraw that clause, those who were opposing it withdrew and are not here to-day. I may say frankly that this is one of the most dangerous clauses that could be put in any Bill. The hon. gentleman speaks about persons operating in the Northwest with very limited capital. We know very well that the banks do not lend money like a loan company on fifty or sixty per cent of the material value, but that a great deal of money is loaned on the moral character of the borrower. I am afraid my hon. friend has not made out

a good case. It is because these men have limited capital that the banks have to come in and help them out. If the banks give them the money to buy their grain from the farmer, I do not think a clause of this kind should be inserted in the Bill to destroy the security which the bank has of the grain which the bank has practically paid for. I have here a number of letters which I am sure this House will consider carefully, because, after all, this is a question which affects others besides those who own elevators. It is a question of the integrity of those who are in the wheat business and are getting support from the banks. A clause of this kind, I am bound to say, would destroy the confidence that exists between the wheat buyer or the grain elevator man and the bank. Now this is a very serious matter and one that has been considered by the Bankers' Association. The secretary from Montreal got a letter printed for circulation among the banks of Canada that are engaged in loaning money in the grain business. The circular letter is as follows :

Canadian Bankers' Association. Incorporated 1900.

Montreal, May 28, 1908.

Dear Sir,—Manitoba Grain Act.

Please peruse the inclosed correspondence and, if you are interested in the grain business in the west, favour me promptly with your opinion.

Yours faithfully,

JOHN KNIGHT,
Secretary.

In addition to this warning sent out by the secretary of the Bankers' Association, there is a letter from the general manager of the Bank of Ottawa, Mr. Geo. Burn, whose finger is on the business pulse of Canada at all times, and who exercises a watchful care of the banking legislation in parliament. I am sure all will admit that no more experienced banker is to be found in Canada than Mr. Burn with respect to the handling of grain accounts. He deemed it his duty to notify all the bankers in Canada of this proposed clause, in a letter dated 27th of May, and addressed to the secretary-treasurer of the Bankers' Association of Montreal. The circular of Mr. Burn is as follows :

The Bank of Ottawa, General Manager's Office,

Ottawa, Ontario, May 27, 1908.

John Knight, Esq.,
Secretary-Treasurer, Canadian Bankers' Association, Montreal.

Re Manitoba Grain Act.

Dear Sir,—I inclose draft copy of a proposed clause which has been put forward recently and which may be introduced in the Bill to amend the Manitoba Grain Act when it reaches the House of Commons. It is not included in the Bill already introduced in the Senate. The clause which I have marked in the margin, it seems to me, would be in contravention of a claim of any bank (being an innocent party) as against unpaid vendors, and serious difficulties would undoubtedly arise with regard to the affidavit which it it proposed to insist upon.

I also inclose two copies of letters, one addressed to myself and one to the Minister of Trade and Commerce, from the general manager of the Bank of Toronto, and shall be glad if you will take up the matter with the Montreal bankers, more particularly, of course, with those doing grain business in the Northwest.

Yours truly,

GEO. BURN,
General Manager.

Then he cites the proposed amendment of Hon. Mr. Davis to chapter 82, section 60. Mr. Coulson, in response to Mr. Burn's letter, writes from Toronto the following letter addressed to Mr. George Burn :

Toronto, May 26, 1908.

George Burn, Esq.,
General Manager the Bank of Ottawa, Ottawa.

Dear Sir,—We are obliged to you for the letter from the Acting Deputy Minister of Trade and Commerce, which you forwarded to me, also for the proposed section 60 of the Manitoba Grain Act.

I have had copies made of both of these and sent them to the general managers in Toronto who have offices in Winnipeg, and have requested them to communicate their views to you as promptly as possible. It seemed difficult to arrange for a meeting.

My own impression is that it would make it practically impossible for banks to continue to advance upon the security of interior elevator grain receipts. The necessity of getting an affidavit under oath with the statement of the grain would make such complicated machinery as to make it unworkable, and the fact that any person claiming the grain would have a valid title as against us would make it impossible for us to deal with such receipts.

We have telegraphed Winnipeg asking them to get the Grain Exchange there to take action, and we trust the representations made through yourself and by the grain men interested may prevent the enactment of this proposed legislation. We assume that you have communicated with the Montreal members also, and that they will be ready to take action.

Yours truly,

(Sgd.) D. COULSON,
General Manager.

P.S.—We inclose a letter which we have written to the Minister of Trade and Commerce that I will be glad if you will have presented to him. More might be said, but this, at all events, indicates one of our objections.

The following letter was sent to the hon. the Minister of Trade and Commerce, under date of May 26:

Toronto, May 26, 1908.

The Honourable,
The Minister of Trade and Commerce, Ottawa.

Manitoba Grain Act.

Dear Sir,—We desire to call your attention to what will be the effect if clause No. 4, section 60, of this Act is made an enactment.

We confidently believe that the effect would be to make it impossible for the owners of interior elevators to obtain advances from the banks upon any grain stored in these elevators, and that, in consequence, the business of moving the grain in the western provinces would be greatly hampered. Transactions in which banks are asked to make advances upon these receipts are of daily occurrence in the case of each elevator, and if it is to be necessary that the owner of this public warehouse shall make an affidavit and submit a statement of all the grain that is contained in his warehouse, we think that the operation of that would be so cumbersome as to be practically unworkable, and the banks would never feel themselves safe in making advances if they were to be continually called upon to look up these affidavits and to compare the quantities specified under the different headings.

So far as this bank is concerned, we prefer altogether to decline business of this nature, if this proposed legislation is made an enactment.

I have the honour to be, sir,
Your obedient servant,
(Sgd.) D. COULSON,
General Manager.

Now, I may say with respect to this matter, that Mr. Coulson was good enough to write to the general manager of the Bank of Hamilton. The manager of the Bank of Hamilton referred this letter to the solicitors of the bank. The letter from Mr. Coulson to the general manager of the Bank of Hamilton is as follows:

The Bank of Toronto, Head Office,
Toronto, Canada, May 26, 1908.

General Manager,
Bank of Hamilton, Hamilton.

Dear Sir,—The inclosed letter has been received from the general manager of the Bank of Ottawa. Will you be good enough to communicate your views to him as early as possible?

Yours truly,
D. COULSON,
General Manager.

Inclosure.

Acting on this, the manager of the Bank of Hamilton referred the letter to the solicitors of the bank for their opinion, and the solicitors addressed the following letter, on the 29th of May, to the general manager of the Bank of Hamilton:

Hamilton, Canada, May 29, 1908.

The General Manager, Bank of Hamilton, city.

Dear Sir,—We have read over the letter of the general manager of the Bank of Toronto of the 26th instant and of the Acting Deputy Minister of Trade and Commerce of the 22nd instant, as well as the proposed new subsection 4, to section 60, of the Manitoba Grain Act.

Section 60 of the Manitoba Grain Act provides by subsection 1 certain formalities with regard to the issue of warehouse receipts for grain received and by subsection 2 further provision is made that no receipt shall be issued except for grain which has been actually delivered, and that no receipt shall be issued for a greater quantity of grain than was actually received, and by subsection 3 no modification of liability is permitted except 'in so far as all parties concerned consent thereto.' The proposed amendment is the adding of the fourth subsection.

We think the proposed amendment is very objectionable from the standpoint of the banks. It has already been provided by section 61 that a person storing grain may agree with the operator of a country elevator for the storage of his grain in a special bin or bins and for a guarantee of the weights, insurance and preservation of the identity of the grain. Except in the case of large quantities, this provision may be of little use and it is apparently intended by the proposed amendment to give the person storing grain priority over all other claimants.

The proposed subsection, you will notice, applies only to public country elevators, the same being defined by section 45, to include 'all elevators and warehouses in which grain is received, stored, shipped or handled and which are situated on the right of way of any railroad or of any siding or spur track connected therewith, depot grounds or any lands acquired or reserved by any railway company to be used in connection with its line of railway at any station or siding other than at terminal points.' Terminal elevators are elevators 'located at any point declared by the Minister of Trade and Commerce to be a terminal and doing business for compensation in which grain is stored in bulk, or the grain of different owners is mixed together, or in which grain is stored in such a manner that the identity of the different lots or parcels cannot be accurately preserved.'

The most objectionable feature of the proposed amendment is in its latter part, which provides that 'no sale, assignment, pledge, mortgage, hypothecation or charge in any manner whatsoever shall be valid as against third parties claiming such grain.' Cases frequently arise, as you are aware, where a number of parties own grain which is intermixed, and questions of law frequently arise with regard thereto. In most cases the several owners are held to be tenants in common of the mass and if any shortage is found when division comes to be made, the loss is borne equally. The principles applicable to such

cases are discussed in Lawrie v. Rathbun, 30, U. C. Q. B., page 255. Under the proposed subsection if the operator gave security at a time when he had say, 10,000 bushels of his own in the warehouse and afterwards took in 50,000 bushels, intermixing the same with the original 10,000, and then again wrongfully disposed of the 10,000 bushels, the security would be valueless and the claimants for the subsequent 50,000 would, provided they came within the new subsection 4, be entitled to priority and therefore the holder of the original security would get nothing. It is just such a case as this which it seems to us the proposed amendment is intended to cover. We think it should be submitted to the department that such a provision is not a fair one and not calculated to serve the interests of the farmers for whose benefit the measure has apparently been introduced. The elevators are of great benefit to the farmers, but without banking facilities the same cannot be operated and if bank securities are to be impaired in this way there will be fewer elevators. These are, however, of course, business reasons.

The clause as a whole is objectionable as an attempt to change rights which have been governed for centuries by principles which have been considered satisfactory.

We return the above papers to you herewith.

Yours truly,

LEES, HOBSON & STEPHENS.

These objections, coming as they do from people who are more interested, perhaps, in the financial aspect of the question than the grain elevator men themselves, should decide the committee to pause before accepting an amendment so drastic in its nature and which, in any event, if it became part of this Bill, would practically destroy the good feeling that exists between the men who handle the grain and the banks. My hon. friend has not been fair, because he promised distinctly not to press this amendment.

Hon. Mr. DAVIS—That is the second time my hon. friend has made the statement that I promised to withdraw this amendment. I said I did not care whether I got this or the other amendment; but I never promised to withdraw it.

Hon. Mr. GIBSON—I accept the hon. gentleman's explanation; but it was not my understanding alone, because the hon. Minister of Trade and Commerce is under the same misconception, and thought that the hon. gentleman had promised to withdraw the amendment. Now we learn that he does not intend to withdraw it. Then the hon. gentleman from Toronto (Hon. Mr. Campbell) also understood it as I did. Here are three members of the House who take some interest in the Bill who were led at all events to believe that my hon. friend intended to withdraw his proposed subsection, and I ask the committee, in view of what has been done and in view of the fact that the bankers understood that the amendment would be withdrawn, to refuse to give their assent to the proposed subsection. Had it not been for that understanding, we would have more objections from the bankers. In a matter of this kind, where an hon. gentleman proposes one thing to-day and finally misleads—I do not say intentionally—those interested in the matter, to the extent that we have no one here representing the bankers, I think the hon. gentleman should not press his motion. I hope he will see the wisdom of complying with the banks' contention and more particularly as he had led me to believe—to such an extent at all events that I assured Mr. Burn and our own general manager, that he did not intend to press his amendment, and consequently we have had no further communication from any of the banks. I feel satisfied that had it not been for this misunderstanding, the Bank of Montreal, the Bank of Toronto, and other banks doing a large business in Winnipeg would all object to this clause. I cannot speak for the hon. gentleman in charge of the Bill, but I assured our people in the west and Mr. Burn here in Ottawa that our good friend did not intend to press the motion, and I therefore ask the committee not to accept the amendment.

Hon. Mr. BEIQUE—I dislike taking part in the discussion on this Bill, because I am not familiar with the provisions or object of the measure; but as far as this amendment is concerned, I desire to call the attention of the hon. member who has moved it to the fact that it is already provided for in the criminal law.

Hon. Mr. DAVIS—If what my hon. friend says is true, and the criminal law covers the whole question, why should the banks spend their time in writing unnecessary letters?

Hon. Mr. BEIQUE—The effect of the amendment would be this: it would be substituting for punishment by imprisonment, a punishment by a mere fine of

$1,000. The owner of an elevator could very well afford to issue a warehouse receipt to the value of ten or twenty thousand dollars and expose himself to a fine of $1,000. I call the hon. gentleman's attention to that feature of the amendment, which would be very mischievous. As I say, it is already covered by the Criminal Code, and the penalty is much more severe than it would be under the clause. For the other reasons also mentioned by the hon. senator from Beamsville (Hon. Mr. Gibson) the parties should be left to the operation of the common law and the Criminal Act relating to matters of this kind.

Hon. Mr. DAVIS—There must be a misunderstanding between some hon. gentlement and myself about these clauses that I propose to add to the Bill. My understanding of what took place between us is this; we discussed the matter, and I said I did not consider this of very great importance, just on the ground that my hon. friend has mentioned, that I thought it was covered by the Criminal Code; but that I did attach a great deal of importance to the other amendment I intend to move, and I did not care about the first provided I got the second. So far as saying that I did not intend to press it and have it on the records of the House, the hon. gentleman misunderstood me. With reference to the argument of the banks, put forward by the hon. senator from Beamsville, one would think that they were the only people interested; the elevator men did not put in an appearance. My hon. friend started out by saying that the bankers all over the country do not go so much on a man's capital as on his moral character. If a man were to peddle his moral character around to get a loan from a bank, he would live a long time before he would get the money. He would want something more than his moral character.

Hon. Mr. GIBSON—Is there any there?

Hon. Mr. DAVIS—Yes, just as much as anywhere else. What is the objection to this clause? Do the banks want people to hypothecate as security something that does not belong to them? Suppose I had three or four hundred head of cattle in my pasture, only two hundred of them belonging to myself, and I were to go to a bank and raise money on the representation that I had four hundred head when I had only two hundred belonging to myself, it would be a criminal offence. Why should the banks object to this affidavit? The hon. gentleman's argument is that it might produce complications, that grain gets mixed, &c.; but I want to draw attention to this fact: you might put so many thousands of bushels of wheat into an elevator and not draw out an individuals grain; but if you put in a certain quantity of a certain grade of wheat, you are going to draw that amount of that grade out. If the elevator man goes to the bank and hypothecates a certain amount of grain, stating that he has so much of No. 1 Northern, so much of No. 1 Hard, and so much of No. 2 Northern, he gives a statement that a certain amount of that wheat belongs to himself and a certain amount to others. If his own wheat is No. 1 Hard he knows that; if it is No. 2 Northern he knows that, and it is easy for him to tell the truth. Why should they object to his making the statement on affidavit? We provide in this amendment that when a man goes to raise a loan on grain stored in his elevator, he shall make an affidavit that he actually owns it. My hon. friend says that the banks object to his making affidavit that he owns it. I do not see how that can affect the banks. I should think, on the contrary, it would increase the security, because if he made an untrue statement on affidavit they could hold him for perjury as well as in the other ways under the law. For my part, I fail to see why the banks object to this resolution. However, as I said before, I am pretty certain it is covered by the Criminal Code; the only difference is, if you had it in the Grain Act it might have the effect of deterring operators from hypothecating property that is not their own. Then there is the argument that under this clause a man would get off with a fine instead of imprisonment. If there is such a strong objection to it, I have no doubt the parties who have raised the objection to this section have laid their views before the minister in charge of the

Bill. At the beginning of the discussion on this Bill I suggested that we should submit the whole thing to a committee, so that those people who are interested could be heard on the amendments.

Hon. Mr. YOUNG—Will the hon. gentleman explain how he could work the proposed amendment in connection with clause 22 of the Bill before us ?

Hon. Mr. DAVIS—Where does my hon. friend find that?

Hon. Mr. YOUNG—I would explain what I mean, and it will help the hon. gentleman. In section 22, it is provided that a farmer, or any person can exchange a cash purchase grain ticket for a storage ticket, and therefore you change a contract that has been entered into, and an agent might in good faith make a statement of purchase of grain, and find out that the farmer had varied it by making it stored grain, and the agent would not know where he was at.

Hon. Mr. DAVIS—It comes back to this: the buyer is financing on wind, and if he is no good, the seller of the grain has the right to go back and take his property under this proposed amendment. The party buying the grain could have the money in the town where the seller could get it in a few hours and under such circumstances he would not go back for a storage ticket. He has twenty-four hours to do it under the Act.

Hon. Mr. PERLEY—I own an elevator and I am deeply interested in this amendment. I have read it over carefully again and again to see how it would affect me, or if under it I might be liable to be put into the penitentiary or to pay a heavy fine, and I have concluded that if I am an honest man I would be all right. I will read the first clause of the amendment proposed by the hon. gentleman. It is as follows :

23d. The following subsection is added to section 60:

4. No person, firm or corporation, operating a public country elevator or warehouse shall sell, assign, mortgage, pledge, hypothecate or charge in any manner whatsoever any grain stored in such elevator either in general storage or special bin, which grain is not the sole and absolute property of such operator.

Surely nobody could find an objection to that clause. The next part of the amendment proposed by the hon. gentleman reads:

In the event of any operator so selling, assigning, mortgaging, hypothecating, pledging or charging as aforesaid any such grain, then, upon conviction, the license for such elevator or warehouse shall immediately become forfeited and void, and such operator shall on conviction be liable to a penalty of not less than five hundred dollars and not more than one thousand dollars for each offence, in addition to the forfeiture of said license.

If I, as an operator, sell my neighbours grain, and get money on it, why shall I not be fined or put in jail ? That is perfectly right. This is a protection to the owner of the grain in my elevator. If I have taken grain into my elevator, I have no right to hypothecate or sell that grain. I think it is a most outrageous thing for the bankers to talk as they have done. The last portion of the amendment reads as follows :

And no sale, assignment, pledge, mortgage, hypothecation or charge in any manner whatsoever shall be valid as against third parties lawfully claiming such grain; and further at the making of any assignment, pledge, mortgage, hypothecation or charge, the operator shall make affidavit declaring that the grain so pledged is the absolute property of the said operator, and showing the amount of grain in said elevator, the amount in store for other parties, and the amount belonging absolutely to such operator.

We are going to say that a man having put his grain in my elevator, I shall not have the power to sell or pledge it. Surely that is right. I cannot see anything wrong in the paragraphs that I have read. The banks need not advance money to any operator unless they know what they are doing. I do not see any objection to this amendment. I carefully read it over to see how it affected me as an elevator man and I cannot understand how it will in any way interfere with the man who wants to act honestly. It will protect the man who puts his grain in my elevator, without his having to go to the courts.

Hon. Sir RICHARD CARTWRIGHT—No doubt very often cross-equities arise in these matters, and you have to regard the general system of the trade and the conditions under which it is carried on. All these matters were discussed for four whole days by the representatives of all the var-

ious interests concerned; whether my hon. friend was present or not, I do not know.

Hon. Mr. PERLEY—I was not.

Hon. Sir RICHARD CARTWRIGHT—But my colleagues and myself who considered this matter had before us the bankers, the grain growers, the representatives of the grain buyers and the representatives of all the interests concerned. They did not ask for this clause at all. After the Bill had been agreed to substantially by all these parties, this amendment is thrown at our heads. There may be ground for it, or there may not; but I must decline to accept it under the circumstances. I will not be responsible for introducing or consenting to the introduction of this clause, and I may add this: Hon. gentlemen are very apt, many of them, in their zeal to prevent any possible injury to one or two men, to interfere with the conditions of the whole trade, and, in my opinion, the grain growers of the Northwest would have no protection, if my hon. friend got his clause through, and if it resulted as it very likely would result in a grave interference with, or at least a refusal on the part of a great many banks which are now doing business there, to enter into competition for the purchase of the grain. I think hon. gentlemen of the legal persuasion in the House will agree with me that this clause, innocent as it appears to some of my hon. friends, might lead to a great deal of litigation, and a refusal on the part of a great many of the banks to do business, as they are now doing it, which would be entirely to the injury of the farmer. It is perfectly open to every farmer in the Northwest to hold his grain and keep it, I won't say to all eternity, but certainly until the next season, unless he is paid his money. If he chooses to place it in the hands of an elevator man, he does so of his own free will. He trusts him, and must take the consequences, in certain cases, of trusting him. This amendment which imposes on the bank the necessity of tracing all these things, and of taking affidavits and making provision that a certain portion of the grain which is pledged to them and paid for with their money is the property of the elevator man, may lead to considerable litigation and will, I think in all cases, result in preventing many of them doing business in the Northwest. I do not want to pronounce an authoritative opinion on this question, because I can see that there may be gross frauds in the matter, but I think on the whole we would best consult the interests of the grain grower of the Northwest, who is the party we chiefly desire to protect, by allowing this Act as it was originally proposed to go, after, as I have said, all the parties concerned have been fully heard for many days in the presence of a number of gentlemen like my hon. friend from Killarney and the hon. gentleman on the other side of him and hon. members of the lower House. This discussion will do this good; when this measure, which I desire to send forward substantially as it is agreed to by all the parties, goes to the lower House, it will be then possible for all parties concerned to be heard. I do not want to accept this amendment, more particularly because there is no doubt that it has been sprung on the House and has been sprung on the banks who are one party concerned in this matter, after they had supposed that a substantial agreement had been arrived at with all the other parties. Therefore, if my hon. friend does not withdraw his amendment, I must ask the committee to divide on the question whether it shall be accepted or not.

Hon. Mr. PERLEY—So far as I am concerned, I was not consulted and knew nothing about it.

Hon. Sir RICHARD CARTWRIGHT—I may say that the danger that is apprehended is fully met both by the common law which would punish any buyer who disposed of grain that he did not own, and also by the provision of section 23 which declares that it is an offence against this Act were an elevator man to sell or dispose of a bill of lading without the consent of the owner of the grain, and that the bill of lading shall be made out in all cases in the name of the owner of the grain shipped. I do not think there is any real danger that the mischief that is thought possible might be inflicted on some of the parties, will arise. At any rate, if any elevator man

did part with grain he did not properly own he is liable to criminal action and more severe punishment than my hon. friend proposes to inflict.

Hon. Mr. PERLEY—I was not consulted in any respect whatever. The first I saw of this resolution was when I observed it on the order paper, when the hon. gentleman gave notice of it, and at the earliest opportunity I read it, and when I read it I could not see that it was against the interests of any honest operator. If I did my business through my elevator honestly I was beyond the reach of any law and not guilty of any offence. That is all I have to say about it. I do not care a snap about it as far as I am concerned, and I presume that no other honest man operating an elevator should care. I do not see any harm in it.

Hon. Mr. DAVIS—I do not want to move any amendment or press anything which will injure the trade in the west. If the bankers come out flat-foot and say 'You must dance to our music or you will not dance at all; you must do your business in a certain way or you cannot get any money,' I will certainly have to withdraw the resolution. There was a case in Brandon, where the banks came down and carted off the grain and made away with it, but it did not belong to the man who had hypothecated it. However, I will withdraw my motion if the banks choose to use a club in the way of refusing loans unless business is done their way.

The amendment was withdrawn.

Hon. Mr. TALBOT—I gave notice of an amendment to this Bill. I have been talking with a number of grain men and others and would like to suggest some further amendments in connection with this. I propose that my amendment shall read as follows:

Section 70 is hereby repealed and the following substituted therefor:

70. When ordered by the warehouse commissioner every person operating a public country elevator or warehouse under this Act shall immediately after the end of each month in which the elevator or warehouse shall have been operated, furnish in writing to the commissioner, a return or statement showing—

(a) The amount of grain on hand in the elevator at the commencement of such month, and the total amount of warehouse receipts at that time outstanding in respect of the said grain.

(b) The total amount of warehouse receipts issued during such month, the total amount of warehouse receipts surrendered by the holders thereof during such month, and the total amount of warehouse receipts outstanding at the close of such month.

(c) The amount of grain received and stored in the elevator or warehouse during such month.

(d) The amount of grain delivered or shipped from the elevator or warehouse during such month.

(e) The amount of grain on hand in the elevator or warehouse at the expiration of such month.

2. The foregoing particulars shall, in each case, specify the kind of grain and grade, and the amounts of each such kind and grade.

3. Such statement shall be accompanied by a declaration of the person operating such country elevator or warehouse, verifying the correctness of the statements according to the best of his judgment and belief and alleging that the statement is correct according to the books kept by him and that such books have been correctly kept to the best of his judgment and belief and what books have been kept by him during such month.

4. Such statement and declaration shall be open for inspection in the office of the commissioner during business hours, by any person upon payment of a fee of fifty cents.

5. Any person without reasonable justification making a false statement or declaration as aforesaid, shall, on conviction upon indictment, be liable to a penalty of not less than fifty dollars, nor more than one thousand dollars, and, in default of payment, to imprisonment for not less than one month, nor more than one year. In every case, the onus of establishing reasonable justification, shall be upon the person making such false statement or declaration.

6. In the case of a firm or corporation operating a country elevator or warehouse the statement and declaration may be made by any person purporting to have knowledge of the facts and the declaration shall include an allegation that he has knowledge of the facts and shall state the source of his knowledge.

7. Any person required by this section to furnish such statement or declaration and failing to do so within three days after receipt of written notice to him from the commissioner, shall be liable to forfeiture of license.

And then after paragraph 7 I propose to add:

Upon written request of any farmer to the warehouse commissioner a copy of this statement shall be mailed to him from any of the elevators to which he has delivered grain.

I think probably that would meet any objections which have been made. I am doing this in the interest of the farmers as well as of the bankers and the guarantee companies.

Hon. Mr. YOUNG—This amendment is in substitution of clause 70 of the old Bill.

and it provides for more things and more in detail.

Hon. Mr. CAMPBELL—In reference to this amendment, I think it is going to entail an enormous amount of work, and I cannot understand why it is proposed to insert it in the Bill. What is the object? The way it is proposed to be amended now, 'when the grain commissioner admits,' modifies it to a great extent, because I do not suppose in one case in a hundred the grain commissioner will admit it; but I am at a loss to know why they want it, as it will entail a large amount of unnecessary work on the warehouseman. Unless there is some good reason for adopting the amendment, I do not see why we should accept it.

Hon. Mr. TALBOT—If there are no complaints there will be no extra work for the grain commissioner; but if there is complaint or suspicion that there is something going wrong, then he will have a good deal of work entailed upon him.

Hon. Mr. PERLEY—Does the commissioner not have to make a return every month?

Hon. Mr. DAVIS—I look on this as part and parcel of the same amendment that I proposed, because if my amendment went through, this would have provided the means by which the bankers and those who advanced the money, would get a true statement of what the man had in the elevator; but if my amendment is dropped, I do not see the sense in having the committee accept this one.

Hon. Sir RICHARD CARTWRIGHT—I may say to my hon. friend, that there is a good deal of force in what the hon. gentleman from York has said, that this will involve a considerable amount of work, and I would have been disposed to refuse, unless it was done at the express instance of the commissioner. The commissioner, under the existing law, could, I think, admit almost anything that is set forth here. What is done is simply to expand and put in detail what is placed in a few lines in clause 70. It is for the House to say whether they will accept it or not. I have no objections to it, but I do not think it is of any particular value.

Hon. Mr. YOUNG.

Hon. Mr. DAVIS—Clause 70 reads:

Any person operating a country elevator or warehouse under this Act shall at all times, when requested by the commissioner, furnish in writing to the commissioner a statement, upon the blanks and forms prescribed and furnished by the commissioner, showing as fully as possible all grain received and stored in or delivered or shipped from, the elevator or warehouse, during any period required by the commissioner, and specifying the kind, grade and amount of all grain received or stored, and of all grain delivered or shipped during such period.

That covers the whole thing. In this case they compel the elevator man to make the return; but if he is going to be allowed to traffic on other men's grain as he has done in the past, I do not see that there is any necessity for it.

Hon. Mr. TALBOT—It is only on the request of any farmer who has delivered grain to the elevator.

Hon. Mr. DAVIS—Section 69 provides for that.

The committee divided on the amendment, which was carried on the following division:

Yeas, 13; Nays, 8.

Hon. Mr. YOUNG—I beg to move an amendment.:

That the following subsection be added to section 68, as subsection (e):

(e) Upon receipt of such complaint the commissioner shall notify the owner of the country elevator or warehouse and furnish him with a copy of the complaint, and the date and place of holding the investigation.

This amendment is simply to give the elevator owner notice when an investigation is about to take place in any building. It is only right that the party owning the building shall be notified and have an opportunity to be present at the investigation.

Hon. Mr. DAVIS—What clause are you amending?

Hon. Mr. YOUNG—68.

Hon. Sir RICHARD CARTWRIGHT—There is no objection to that, as far as I am concerned.

The amendment was adopted.

Hon. Mr. DAVIS—I would like to draw attention to the clause providing for the stencilling of cars. I am throwing this

out as a suggestion. When we have a grain blockade in the west we have a lot of foreign cars up in the country, and they are sent down loaded. Can we force the railway companies to stencil those cars, or should there be a provision exempting them?

Hon. Sir RICHARD CARTWRIGHT—I will make a note of that matter. My hon. friend will understand that in some of these cases, we require time to communicate and investigate the matter, but a suggestion such as he has now made may be considered in the other House when the Bill is being considered there.

Hon. Mr. DAVIS—I beg to move that section 93 be amended by adding the following clause:

Any person shipping one or more carloads of grain from any point west of Winnipeg to any point east of that city may notify in writing the railway company undertaking to transport such grain, that he wishes them to detain such car or cars for twenty-four hours at Winnipeg. If one or more carloads of such grain are sold at Winnipeg by such person, the railway company at the request of such shipper or his agent, shall deliver the same at any point in the Winnipeg yards of the company within the said period of twenty-four hours, without any additional expense to said shipper, upon his paying at the regular rate for transportation to Winnipeg.

2. If at the request of the shipper the car or cars containing such grain are detained at Winnipeg longer than twenty-four hours, he shall pay ordinary demurrage, but his rights under the preceding subsection shall not be otherwise affected.

3. If the shipper does not dispose of the grain in Winnipeg the company shall transport it to the terminal point to which it was originally shipped without any charge for transportation additional to that originally agreed upon.

I might say in connection with this amendment that this is what is called establishing an order point. That is one of the things which the farmers would like very much to have established, and I will give in short the reasons why they want to have it established. I might explain, in the first place, that all the grain is sold in the west on grades. We have No. 1 hard, and No. 1 Northern, all the way along the line. Provided a farmer has raised a grade of wheat which would be above No. 1 hard, he gets no extra value for it because it is all thrown in as No. 1. It is graded that way. If the farmer has grain that grades within a hair's breath of No. 1 Northern and the inspector is afraid to put it into that grade although it is so close to grade that he might very well do it, but he does not do it, it is thrown into the next grade, and by that the farmers will lose from 4 to 5 cents a bushel.

Hon. Mr. YOUNG—That is between No. 1 and No. 2 Northern.

Hon. Mr. DAVIS—Yes, it is between the other grades as well. Then again, a farmer may have one thousand acres of wheat. One-half of that he might get in just before a rain, and the wheat is thrashed and it might grade No. 1 hard. If there happened to be a shower of rain just before he thrashed the other half it might be a little bit bleached, and it would drop down to grade No. 2 Northern, although the grain is just as good in every way, only the bran on the outside of the shell is a little bit colored which would cause it to be put down. In Minneapolis the difference between grain of this kind that is sold on sample and what a man would get sold on grade would be 10 cents perhaps. In the United States they have order points established at every divisional point. The farmer should be allowed to sell his wheat on sample if he has an opportunity. All the millers of Canada could establish agencies up there for the purchase of grain, and they could purchase it for what it is worth. If we had an order point, the Minneapolis millers would have agencies there to buy up the grain. If a shipment of wheat is thrown down two grades, the farmer would lose the difference between the price of the two grades, whereas the miller, who knows that wheat although slightly discolored is just as good as No. 1 would probably buy it at a cent less than No. 1 would sell for, so that the farmer would make two or three or four cents a bushel as the case may be. I do not see why there should be an objection to it. The farmers are in favour of it. I have here the evidence taken before the Committee on Trade and Commerce, when all the interests were represented there, and hon. gentlemen will find that Mr. Fowler, who was one of the men representing the grain interests, was in favour of it.

Hon. Mr. YOUNG—Did the farmers urge it there?

Hon. Mr. DAVIS—Yes. If my hon. friend will read the statement made at the time, he will find that they did. Mr. Greenway, who is one of the oldest farmers in Manitoba, is very strongly in favour of this proposition, and I have yet to find any farmer of any standing who is not in favour of it. It means money to them. It certainly cannot hurt the grain man. So far as mixing is concerned, there is no objection to mixing grain in Winnipeg before it is graded. If one farmer has a car of wheat nearly No. 1 Northern, but which the inspector would grade to No. 2, although practically No. 1, and another farmer has a carload of wheat that goes above No. 1 Hard, the man operating the elevator, by mixing the two, can make it No. 1 Northern, and the farmer will get more than if he had sold it before it was mixed. If it is mixed before it is shipped it is all right. What we want is that it shall not be interfered with after it is graded, because we have established grades, and we do not want to interfere with them. I know that the railroads will put up the good old argument that in the fall of year we are going to have a shortage of cars, and if we put this proposition through it will diminish our chances of getting out the grain if there is a good crop. I want to draw attention to this point; if you bring down a thousand cars of grain and sell the wheat at Winnipeg it is unloaded there and those cars will be returned for more grain in much less time than if the cars went through to the head of Lake Superior.

Hon. Mr. YOUNG—Will the wheat stay in Winnipeg?

Hon. Mr. DAVIS—No, I do not suppose it will.

Hon. Mr. YOUNG—How would it be carried out of Winnipeg?

Hon. Mr. DAVIS—If sold to United States millers it would go out on the United states railroads, and that is where our railroads will kick; but is the whole country to be bled to assist the Canadian railroads? If it is to the interest of the farmers, why should we look after the interests of the railroads only as against the interests of the farmers. If we look after the farmers, the railroads will look after themselves. If the grain goes out by the United States railroads, the farmers will gain something by it. Now that the millers at Minneapolis can grind grain in bond, there is nothing to prevent them coming to Winnipeg and purchasing Canadian wheat. The hon. gentleman from Killarney is an elevator man; I am a farmer and raise wheat.

Hon. Mr. YOUNG—Does my hon. friend suggest that I do not deal honestly with the farmer?

Hon. Mr. DAVIS—I did not suggest that, but I do suggest that the hon. gentleman is looking at this question from the standpoint of an elevator man, and if he could get ten carloads of wheat that was No. 1 Hard but was graded No. 2 it would be in his interest to do it.

Hon. Mr. YOUNG—Unfortunately, my hon. friend does not know what he is talking about.

Hon. Mr. DAVIS—My hon. friend from Killarney imagines that he is the possessor of all the wisdom west of the great lakes; but the people living in that part of the country did not think so. Whether I am wise or not, the people of my part of the country think I am.

Hon. Mr. YOUNG—I am questioning the hon. gentleman's knowledge of the subject.

Hon. Mr. DAVIS—My hon. friend thinks he knows more about it than the farmers. As I have said before, the farmer has been sowing the grain and the blackbirds have been sitting on the fence waiting for the wheat to ripen in order that they might fatten on it. The grain dealers have made the money. They are building a $6,000 grain exchange in Winnipeg, and a lot of gentlemen connected with it have made big profits. If you look at the position they occupy to-day, you will see at once that protection should be thrown around the farmer. All we ask is that the farmer shall get an opportunity to secure the highest price he can for his grain. The freight to Winnipeg is nearly as much as it is to the lakes, and if the farmer is willing to unload his grain at Winnipeg and sell it there, why should he not be allowed to do so? If he wants to send it through to the

lakes why not let him have his choice. But I am told that it detains grain 24 hours at Winnipeg. I should like to know if it does not take more than 24 hours to get over the inspection at Winnipeg? This amendment is in the interest of the farmers, and I know they are anxious to have it passed. I should like to have the opinion of the minister on this question.

Hon. Sir RICHARD CARTWRIGHT—This whole business was very thoroughly and exhaustively discussed at the meeting to which I referred. No doubt from one point of view there is a very great deal to be said for the proposition of my hon. friend, but as I have already explained to him, I desire, in bringing this Bill forward, to introduce at the present those points on which all parties concerned were agreed, and I would just call his attention to this; on the whole I think he will find that this Bill as I have introduced it, though it does not go the whole length the farmers would desire, and although there are points that later on may be taken up and very possibly pressed at a later period after we have had a little experience, this Bill at any rate is a pretty large step in the direction they desire. If you load the measure with contentious clauses—and this undoubtedly would be a contentious clause and would be opposed here and elsewhere—you imperil at this stage of the session the passage of the Bill. My hon. friend has done good service by calling attention to the points he has brought up, and by bringing them to the notice of this House and indirectly to the notice of the other Chamber. What I would say is not to press this to a division on the present occasion, but to let the Bill pass, and if any of the parties who are concerned choose to introduce the amendment elsewhere they can have it threshed out and fully discussed there. I could not take on myself the responsibility of accepting this amendment at present, although I do not desire to be understood as expressing any determined opposition to it upon a future ocasion.

Hon. Mr. DAVIS—I am quite willing to admit that the Bill is a long step in the interest of the farmers of the west. We have here the report of the commission appointed to investigate the grievances of the farmers in the grain trade of the west. I must say that the minister has shown a great deal of patience in dealing with this question, and with the farmers when they were down here, and the other interests concerned in this proposition, and he certainly has gone a long way in the interests of the farmers of the west; but if he had gone a little further and had accepted this resolution they would have erected a monument to him west of Lake Superior. They are all willing to admit he has done a great deal, but this is a matter which affects very many people, and I am certain that this amendment, if adopted, would put a lot of money in the pockets of the farmers.

Hon. Sir RICHARD CARTWRIGHT—We are now in the seventh month of the session, and it is very desirable, if we are to get this Bill through at all, that it should go down promptly to the House of Commons and be discussed there. It would be very easy, if the hon. gentleman's friends desired it, to propose this amendment there. There the representatives of the various interests could be heard again and more fully than they could be well heard by us now. If we delay the Bill too long it may not be passed at all.

Hon. Mr. POWER—The minister has not dealt with the merits of the amendment, and I understand that this amendment would cause considerable inconvenience.

Hon. Mr. DAVIS—To the railroads.

Hon. Mr. POWER—To some parties. I understood the hon. senator from Killarney (Hon. Mr. Young) to intimate that the hon. mover of the resolution showed an utter want of knowledge of the subject when he introduced the amendment. On its face, the amendment seems to be reasonable, and I should like to hear the hon. gentleman from Killarney point out the objections to this amendment so that I shall be able to justify myself in voting against it.

Hon. Mr. YOUNG—I objected to certain extravagant statements of my hon. friend opposite, because I do not think what he expects could be worked out in actual practice. As a matter of fact, if there was this big profit that has been suggested by

my hon. friend through handling grain on sample, do you suppose the enterprising business men of the west would not before now have established a place where they could have handled samples. It is a matter that goes without saying. I do not wish to take any second place to my hon. friend in trying to protect the interests of the farmers, because I fancy I am as big a farmer as himself and perhaps a little larger.

Hon. Mr. PERLEY—But he says he has no elevators.

Hon. Mr. YOUNG—It would be well for him if he had. It would be a great assistance to him to understand this grain business, because there are many complications arising, and there is no class of business in Canada which has been legislated so near the ground as the grain handling of the west. I say without fear of successful contradiction that if the Grain Act and its amendments were imposed upon the whole of Canada and every grain handling farmer or business man in the whole of Canada had to conform to the Act as we have to do in the Northwest, the Act would not stay on the statute-books more than one session. However, I shall not go into that feature of it. We are singled out for exceptional treatment in the west, and we have to put up with it. If there is one thing we complain of more than another at times, it is of car shortage and certainly if this clause is adopted it will increase that difficulty very materially, because if you tied up a car 24 or 48 hours in Winnipeg—it can be tied up according to this amendment 24 hours and possibly longer for nothing—you just lessen the usefulness of the transportation facilities to whatever extent the cars are tied up. What will be the result of this to the farmer? He ships a car of grain to Winnipeg. Who is going to buy his wheat there on sample? If his car grades a straight grade he has no advantage from holding over that car, because the market will be as good as the sample value. no more and no less. If he stops over there with his sample, who is there to buy it at present? My hon. friend compares Winnipeg to Minneapolis, but the conditions and developments of the two places are altogether different. People go from all over to buy grain from sample in Minneapolis. There are large mills in Minneapolis, but we have not those conditions in Winnipeg at present, and if the grain is shipped there and does not produce any better results—and it will not in all cases—the advantage to the farmer will be hard to discover. The grain dealer will buy it, and if he mixes it there, it must have an effect on the quality if he is allowed to skim the grades, as it is called, Much as I should like to see all the advantages my hon. friend has thought of for the farmer, I fear that the time has not yet arrived to make Winnipeg an order point. I am afraid the advantages he depicts are not available yet. I do not agree with my hon. friend when he suggests that millers from Minneapolis will come to Winnipeg and buy grain from sample. When they are not buying it to-day, I do not think they will do so under the conditions suggested. When my hon. friend suggests that the cars be unloaded at Winnipeg, he forgets that wheat has to be picked up again and carried forward to Fort William on cars which have to be supplied by the railway company. I am reminded that trains coming from the west to Winnipeg are forwarded straight on to Fort William with comparatively no delay, but if they have to pick out a car here and there and cut up those trains and shunt the cars, the delay will be increased in getting to Fort William. My hon. friend must remember that this amendment would be available to the dealer as well as to the farmer, and if neither can have any advantage by the train being held over, it means that the train will get to Fort William 24 hours later than if it had not been stopped. That would not be to the advantage of either the farmer or the dealer.

Hon. Mr. TALBOT—There would be no advantage to the farmer provided it did go on; but if it did not go on and the grain were purchased at Winnipeg, it would be an advantage to the farmer and time and freight would be saved by not having to take the train to Fort William.

Hon. Mr. YOUNG—Supposing it were to go to Fort William, the car would have to be delayed 24 hours. Even though all the advantages pictured by my hon. friend

should arise, we should remember that the clause is one of those contentious clauses which it would be well not to press at present. There are many reasons to be urged for and against it.

Hon. Mr. DAVIS—There are some points in the handling of grain in the west on which my hon. friend and I differ. He speaks from the standpoint of the elevator man, and I from the standpoint of the farmer.

Hon. Mr. YOUNG—This does not apply to the farmer only; it applies to the elevator man as well.

Hon. Mr. DAVIS—It is opposed by the elevator man.

Hon. Mr. YOUNG—Mr. Fowler, the secretary of the Elevator Association, urged it.

Hon. Mr. DAVIS—I do not know whether he owns a string of country elevators or not. My hon. friend says he is a bigger farmer than I am. If I were in the grain business as long as my hon. friend has been perhaps I would be as big a farmer as himself.

Hon. Mr. YOUNG—No, the hon. gentleman would be bankrupt.

Hon. Mr. DAVIS—I have seen elevator men who were not long in the business wearing diamonds, living in expensive houses and travelling about in automobiles, and it is all taken out of the farmer, and we cannot expect those gentlemen to favour any proposition which would have the effect of curtailing their profits. This is a good proposition, and is bound to come. The hon. gentleman says we have not the advantage that the mills of Minneapolis afford. Those mills can grind not only the grain they purchase there, but if they could get grain a little off colour at Winnipeg at a little less price per bushel, they would come to Winnipeg for it. With regard to car shortage, if some of the grain were sent to Minneapolis instead of to Lake Superior, it would relieve the grain blockade, and thus the stop at Winnipeg instead of causing a car shortage would have the opposite effect. There is only one argument that has been made yet which has any affect with me, and that is the argument advanced by the hon. Minister of Trade and Commerce that we should not do anything to delay the Bill here at the late period of the session. I do not want to do anything which would prevent the Bill from becoming law this year. As far as this clause is concerned, it will bob up serenely next year when we have plenty of time to discuss it, and when all the elevator men in the west cannot stop the farmers from getting what they should get—all they can secure for their wheat.

Hon. Mr. TALBOT—I believe the passage of this amendment would be an advantage to the farmer, and it is up to the Senate to support it if they can. I regret that the hon. gentleman is withdrawing it.

Hon. Mr. PERLEY—If it would be an advantage to the farmers of Canada, I should be very glad to have it adopted; but I venture to say that you cannot find one clause in the two Bills that will increase the price of wheat to the farmer a fraction of a cent.

The amendment was withdrawn.

On clause 22,

Hon. Mr. BEIQUE moved that the clause be amended by adding after the word 'holder' the following words:

Provided such demand be made during twenty-four hours after the issue of the purchase ticket.

He said: This amendment was suggested by the argument on clause 23. The object of the amendment is to prevent advantage being taken by one over another, and to have all parties treated on a fair basis. I hope the right hon. Minister of Trade and Commerce will see his way to accepting this amendment.

Hon. Sir RICHARD CARTWRIGHT—I will let that pass if the hon. gentleman wishes.

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

Hon. Mr. DAVIS—I should like to draw the attention of the hon. minister to clause 29, which adds four subsections to section 88 of the Act. This has reference to appointing an agent at flag stations. There is a provision there that a return must be

made to the commissioner, showing that during the previous year more than 50,000 bushels of grain had been shipped from the flag station or siding. While there might have been 200,000 bushels of grain produced or shipped within eight or ten miles of that point the previous year, there might not have been a bushel shipped from that particular siding or flag station, because there was no agent there and the people had to draw their grain to some distant station where there was an agent.

Hon. Sir RICHARD CARTWRIGHT—I do not want to introduce any changes now, but if the hon. gentleman will send me the particulars I will cause the matter to be considered by the minister in charge of the Bill in the other branch. I am very anxious to get this Bill down to the House of Commons in time to have it properly considered there.

Hon. Mr. DAVIS—I shall do that, but I might draw attention to the fact that the clause as it stands now is of no use to the people in the Northwest.

Hon. Sir RICHARD CARTWRIGHT—I have taken a note of the hon. gentleman's suggestion, and shall call attention to it.

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

The Senate adjourned until to-morrow, at 3 p.m.

THE SENATE.

OTTAWA, Thursday, June 11, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. LOUGHEED—Before the orders of the day are proceeded with, may I, as a question of privilege, direct the attention of the House to a misrepresentation as to my position upon the Bill to amend the Railway Act, introduced by my hon. friend from De Lanaudière? The report of the Ottawa 'Free Press' of June 10th, makes me speak as follows:

Senator Lougheed argued that wages and taxes should be made inferior to bonds as a claim upon railroad property. However, if the government was willing to assume responsibility he had little more to say.

And on the editorial page my attitude is described as follows:

The Conservative leader in the Senate is a true Tory. Last night he took the ground that wages should be made inferior to bonds as a claim on railway property. How could a Tory sympathize with an unpaid worker?

In view of the strenuous efforts that were made by my hon. friend the leader of the House, and his two associates, the hon. members from De Salaberry and De Lanaudière, to give precedence to bonds and mortgages over wages, I certainly felt it my duty to place myself in a position that would describe the attitude which I really took. I need scarcely remind the House that on four different occasions I protested in most vigorous language against mortgages and bonds being given priority to wages, and I regret very much that the press, particularly a paper of the standing of the Ottawa 'Free Press' should misrepresent the position I have already taken on that subject.

Hon. Mr. SCOTT—I thought it was very stupid when I saw the paragraph. It gave me a good laugh, and showed how little value these reports were.

Hon. Mr. LOUGHEED—I am bound to say that it was not the fault of the reporter of this House, because I took occasion to look at the official report and I find that it was not his fault.

SUPPLYING INFORMATION TO PARLIAMENT.

Hon. Mr. FERGUSON—Before the orders of the day are called, I intend to make some observations on a subject which I have communicated to the Speaker, and I intend to conclude my remarks by a motion to adjourn. The matter that I desire to bring to the attention of the House is the extraordinary statement given to us on two occasions recently by the hon. Secretary of State with regard to the attitude taken by the commissioners for the construction of the Transcontinental Railway regarding the supplying of information to parliament. My hon. friend said:

With reference to the Transcontinental Railway Commission and other departments, where I am able to remonstrate with my colleagues in council, it is a different matter; but the Board of Railway Commissioners are a perfectly independent board, and they snap their fingers at me, and say 'we have too much important business to attend to to answer those questions. Those questions are irrelevant.' If I would produce the answers I receive they would surprise the hon. gentleman, He does not propose that I shall give all my time to ferreting out these details in each department.

I have no remarks or criticism to offer with regard to my hon. friend's statement. He is doing possibly all he can do, but I wish to direct the attention of the House to the extraordinary attitude taken by the commissioners of the National Transcontinental Railway for all the questions referred to were regarding their operations that they were an independent body and that they can tell this House: 'Your questions are irrelevant and we have much more important work to do than answering irrelevant questions. I turn to another observation from the same source:

Hon. Mr. SCOTT—All I can say is that I could not get an answer to it. One answer I received was that the questions were argumentative and contrary to the rules of parliament. There was a preamble to the question. However, I am not going to discuss it.

What right have the servants of the country, the commissioners for the National Transcontinental Railway, to discuss with this House whether our questions are relevant, irrelevant, or whether they contain an argument or not? If this House, in its wisdom, admits these questions according to its rules, and answers are solicited to them, it is the duty of these servants of the country to supply that information; and the attitude taken by the commissioners on this subject is one as to which we have a right to demand complete and full explanation.

This National Transcontinental Railway Board hold their appointments under chapter 71 of 1903. Section 9 of that Act is as follows:

The construction of the eastern division and the operation thereof until completed and leased to the company pursuant to the provisions of the agreement shall be under the charge and control of three commissioners.

I am under the impression that they have been made four or five since. The section continues;

To be appointed by the Governor in Council, who shall hold office during pleasure.

Shall hold office during pleasure. My hon. friend appeared to concede the pretention of those gentlemen that they owed no duty to parliament or to himself or his colleagues. It continues:

Whose successors in office shall be a body corporate under the name of the Commissioners of the National Transcontinental Railway, &c.

I then turn to section 28 of the same Act which says:

The commissioners shall furnish to the Minister of Railways and Canals monthly or more frequently if required by the Governor in Council accounts of all receipts, expenditures and liabilities under this Act.

I cannot conceive that my hon. friend has any right to go to the Board of the National Transcontinental Railway Commissioners at all for this information when he could get it from the Minister of Railways, who is, under the law, required to obtain from the commission a full and complete return of all their expenditures once a month. If that provision of the law were complied with, it would be an easy matter for the Minister of Railways to supply the leader of the House with the information we have required. I have read the law and the statement that was made to this House, which I submit is an infringement of the privileges of parliament. There are special circumstances in connection with this National Transcontinental Railway Board of Commissioners that make the defiance from them to the parliament of Canada something that should not be endured. The chairman of the Board has had a record in this county. He was premier of Quebec, and he was ousted by his own colleagues. I do not say whether they did right or wrong, but it is a notorious fact that he was ousted by his own colleagues. He was president of the Quebec Bridge Company. We all know the history of that bridge and where it lies to-day and know of the eighty valuable lives that went down in that calamity and the great injury done to the good name of Canada in connection with the construction and management of that bridge. These matters are undergoing an investigation to-day in another place. Of course the bridge had not collapsed when the chairman was

appointed, but he had been ousted from the premiership of Quebec. The collapse of the bridge and the matters now coming out in connection with its financial affairs, make this gentleman the last of any officers under this government who could afford to treat either branch of parliament with disrespect. When I heard my hon. friend's remarks, I had a good deal of sympathy with him; but I think he is to blame for the trouble he has experienced in obtaining information. He should not have gone to those inferior people. His application should have been to his colleague whom he meet every day in council. If he had taken that course, the Minister of Railways would have used his influence and control, under the Act, to get the information demanded by this House. The section of the National Transcontinental Railway Act which I have already quoted makes it obligatory upon this commission to furnish every month a complete statement of their receipts, expenditures and liabilities, so that if the minister is holding them up to their duty, he has under his own hand a complete statement of expenditures incurred by that body, and it is an easy matter to supply it, so we would not have this argument advanced day after day in this House with regard to some of the questions which have been asked. What was one of those questions that was asked in this House some few days ago? It was pointing out where a discrepancy occurred between the answer given by my hon. friend the leader of the House coming professedly from the Board of Transcontinental Railway Commissioners, and the Auditor General's Report. A certain amount was alleged by the answer given to the House, as not having been paid. An absolute denial was made, and my hon. friend from Stadacona, in a subsequent notice, stated the facts and referred to the Auditor General's accounts to show that the answer was not correct. I think my hon. friend is really himself to blame in that matter. Having observed the discrepancy, it was his duty at once to demand from the officers responsible for it, an explanation. And this is not altogether a new matter. We are becoming accustomed to get information in this House that we find is subsequently absolutely contradicted by fuller information from other departments or from the Auditor General's account, and, that being so, I think my hon. friend should have taken the utmost pains to have explained this discrepancy, and the House should know why it was that the Transcontinental Railway Commission denied having made any such expenditure as that, when the contrary was disclosed in the Auditor General's Report. The subject is in a nut-shell. We have had these answers plainly and emphatically given to us by my hon. friend, whom we know would not communicate any answer that he received from these people that he thought was not correct. They said: 'We have more important work to do.' Who are you, the Senate of Canada or the House of Commons, that you should call us down to answer irrelevant questions about these little matters of dollars and cents with regard to the expenditure?' They take a high and pronounced attitude; they turn around and tell us 'You do not know what you are doing. Your questions are not in proper form. You put argumentative statements in your questions and the matters are irrelevant. I do not know that there is any gentleman sitting on that board of commissioners, except my friend, Mr. McIsaac, of Antigonish, who has had any experience in parliamentary matters, and I am sure if he were consulted he would have told his colleagues that that was not the way to answer either branch of parliament when they made inquiries. I have placed my views before the House in the hope that they will reach these gentlemen, and not only these gentlemen but other officials of the government. There are eminently useful men in the service of the government of Canada. I am not going to say one word in disparagement of civil servants. We may have some who are not doing their duty in the full sense of the word, but, on the whole, we have an excellent civil service, and it is our duty to sustain them when they are doing what is right, but they must not be allowed to believe that they are superior to the parliament of the country and can dictate to us that we do not know how to couch our inquiries, or that they are irrelevant, or that they have more important work to do.

Hon. Mr. SCOTT—I have no criticism to offer on the main observations of the hon. gentleman, except to state that perhaps I have been a little too flippant in the answers I was forced to give under the taunts and irritation which I have been subjected to by an hon. gentleman. Those observations about snapping their fingers were purely figurative. I have had no communication with any of these gentlemen. I have not the time. It is not to be expected that I am to go about to the different offices and obtain information. That is done by an official in my own department, who reports to me sometimes that the answers cannot be got to-day, or he is put off in some way or another. I have no idea that any such flippant observation has been made use of as the one I expressed to this House, because that was uttered under painful and unpleasant irritation, during which it was impossible to keep—I won't say one's temper, but one's normal thoughts. I have sat down after having answered frankly that I was unable to get the information, and I have been further probed and asked why I won't give an answer. Under that irritation I have, no doubt, allowed expressions to fall from me that were undignified on the part of a minister, and had no basis whatever, because my expression of snapping their fingers was purely figurative, indicating that very little attention was paid to the request for information. I presume that is a liberal interpretation of what occurred, but I have further to say, that I have now been 34 years in this Chamber, 18 years of that period on the other side of the House, and if the record of the past were looked into, you would find that far more information and far more answers have been given during the last 12 years than were ever given during the 18 years during which I sat on the other side of the House.

Hon. Mr. FERGUSON—The hon. gentleman was not active enough.

Hon. Mr. SCOTT—So that the hon. gentleman must not suppose that that is a failing peculiar to the present officials of the government. I say that my experience in the past leads me to the conclusion that there has, in the past, been a very great indifference both by one government and the other as to furnishing information to this Chamber; but I do not hesitate to say that far more information has been brought down during the last 12 years than during the time I was on the other side of the House, and was made the channel, very often, for asking for information or calling for papers. Under these circumstances, I feel sorry that the flippant observation which has been made should go on record, and I hope the hon. gentleman will drop that part of it. That was purely figurative.

Hon. Mr. FERGUSON—It is on the official record, but I am quite willing to drop it.

Hon. Mr. SCOTT—It was said in a temper I do not often exhibit, but forced by the taunts and irritation I was submitted to, I thought, very unfairly and very unkindly. I endeavour to discharge my duty with as much dignity as I can, but there are conditions arising that one cannot be always in a normal state when one is probed too closely, as I have been; therefore I hope the reporter will not take down the language expressed by my hon. friend opposite, or my own expression in regard to that matter. It should not go any further, and I submit that it ought not to go on record.

Hon. Mr. FERGUSON—I am quite willing that the expression 'snap their fingers' should not be used.

Hon. Sir RICHARD CARTWRIGHT—I would like to say a word or two on this matter, because it is one of pretty considerable importance. I am sure all will agree with me in saying that my hon. friend beside me has taken a great deal of pains on all occasions to meet the wishes of hon. gentlemen on both sides of the House, and to obtain all the information he could; but I desire to say expressly and emphatically that I entirely agree with the hon. gentlemen opposite in thinking that any officer of the government of Canada who disregards a request to give information to this Chamber or to the other Chamber, either, deserves very severe censure, and I will make it my especial business, in conjunction with my hon. friend, to bring the hon. gentleman's remarks at

once to the notice of the government, and to see, as far as it is possible to do, that no disrespect be shown to this body. It is our perfect right, as a branch of the legislature, to receive information such as is asked for. That I am perfectly clear about, and if any officer or any commission or anybody under the control of parliament refuses to grant such information, such officer should, in my judgment, be severely disciplined. I will take care to communicate those matters to the council at the very earliest opportunity.

Hon. Mr. GIBSON—Now that my hon. friend from Marshfield has been kind enough to withdraw the remarks that were made in an offhand manner by the hon. Secretary of State——

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. FERGUSON—I hope hon. gentleman will understand me. My hon. friend used the word the other day, but only in a figurative sense, and although it is now in the 'Debates,' my consent is freely given that it should be revised in that way, and that my reference to this expression should not appear in the 'Debates,' either; but I withdraw nothing of my observations.

Hon. Mr. GIBSON—The accusation my hon. friend made is of a far more serious character than what the hon. Secretary of State said. I think it was unfair to drag in the name of the chairman of the National Transcontinental Railway Commission, and fasten at his door responsibility for the great calamity that befell the Quebec bridge. If my hon. friend had been well up in bridge-building he would never attempt to fasten such a serious accusation upon a non-professional gentleman who does not know any more about bridge-building than my hon. friend. If he would wait patiently for the report of the Commission appointed to inquire into the matter, he would find that Mr. Parent or any other gentleman connected with the bridge is as innocent of that accident as he or I or any other hon. gentleman. The matter has been fairly inquired into. The government secured, as all governments ought to do, the very best possible assistance in the construction of that magnificent piece of work. They were not satisfied with their own engineers, but they went far afield and they obtained an expert, a gentleman named Cooper, supposed to be the highest authority in matters of superstructure on this continent, and they called him in as consulting engineer, I do not know and I cannot, as a bridge-builder, understand why he should ever have allowed the extension of that span of 280 feet without taking extra precautions and enlarging and strengthening that portion of the bridge in order that it might carry the extra weight. It is known by those who take an interest in bridge-building that warning was given for some days that the bridge was in a bad shape. The proper precautions of those that were building the bridge in the matter of guying and staying the bridge had not been taken. They found evidence every day of defect, bolts breaking and rivets snapping, and information was sent to headquarters and instructions were given to stop work. They ran three extra cars of iron for the extension of the superstructure and the bridge fell down. I ask in all fairness, is it right to lay the blame on my hon. friend, Mr. Parent, or any other gentleman connected with the bridge for the serious calamity and the responsibility for the death of those people? I am sure that every Canadian feels sorry that this accident did happen. If the bridge had been constructed strong enough to meet the extra length that Mr. Cooper gave his consent to, I think I am safe in saying that no such calamity would have befallen them. But it was not the fault of the chairman of the Commission. It was not the fault of any one connected with the building of the structure. It was not the fault of the people who had the contract. It was the fault of the gentleman who was brought in as the consulting engineer, and the gentleman was manly enough, and the company was fair enough to admit and assume the whole responsibility of his action. I hope, therefore, that my hon. friend will withdraw that part of his remark with regard to the responsibility of Mr. Parent.

Hon. Sir MACKENZIE BOWELL—I rise for the purpose of taking exception to the, shall I say stereotyped answer my hon. friend the Secretary of State gives to every charge which is laid at his door. He always defends the actions of himself and his colleagues by saying 'If we are wrong the other fellows on the opposite side of the House were much worse in that respect when they were in power.' I am not aware that that is a justification for the course he has pursued on the present occasion, and on many previous occasions. Even supposing the statement of the hon. Secretary of State were correct, I do not know that that is any justification for the course he has pursued in giving the answer to the questions which have been asked. I venture the statement—I can only speak for the time I had the honour of occupying a similar position to that which he occupies to-day, and I challenge contradiction that he cannot find any such answer or any refusal to give full and ample replies to all the questions that were ever put to myself or the gentlemen who sat beside me. The records of the House will show directly contrary to the statement the hon. gentleman has made. I am not going to explain the course I pursued on similar occasions, but I do say this—and I say it without fear of any successful contradiction by a reference to the records—that he cannot sustain the statement that he has made in reference to the answers which were given to the questions put to the government while I had the honour of sitting on that side of the House. The remarks which fell from the hon. Minister of Trade and Commerce are precisely what I anticipated would fall from him. From his long parliamentary experience, and the knowledge which he possesses of the duties of a minister of the state, I could expect no other reply, nor could any one who knows him expect any other reply. There is no shirking or evasion of the question in any of the remarks he made. He laid down the true parliamentary principle, and the constitutional principle upon which the government should be conducted. It is not for an employee of the government to dictate either to this House or this government what course they shall pursue. Those who have paid any attention in the past to the answers which have been given to the various questions which have been put, would be led to the conclusion that the commissioners and underlings of the department were controlling and ruling the ministers, and that they treated them with contempt rather than in the manner in which employees of the government should treat the ministers.

Hon. Mr. SCOTT—I have no complaint to make of the three or four years the hon. gentleman was on this side of the House. My statement referred to a time antecedent to that. I was 18 years over there, and only one-quarter or one-fifth of that time my hon. friend was leading the House, and as to his time I have nothing to say.

Hon. Mr. LANDRY—I suppose we must take as an expression of his own feeling what the hon. leader of this House said when he asserted that all that he said previously was in a figurative sense. I suppose when he says to-day, that he gave correct answers to all the questions we must take it in a figurative way also? When he said that an answer had been given, I suppose that is in a figurative way?

Hon. Mr. SCOTT—Oh, no, I did not give any answer that was not sent to me, and I read the answers word for word to the House. It is the explanations for the delay that were figurative.

Hon. Mr. LANDRY—We will take the answers for themselves and we will show that they are not figurative.

Hon. Mr. SCOTT—I have nothing to do with that part of it. I do not supervise the answers.

Hon. Mr. LANDRY—I take one instance, regarding the Transcontinental Railway. On the 14th May I asked if there had been at any time, and particularly during the period comprised between the 1st July, 1906, and the 1st May, 1908, at Quebec, a committee known under the name of the Quebec Terminal Committee. To that I was answered 'yes.' I asked who was the president, who acted as secretary, who were the members of it, how many sittings they held, on what dates, and I came to this question: 'Has the government paid anything whatsoever to the president or to the secretary of that committee—that commit-

tee called the Quebec Terminus Committee? I was answered 'nothing was paid to anybody.' I made another inquiry, and I was given names. I asked on another occasion:

(a) 1. Over and above the sums which have been paid to Mr. Ulric Barthe as salary as secretary of the Quebec Bridge and Railway Company, or as reimbursement of his travelling expenses, have the commissioners of the Transcontinental Railway paid any other moneys to the same Mr. Barthe?
2. When, for what services, and what amount?
3. Amongst these payments are there any whatsoever which have relation to his presence at meetings of a committee known under the name of the Quebec Terminus Committee?
4. Under this head, how much has been paid to him, and at what date was each of such payments made?
5. What was the amount of each of such payments?

What was the answer? The answer was: 'The commissioners have nothing to do with the payment of the salary and disbursements referred to.' Was that a reasonable answer?

Hon. Mr. SCOTT—I have told my hon. friend that any answer I give here coming from the source to which he refers, is prepared by them and not by me.

Hon. Mr. LANDRY—I take it as my hon. friend says. They were asked if any moneys were paid by the National Transcontinental Railway Commission to Mr. Barthe, and the answer was:

1. The commissioners have nothing to do with the payment of the salary and disbursements referred to.
2. Answered by number one.
3. There are no such payments, and moreover answer to this has already been given under question 8, order No. 19, of May 6.
4. Answered by above.
5. Answered by above.

Question No. 3 called for a specific answer. It was as follows:

3. Amongst these payments are there any whatsoever which have relation to his presence at meetings of a committee known under the name of the Quebec Terminus Company.

What was the reply?

There are no such payments, and moreover answer to this has already been given under question 8, order No. 12, of May 6.

What do we find when we open the Auditor General's Report for the nine months ending March 1, 1907, as shown at page W—298:

(a) Legal expenses, Ulric Barthe, attendance at Quebec Terminals Committee meetings, 6 days at $10; sundry expenses, $19.30; L. A. Taschereau, expenses swearing in constables, $29.20, $108.50.
(b) At page W—303, the following entry:
Barthe, Ulric, investigation re Horsey and Earle; receiving depositions, 4 days at $10; expenses, $11, $51.00.

These figures, which appear in the Auditor General's Report, were before the commissioners when they made the reply that there were no such payments. Then when I pointed out to the hon. minister the flagrant contradiction between the answer given by the secretary of the National Transcontinental Railway Commission and the report of the Auditor General for 1907, this same man, P. E. Ryan, writes as fol-'ows:

Ottawa, May 23, 1908.

Dear Sir,—Referring to notice of motion—Hon. Senator Landry—appearing on page 806, Minutes of Proceedings of the Senate, I have the honour to advise:

The answer of the leader of the Senate was correct: The commissioners have nothing to do with the salary and disbursements of Mr. Barthe as secretary of the Quebec Bridge Company. The government, it is understood from the answer made, had paid nothing to Mr. Barthe for services as secretary of the Quebec Terminals Committee, but the commissioners have paid Mr. Barthe for such services for six days at $10 per day, and sundry expenses amounting to $19,30; also the sum of $51 on account of the investigation re Horsey and Earle.

I have the honour to be,
Your obedient servant,
(Sgd.) P. E. RYAN,
Secretary.

L. K. Jones, Esq.,
Secretary, Department of Railways and Canals, Ottawa.
Ottawa, June 2, 1908.

He has the honour to advise that the answer of the leader of the Senate was correct. That is Lucifer giving testimony in favour of Satan. It was his own answer which he confirmed. I think it is time to put a stop to this nonsense. It is time the House should have correct answers, and that the government should not be put in the position of having the replies which they furnish to parliament contradicted from day to day by what appears in the public accounts. I think Mr. Ryan should be called down. He is paid $2,500 perannum for what? To lie to the country and to insult the Senate—is it for that? I hope the hon. Minister of Trade and Commerce will, as he said

he would—and I am glad he said so—will impress on that gentleman what are the duties devolving upon him. If he does not perform those duties, the Senate will have something more to say on the matter. I hope when I again ask questions relating to the public expenditure on the National Transcontinental Railway, we shall be favoured with correct answers, and not have this official as the minister said in his figurative way, snapping his fingers, and, I may add, telling deliberate lies.

Hon. Mr. FERGUSON—If I understood my hon. friend from St. Catharines aright, he asked me to withdraw some of the statements I have made with reference to the chairman of the National Transcontinental Railway Commission. Did I understand him to say that?

Hon. Mr. GIBSON—No. I said I hoped my hon. friend would withdraw the blame he attached to the chairman of the commission for the falling of the Quebec bridge.

Hon. Mr. FERGUSON—What I said with regard to that was that the bridge had fallen, and a great many valuable lives and valuable property had been lost, that Mr. Parent was chairman of the Commission during that period. I coupled that with the fact that Mr. Parent had been ousted from the premiership of Quebec by his colleagues, and gave it as a reason why he should not take a very high attitude on this question. I just want to point out, as my last word with regard to it, that my hon. friend went even further than anything I quoted in showing the refusals he had been receiving from the commissioners or their officials. We must hold the commissioners responsible, and especially the chairman of the Board, because he must teach all under him to do their duty, and not treat parliament with contempt. My hon. friend, in one of his replies, said if he would produce the answers he received, they would surprise the hon. gentleman. It reminds me of Burn's description of what Tam O'Shanter saw on the Holy Table:

> With mair o' horrible and awful
> That e'en to name would be unlawful.

I beg leave to withdraw my motion.

The motion to adjourn was withdrawn.

THE CIVIL SERVICE COMMISSION.

Hon. Mr. SCOTT—There is an inquiry by the hon. senator from Stadacona with reference to the French edition of the Civil Service Report. I find that only one copy of the report in French has been received at the Bureau. The translation is being done by the translators in the House of Commons, so my hon. friend knows where the delay arises. It is not at the Bureau.

THIRD READING.

Bill (ZZ) An Act to amend the Manitoba Grain Act.—(Hon. Sir Richard Cartwright.)

CANADA TEMPERANCE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (WW) An Act to amend the Canada Temperance Act.

(In the Committee.)

Hon. Mr. McGREGOR—The Canada Temperance Act is a permissive law. Any county, by a majority of one, may put it in force. It has been in operation in Nova Scotia for many years, where it has been found very effective in many ways. Still there are some defects in the Act, and this Bill is to remedy some of them. Twelve out of the eighteen counties in Nova Scotia adopted the Canada Temperance Act, but in the last year two counties rescinded it. I do not want the House to understand that because two counties repealed the Act that the temperance sentiment in the province has become less marked. The repeal has been due to the difficulty of enforcing the Act. The temperance sentiment in Nova Scotia is as strong to-day as it ever was in the past; perhaps stronger. The people are in favour of prohibition, but provincial prohibition is a misnomer, because under provincial prohibition we could not prevent the importation or manufacture of intoxicating liquor. The principal amendment sought by this Bill is to prohibit the sending of liquor from a county where license prevails into a county which is under the Canada Temperance Act. Last year the following

resolution was passed unanimously by the legislature of Nova Scotia :

That whereas in twelve counties of the province of Nova Scotia the electors have by popular vote brought the Canada Temperance Act into force;

And whereas in the remaining six counties of the province the Nova Scotia Liquor License Act is in force;

And whereas under this legislation evils have arisen from the fact that liqour is being imported from other counties and provinces into counties in which the Canada Temperance Act is in force and into counties in which no licenses are issued;

Therefore resolved, that this House in so far as it is within its powers, should enact such legislation as will prohibit the sending of liquor into counties in which the Canada Temperance Act is in force and into counties in which no licenses are issued;

And further resolved, that this House do place on record its desire that the parliament of Canada should enact such amendments to the Canada Temperance Act as will prohibit the importation of liquor into counties in which the Canada Temperance Act is in force;

And also further resolved, that this House declare its adherence to the principle of the enforcement of such legislation by the town and municipal authorities.

Hon. Mr. McSWEENEY—How will this Bill affect importations from Great Britain? Can they be sent into any county where the Canadian Temperance Act is in force?

Hon. Mr. McGREGOR—I think so.

Hon. Mr. McSWEENEY—Then what good is the Act?

Hon. Mr. McGREGOR—The principal difficulty experienced in enforcing the Act has been the sending of liquor from a county under license into a county that has adopted the Act. One clause of this Bill is to prevent liquor being sent C.O.D. in that way. It controls the express companies sending liquor out that way.

Hon. Mr. CLORAN—Will the hon. gentleman point out the difference between paying for the liquor before it is sent, or paying for it when it is received?

Hon. Mr. McGREGOR—The liquor must be paid for before it is sent to the county where it is to be used.

Hon. Mr. CLORAN—As I understand, C.O.D. is just as good as payment at the shipping point. The liquor remains in the hands of the express company until it is paid for. I think this will interfere with trade.

Hon. Mr. McSWEENEY—What difference does it make where it is paid for?

Hon. Mr. COMEAU—In the case of liquor being sent C.O.D., the sale is consummated in the county in which the Canada Temperance Act is in force. In the other case, if you go to a county where license is in force and buy your liquor there, the sale is consummated in that county. What happens, practically, is this: in the country districts a number of young men in a temperance county will send to an adjoining county for liquor without, perhaps, having a cent in their possession to pay for it, but expecting to be able to pay for it when it is delivered C.O.D.

Hon. Mr. McSWEENEY—They can send the cash for it, and have it delivered by the express company. I was at a place a short time ago in Florida where prohibition is enforced, and that is what they are doing. They send the cash and the liquor is forwarded.

Hon. Mr. CLORAN—This legislation is not based on fair grounds. We are trying to cure a specific evil by general legislation. The reason given for paragraph (c) is that you wish to prevent certain parties from having liquor shipped to them. We are told that these same parties would have a right to go into an adjoining county where liquor is sold and purchase the goods and have the liquor shipped to their home, but it is made a crime to have it shipped unless it is paid for at the shipping point. We want to try and cure that evil by this legislation. What is going to happen? Druggists, medical men and ministers of religion who use wine in their services will be debarred from procuring their supplies, because none of them would want to pay before they received what they purchased.

Hon. Mr. SCOTT—The hon. gentleman is discussing what is the law now.

Hon. Mr. CLORAN—The hon. gentleman who introduced this Bill has told us plainly that its object is to prevent certain parties who, not having the money ready to purchase at the shipping point, send their order on and two or three days afterwards pay cash for it on delivery. Now that is of general application, and while, under the law, ministers can get sacramental wine,

and druggists their liquors, in this Bill you make no exception.

Hon. Mr. SCOTT—It does not interfere with section 118.

Hon. Mr. CLORAN—The hon. gentleman who introduced the Bill said it did.

Hon. Mr. SCOTT—My hon. friend is entirely under misapprehension.

Hon. Mr. DOMVILLE—I am entirely opposed to subclause (c). I should be sorry to see it enacted, because there is a criminal clause to follow. When we passed an Act here a year or two ago, making the punishment for a first offense imprisonment, I pointed out that that might be used in a vindictive manner, and I opposed it as a British subject. What was the result of such legislation? A few months ago a man was persecuted and driven out of the country. He wound up his business and went to the United States. At Christmas he came back to see his family and the authorities caught him and put him 700 days in jail as a punishment for his offense. Think of such an arbitrary Act! Because some cranks say what you shall or shall not drink, we are to render people liable to such a severe penalty for a first offense. It is easy to show that the government is making money out of the liquor traffic. Ask them why they do not stop the distillation of liquor or the use of barley or other grain for the purpose of manufacturing liquor. But they do not take any such step. They pass the Canada Temperance Act, and, having provided penalties for violations of it, we have now a Bill before us to prevent liquor being brought into a county where this Act is in force, notwithstanding the fact that the government permits liquor to be manufactured and sold and derive a revenue from it, out of which ministers get their salaries and members their indemnity. Supposing I wanted to bring liquor into a county for manufacturing purposes, I cannot do so if I live in a county where this Act is in force. What is the sense of keeping this thing up; I know my hon. friend means well by these people. I myself mean well by them. I had the honour of being their leader in the other House for six months. They had a leader in the House, and in an hour of weakness he went back on them, but they knew I would not go back on them. I voted for them in the other House. I never give up my old friends. When they came down my way I always gave them a little whisky. They took it, not as a beverage, but because they needed it. The Scripture says that we shall take it when we need it. We, in the Senate, are getting old; we are going down the hill, and why should we go against Scripture? We should not consider that we know more than Holy Writ. Perhaps it would simplify matters if some one brought in a Bill to repeal the Canada Temperance Act. That would be a manly, straightforward way. If we are going to be here any length of time, I do not see why some hon. member should not give notice and bring up a discussion on that question. This Act has not been a success in the country. The stopping of the drink habit has never been accomplished, and never will be as long as people have mouths and stomachs. I would rather see a man drink openly and above board, even if he did take a little too much, than drink behind barn doors. Down our way we have prohibition; but we have a lot of bad stuff there sold in places where it should not be sold instead of being sold above board, in which case we would receive a revenue from it. We have not said that it is wrong to drink liquor or make it. We encourage its manufacture and why should we allow a faction—it is only a faction—to worry others who believe they should have a right to eat and drink what they think fit. We find people anxious to reclaim everybody else. The world is full of them. How many of them are Christians? The missionaries went over to Christanize South Africa. Preachers and missionaries went over there, and they had looking glasses and muskets and there was also whisky there. There was some sense in that. The musket kept the people in line, and the looking glass enabled them to look at themselves and the liquor was good to take. They said to these people: We are looking after your good. We would be much better off in Canada, if people would reform themselves rather than endeavour to reform everybody else. I think it is

encouraging crime. Is it right that the taking of liquor into a county where the Act is in force shall be made a criminal act? I do not believe it. If the hon. gentleman would withdraw his Bill, and move to repeal the Canada Temperance Act, I will vote for the motion; but I say the principle of this Bill is wrong.

Hon. Mr. CLORAN—I wish to direct the attention of the committee to the open door which is being created by this Bill, to a feature which will strike hon. gentlemen, and it is this: that you render innocent persons, by this Bill, subject to prosecution and imprisonment. The Bill says:

No person shall, except as in this part especially provided, by himself, his clerk, servant or agent—
(c) send, ship, bring or carry or cause to be sent, shipped, brought, or carried to or into any such county or city, any intoxicating liquor; or

Do hon. gentleman know what that means? No seller of liquors, whether he be a brewer or a distiller——

Hon. Mr. MITCHELL—Is that inside or outside the county?

Hon. Mr. CLORAN—That is a point I have not examined. Here is a clause put into the Bill under which innocent parties are liable to prosecution, conviction and imprisonment.

Hon. Mr. SCOTT—Let us get rid of (b) first. It has not been declared carried.

Hon. Mr. PERLEY—I understood the hon. gentleman from Rothesay to say that the churches sent out missionaries to encourage the sale of liquor in Africa.

Hon. Mr. DOMVILLT—I never mentioned the hon. gentleman's church. I am speaking of my own.

Hon. Mr. PERLEY—Does the hon. gentleman pretend to say that his church is not a Christian church? He said that the missionary societies sent out liquor to Christianize people.

Hon. Mr. DOMVILLE—I did not say the missionaries. I do not know what interest they had directly, but I say they were out there, and they were a party to the scheme. They were in the midst of the whole of that business, and endeavoured to Christianize the natives by sending out spirits and Jamaica rum.

Hon. Mr. PERLEY—I think the statement is entirely wrong—sending out liquor to Christianize the heathen.

Hon. Mr. DOMVILLE—I was rather calling attention to the fact that the church winked at it.

Hon. Mr. FERGUSON—I may say that subsections (a) and (b) are in the law now, and have been in the Act ever since the Scott Act became law; therefore we are not proposing to change the law in that respect. When we come to where a change is made, then we have a right to know what it is and see whether it is in line with the Act; but the proper mode of legislation is to repeal the whole Act and pass a new one. Therefore we do not reach any point that could be regarded as controversial until we come to subclause (c) and (d), which are new.

Subclause (b) was adopted.

On subclause (c).

No person shall, except as in this part specially provided, by himself, his clerk, servant or agent—
(c) send, ship, bring or carry or cause to be sent, shipped, brought, or carried to or into any such county or city any intoxicating liquor; or

Hon. Mr. WILSON—The hon. gentleman says that (a) and (b) are in the present law and therefore there is no reason why we should discuss them. I understood him also to say that we were repealing them. If we are repealing them we should understand the reason for it, and my hon. friend from Victoria division was going to refer to these matters when he was shut off. I am in favour of temperance. I do not think liquor is necessary to Christianize various communities, as my hon. friend opposite suggests. It is a question in my mind whether spirits in any shape or form are essential to the public welfare. I believe they are injurious and that the human system does not require it. I am strongly in favour of having an opportunity to discuss the Bill as the various clauses come before us, and, if my hon. friend has any comments to make I think he has a perfect right to make them.

Hon. Mr. FERGUSON—If we were to throw out the whole of this clause, (a) and (b) still remain in the Act and would not be affected. All we are proposing to do is to amend some three or four sections of the Act. The subclause (b) does not make any change, and if we would confine ourselves to the changes we would get at the pith of the matter and find out what the promoters desire to do.

Hon. Mr. WILSON—The hon. gentleman said we were repealing the Act.

Hon. Mr. FERGUSON—No, we are repealing a clause and inserting this clause.

Hon. Mr. WILSON—It is necessary to consider the clauses so as to ascertain whether we are justified in amending the Bill in the manner suggested. I think my hon. friend was out of order in trying to prevent discussion.

Hon. Mr. FERGUSON—We must find out what changes are to be made.

Hon. Mr. CLORAN—To return to the discussion in regard to the facility which will be afforded certain parties to prosecute and probe on grounds which would not be justifiable before the courts, but which, if this law is passed, will compel a judge to condemn an innocent man, how will the man who carts the goods, who starts out from Bate & Co. and goes into the county of Carleton with 40 or 50 parcels, know what is in those barrels? All he is supposed to know is that certain parcels are addressed to Mr. Brown in the county of Carleton and he delivers them to him. He delivers them C.O.D. because they have not been already paid for. There may be two or three bottles of highwines in a parcel and he knows nothing of it, but the law says he is just as guilty as the principal who sends it out. The merchant may be sending out a keg of maple syrup ostensibly, but there may be whiskey in it. It is not the business of the carter to investigate.

Hon. Mr. PERLEY—It is his business in that case.

Hon. Mr. CLORAN—The goods are sealed up and he delivers a package which may contain intoxicating liquors. Under this law he may be prosecuted because he has carried liquor into a temperance county. Take the clerk in the store; he is a party to delivering those goods to the driver, but he may be entirely innocent of the contents of the package. One clerk does not know what another clerk puts in a parcel and hands over to another employee, but he is liable to be fined. This is opening the door to prosecution without justification, and so all along the line. The principal is the responsible party, I will admit, but we have no right to place criminal responsibility on the shoulders of the young man employed in the store. In my experience, administering the provincial revenue law of Quebec, no later than two weeks ago a similar case arose in Chambly. In that district there is a village called St. Lambert, which has a local option law. What happened? The neighbouring municipality, Longueuil, had a prosperous merchant doing business there. He used to go into St. Lambert and solicit orders for liquors. The result was his business grew. Customers would send also for their groceries, sugar, tea and coffee, and all they wanted, to Longueuil. The result was that, two months ago, the businessmen of St. Lambert said 'this is not fair. Here is a merchant who is paying no taxes to our corporation, doing business in our district.' They had him arrested. I tried the man.

Hon. Mr. PERLEY—In what capacity did the hon. gentleman try him?

Hon. Mr. CLORAN—As prosecuting attorney for the Revenue Department. It was before Judge Choquette. The offence was that the man who sold the liquor had not been in the county; but that his driver had been there and solicited orders. The judge held that that young man was not a commercial traveller and had no right to solicit orders, and on that ground the principal was set free. It was proved that the young man delivered the goods. He did not deny it. It was an open business, but the judge would not condemn him, because he was not responsible. He was given a cartload of goods, and he was to deliver them in different places. Some customers paid him and some had running accounts. Then again another question will come up under paragraph 2. Supposing a man has a running account in a grocery store in a place outside the prohi-

bition county, what are you going to do with him? Why not punish equally the party receiving it? In that way you would attain the object. I think subsection C should be either withdrawn or amended, and I would suggest, from a practical point of view, that no clerk who is not responsible for the business of the concern, whether it be a man or a woman, shall be held responsible, unless he knowingly and deliberately carries goods into a temperance county, because it would be most unfair, and the judges would not maintain the prosecution in the province of Quebec. We should make our law clear and plain so that when it comes bebore the judges there will be no difficulty in interpreting it. I have advocated that idea for several years in this House. Sometimes legislators do not know how to draft the law, and when the matter is tested in the courts, one lawyer presents one interpretation and another another. The laws are not made clear and plain. The other day, in the State of Indiana, the legislature passed a most useful law in regard to the selling of clean and pure milk, and the law read:

> No person shall through his agent, through his representative, or through his servant, sell unclean or impure milk.

What was the result? Looking at that you would imagine the law was clear, but it was so far from being clear that the judge gave judgment against the State, and how was the law overcome? The law said that no person through his representatives or servants should sell impure or unclean milk. The dealers did away with their representatives or servants, and delivered their own milk, and some of them were arested and tried, and the court decided that they could not sell it through their agents or servants, but as long as a man sold it himself, it was all right. That decision was given the other day, and I handed it to the hon. gentleman from Middlesex. Let us, when we are dealing with criminal matters, see that the liberty of the subject is not trampled on. When you come to deal with the liberty of the subject so as to put him in jail, the law should be so clear and precise that no judge will be able to say that the legislators of Canada do not know what they are doing, and do not understand how to frame laws. I am in favour of providing all means of protecting the will of the people, once the will of the people is expressed in any county, that licenses should not be granted. I hold that parliament should enforce that law as far as possible to enforce it, on fair and equitable grounds. I am not in favour of allowing men to go into one county and sell liquor where the citizens of that county have no opportunity to compete with them in business. I am in favour of the principle of the Bill, but let us make it as clear and fair as possible.

Hon. Mr. FERGUSON—I would infer that my hon. friend is, as he has now remarked, in favour of the principle of the Bill; therefore I do not see that he need have taken so long in formulating his objections to its details. This Act does not interfere with Montreal. It does not deal with my province. We have a prohibitory law. It deals with parts of the country where people, on their own vote, put the Act into operation, and my hon. friend says that where the people do this, he thinks they have a right to have their will. That is just what we are doing here, and I think these two changes are made for the purpose of carrying out the will of the people in the parts of the country where the Scott Act is in operation. There were weaknesses in that Act by which it could not be carried out. There was a loophole which permitted people to bring the liquor in from other counties. The object of this legislation is to remedy that. My hon. friend will notice that there is a fair provision made for any person who does not obtain liquor in the way of trade. I refer to paragraphs (c) and (d) and subsection 2. So there is to be exception made in that respect, but (c) and (d) are in order to make it possible to enforce the Act in constituencies where the people want it and where they will put it into force by their own votes.

Hon. Mr. CLORAN—What about clerks and others?

Hon. Mr. SCOTT—They are not liable. If I do a thing by my clerk, I am respon-

sible. Under this Bill it is the person who sends the liquor in who is made liable.

Hon. Mr. ROSS (Middlesex)—I think the meaning of the law is quite obvious. It is intended to protect any Scott Act county from invasion from without. With regard to the operation of the Scott Act, there is no great difficulty in enforcing the Act, so far as within the boundaries of the county is concerned. The trouble in Ontario has been, as far as I understand it, that those concerned in the sale of liquor from without send directly into that county, for the purpose of flooding the county with liquor, and to that extent, or as far as they can, discrediting the Scott Act. I understand the object of this clause is to prevent that practice. It is a protective clause pure and simple. We admit the Temperance Act of 1878 has a fair field for legislation, and I think it is our duty to see that its enforcement is made practicable, and that people, in another county cannot defeat the will of a county where the Act is in force. Assume that in county (a) the Scott Act is applied, and it is the wish of the people that liquor shall not be sold by any person in that county. Under the Act as it is now, that is capable of enforcement; but these people want to protect themselves. They are protected from within, but they desire protection from without. Is that not reasonable? Should they be overwhelmed by those who are not interested in their welfare? If they say by their votes: 'We want to protect our sons and daughters against the evil effects of the liquor traffic in this county,' should they not have the same right to protect themselves from traders from without? I think there is something in the local option law in Ontario which serves the same purpose. That is, people cannot purchase liquor in local option counties. With due deference to my hon. friend from Montreal, I do not think there is anything in his argument that the carrier of liquor would be liable. It says that no person shall 'by himself, his agent or servant.' It is the principal that is liable. The servant or clerk is merely a common carrier for the purpose of carrying out the will of the principal, and I say that if he had a case in court as against the servant or carrier, he would be quite right to defend him on such a ground as that he had acted on behalf of the principal and was not liable, but the principal was liable. I think that is as plain as anything can be on the face of the statute. I did under instructions certain things for which I am not responsible. Who gave the instructions? Mr. So-and-So, and the court would decide that Mr. So-and-So is responsible. If I am brought up in court for an offence I plead that I acted under instructions, and on mentioning the name of the one who instructed me, I render him liable. Then as to the other point brought up by the hon. member from Marshfield, if in case of private necessity liquor is wanted it can be got without incurring any liability. As the hon. Secretary of State says with reference to wine for sacremental purposes, that is provided for. What we want is to make the scope of the Act more effective than it is at present. If we wish to see the will of the people carried out, it is our duty to make it effective against those who seek to break down the influence of the Temperance Act and bring it into discredit.

Hon. Mr. POWER—I think the hon. senator from Middlesex (Hon. Mr. Ross) is in error in stating that the hon. gentleman from Victoria division (Hon. Mr. Cloran) was mistaken in saying that a carter or a clerk might be held liable. If the hon. gentleman will look at subclause 2, of the new clause 127——

Hon. Mr. ROSS—We have not got to that yet.

Hon. Mr. POWER—We have not come to it, but we want to know where we are at. Subclause 2 of that clause says:

2. Every one who, in violation of part II. of this Act, in the employment or on the premises of another—
(a) so exposes or keeps for sale any intoxicating liquor; or
(b) so sells, barters or gives any intoxicating liquor; or
(c) so sends, ships, brings or carries or causes to be sent, shipped brought or carried any intoxicating liquor; or
(d) so delivers, stores, warehouses, or keeps any intoxicating liquor;
is equally guilty with the principal and shall on summary conviction be liable to the same penalty or punishment as the principal.

I quite admit that that does not seem to be a justifiable line to take on the part of the promoters of the Bill; but that is what they propose to do, and that I think is the provision in the Canada Temperance Act. That is the difficulty about this temperance legislation, that in order to prevent human nature from asserting itself, the people who enact these laws are given to all sorts of unreasonable and tyrannical expedients in order to carry out their own views. I intend proposing an amendment to this paragraph (c), but perhaps the House will pardon me if I say a few words on the general question. I hope that I am a temperate man at any rate, if I am not a temperance man. I fully recognize all the mischief arising from the excessive use of intoxicating beverages, but I do not think that this kind of legislation is the proper remedy for such evils. Appeals to the good feeling or the common sense of people are more effectual, and bring about more satisfactory results than what you might call iron clad legislation, and I am sorry to notice—and I have noticed it for a great many years—that the people who call themselves temperance men are apparently, as a rule, much more anxious to succeed in having stringent legislation adopted than they are to prevent intemperance. I am satisfied that if the energy and the time which have been given to trying to secure the kind of legislation which we find before us now had been devoted to the use of moral suasion the result would have been much better. One would imagine that intemperance was the great vice of Canada—that it was our national crime. As a matter of fact, Canada is one of the most temperate countries in the world; and if gentlemen really wish to do valuable service to the country it would be a great deal better that they should initiate crusades against greed, against fraud and other forms of falsehood. These are much more the sins of Canada at the present day than is intemperance. It is perfectly true that fifty or sixty years ago there was a great deal of drunkenness in Canada; but the common sense of the people and the advance of civilization has made drunkenness unfashionable and degrading, and no respectable man would like to have it known that he was seen publicly drunk. The thing has gone out of fashion, and even amongst the humblest classes it is looked upon as a discreditable thing to be markedly under the influence of liquor. Total abstinence is a good thing, no doubt; but it does not make a man perfect. A man may be dishonest and false and generally a bad man in several other ways; and the mere fact that he is a total abstainer does not free him from all blame. I do not undertake to go into the question that the hon. gentleman from Rothesay dealt with, as to whether liquor is a good thing or a bad thing. Intoxicating liquors may be abused. If you suppose them to be good they may be abused; but there is no gift of Providence which may not be abused likewise. If you carry anything to excess you are abusing the gifts of Providence, and the people who are drinking too much are certainly abusing their privilege. However, I do not think it is our duty when dealing with this Bill, which is only intended to make some amendments to the Scott Act, to discuss the general question of the policy of these measures; but I take the paragraph just now before the committee, and if I make any mistake in dealing with it I hope the hon. gentleman from New Glasgow will correct me. As I understand it, this paragraph proposes to make the Canada Temperance Act which is a sumptuary law, apply to counties where the voters have not brought it into operation.

Hon. Mr. SCOTT—How do you mean ?

Hon. Mr. POWER—I take my own province as an illustration; but the same sort of argument would apply all over the country. There are in Nova Scotia ten counties which have adopted the Scott Act. The people of those counties have deliberately chosen to put the Act into operation. I may think they are mistaken, but still they have chosen to do it, and it is only right and proper that the Act should be made reasonably effective in those counties. But this provision we are dealing with now, goes beyond that. It practically undertakes to bring this Act into operation in counties where the Canada Temperance Act has not been adopted. I think that is unfair, in this way, that the distiller, the brewer or the wholesale dealer in England, or the United States, can send

goods into this Scott Act county without incurring a penalty under this proposed amendment, while our own people do incur the penalty. In Nova Scotia ten counties have adopted the Scott Act. There are a couple of breweries in the city of Halifax; there is no distillery there. There are, besides, a certain number of wholesale dealers who sell liquor in same cases along with groceries. The effect of this paragraph before us would be to make it a penal offence on the part of the brewer or the wholesale dealer to ship any intoxicating beverage into any one of those ten counties where the Scott Act is in operation.

Hon. Mr. SCOTT—That is the law now.

Hon. Mr. POWER—That is just the change that is made by this Bill. The hon. Secretary of State probably has not examined the wording of this Bill carefully. The words I object to are these.

(c) Send, ship, bring or carry or cause to be sent, shipped, brought or carried to or into any such county or city, any intoxicating liquor.

Now the words 'sent and shipped' are new words. They are not in the Act at present. Under the law as it stands a brewer in Halifax can send a cask of ale into a Scott Act county without incurring a penalty, and a wholesale dealer can send liquor without incurring a penalty. I do not see why he should incur a penalty. The Scott Act is not in force in the county of Halifax. The government require the brewers of Halifax to pay heavy license fees, and they also pay license fees to the city of Halifax. The wholesale dealers pay large license fees to the city also. This Bill proposes to say that a brewer or a wholesale dealer who has paid a license which should entitle him to do business all over the province, is subject to a severe penalty if he sends any of the product of his prewery into any one of ten counties. He is shut out of ten of the eighteen counties of the province and his license is good only as to eight. Now that is an exceedingly unfair provision.

Hon. Mr. McGREGOR—He is shut out from sending liquor where people will violate the law.

Hon. Mr. POWER—The hon. gentleman cannot contradict my statement.

Hon. Mr. LOUGHEED—Would it not be a most manifest evasion of the law if such person were permitted to ship liquor into a county where the Act was in force?

Hon. Mr. POWER—I do not think so.

Hon. Mr. CLORAN—It is better to let a Halifax merchant ship the liquor, than to have it sent in by an English or United States merchant.

Hon. Mr. POWER—The brewer or distiller in England can ship liquor into a Scott Act county, and I do not see why our countrymen, who pay large license fees, should be shut out.

Hon. Mr. LOUGHEED—I understand that there is a provision preventing liquor going from a foreign country into a Scott Act county. Of course we cannot pass extra territorial legislation that will reach foreigners outside our own boundaries.

Hon. Mr. POWER—We only undertake to pass legislation which will put our own brewers and wholesale dealers in a worse condition than foreigners.

Hon. Mr. SCOTT—Is it not very inconsistent if a brewer or distiller in a Scott Act county is not permitted to sell that a rival in an outside county could go there and sell? No merchant having liquor to sell can sell it in a county where the Act is in force. Section 123 of the Act is perfectly plain on that point.

Hon. Mr. POWER—I just wish to call attention to another fact; worse things than liquor go into Pictou and other counties.

Hon. Mr. LOUGHEED—What are they?

Hon. Mr. POWER—I will mention one—various patent medicines are infinitely worse than liquor.

Hon. Mr. SCOTT—No.

Hon. Mr. POWER—I need mention only one, Peruna.

Hon. Mr. SCOTT—The objection is to the liquor in it.

Hon. Mr. POWER—Yes. Alleged patent medicines go in which contain more alcohol than ordinary ale. You allow deleterious patent medicines, opium, and other

mischievous things to go into the Scott Act counties, but you stop liquor. I move that this paragraph (c) be amended by striking out in the first line the words 'send and ship' at the beginning of the line and the words 'sent and shipped' at the end of the line. The clause will then read :

Bring or carry or cause to be brought or carried to or into any such country or city, any such intoxicating liquor.

It exempts the man from the outside and puts our own dealers in the same position as foreign dealers.

Hon. Sir MACKENZIE BOWELL—Are they not exempt from the penalties if they purchase the liquor out of the county and pay for it before it is sent in ?

Hon. Mr. SCOTT—For his own family use.

Hon. Sir MACKENZIE BOWELL—That is the way I understand it ; it exempts from the penalties which are imposed, any person who goes into an adjoining county and purchases and pays for liquor and takes it home ; but if he goes into the county and purchases it on credit or to be paid for on delivery he is under the penalty.

Hon. Mr. SCOTT—I think that is correct.

Hon. Sir MACKENZIE BOWELL—Why is that distinction drawn ?

Hon. Mr. POWER—That does not affect my constitutional ground.

Hon. Mr. CLORAN—I wish to point out to the hon. senator from Middlesex that my interpretation is fully borne out by the reading of the Act. It says : 'That no person shall sell, by his clerk, servant or agent' in the beginning of the clause. So far as that goes the agent and the servant are not guilty, but read the second part of the clause:

2. Every one who, in violation of part II. of this Act, in the employment or on the premises of another—
(a) so exposes or keeps for sale any intoxicating liquor; or
(b) so sells, barters or gives any intoxicating liquor; or
(c) so sends, ships, brings or carries or causes to be sent, shipped, brought or carried any intoxicating liquor; or
(d) so delivers, stores, warehouses, or keeps any intoxicating liquor;
is equally guilty with the principal and shall on summary conviction be liable to the same penalty or punishment as the principal

It applies not only to clerks and servants but to every person on the premises.

Hon. Mr. SCOTT—He knows what he is doing.

Hon. Mr. CLORAN—Who knows?

Hon. Mr. SCOTT—The person who commits the offence.

Hon. Mr. CLORAN—I have proved up to the hilt that it is impossible for a clerk in a large store to know all that is going on. It is impossible for a driver to know what is in every package that he has to deliver.

Hon. Mr. SCOTT—It is better to deal with that when we come to the second clause.

Hon. Mr. CLORAN—One of the reasons I want to vote against subclause (c) of the first clause is that I do not want that principle introduced in any part of the Bill. Here is an extraordinary clause which makes people responsible not merely for the offence, whether committed personally or by persons in their employ, but even for being on the premises. That is a most outrageous clause to put in a Bill. There is no limitation of the responsibility; as soon as they are found on the premises, or anywhere where liquor is sold, they are liable to the penalties of this law.

Hon. Mr. SCOTT—I submit the hon. gentleman is entirely out of order. We have not come to that clause yet. Why not discuss the clause we are at?

Hon. Mr. CLORAN—I am discussing subclause (c) and making comparison. If the hon. gentleman is going to limit me to subclause (c) I cannot discuss the Bill.

Hon. Mr. SCOTT—We are dealing with paragraph (c) now.

Hon. Mr. CLORAN—What about an agent in a wholesale store who would send, without knowing it, a case of wine or of liquor into a temperance county?

Hon. Mr. CAMPBELL—Do you think that is likely to happen ?

Hon. Mr. CLORAN—It is. Supposing the county of Carleton were a temperance county, and I went to a grocer in Ottawa and ordered liquor to be sent to me in the county. Suppose I did not know that it was a temperance county, being a stranger in the place, or the clerk from whom I bought it did not know Carleton was a temperance county, even though the employer had given instructions not to send liquor into a temperance county he would be liable.

Hon. Mr. CAMPBELL—Then he should not sell liquor to be sent in that way.

Hon. Mr. CLORAN—The very fact of a clerk sending liquor into a temperance county, whether knowingly or not, makes the principal responsible under the Bill.

Hon. Mr. ROSS (Middlesex)—He would not keep that clerk very long.

Hon. Mr. BAIRD—The hon. gentleman knows that every employer is responsible for the acts of his clerks.

Hon. Mr. CLORAN—Not in a criminal sense.

Hon. Mr. BAIRD—All the license laws of the country make the employer responsible for the acts of his employees if they violate the law.

Hon. Mr. CLORAN—I am putting the case of a respectable dealer. He is made responsible for the acts of his clerks. This clause should be so drafted that there would be no doubt, when it is interpreted.

Hon. Mr. BAIRD—Your license law in the province of Quebec makes the employer responsible for his clerks.

Hon. Mr. CLORAN—I admit that for the retail license men; but here is a distiller or brewer or wholesale man who, without any concurrence in the act through his clerk, sends liquor into a temperance county. It would be unfair to render that man liable to prosecution and imprisonment. I would say use the word 'knowingly.' The same thing applies to the second clause which we will discuss later on. I am merely drawing attention to the fact that you are opening the door to prosecutions which should not take place. I am not arguing against the principle of the Bill; I am asking the House not to put on the statute-book a clause whereby innocent parties may be made to suffer. That is the principle I am laying before the House and nothing more.

Hon. Mr. ROSS (Middlesex)—I do not think the suggested amendment would serve the purpose my hon. friend has in view; but apart from that, the amendment is bad. The clause is much better in its present form. We are bound to protect those counties which adopt the Act. If it is their will that no liquor should be sold to the people within the county, they should be protected from those outside who would help to violate the Act. It has been said that because you cannot prevent people in Great Britain or the United States sending liquor to such counties, therefore we should give the same permission to manufacturers and dealers in our own country. If we cannot do all we would like, we should do all we can. Let us exert our power as far as the arm of Canadian law will reach. If we do that, we do our whole duty. If we cannot do more it is not our fault; it is the condition of our constitution. My hon. friend says that the employer should not be liable. The employer is liable in a thousand ways under other laws. If I am driven in my carriage by the agent of a livery, the employer is responsible while his driver is on the box.

Hon. Mr. CLORAN—That is a civil liability; he would not be criminally liable.

Hon. Mr. ROSS (Middlesex)—He would be liable to a penalty for any infraction of the law. If a person is injured on a train through the act of an official of a railway company the company is liable. If the principle is adopted that an employer is responsible for an employee who violates the law, he will get a servant who will obey the law.

Hon. Mr. McSWEENEY—We have had the Temperance Act on the statute-book in the county of Westmoreland for 30 years, and we have had more drunkenness and crime in that 30 years than in 50 years under a license law. We had last year in a place of 12,000 inhabitants 300 arrests and convictions for drunkenness. The year before we had one for every forty inhabitants. We have had a murder and a suicide and

two deaths from wood alcohol purchased from a druggist. A few days ago an Indian and a squaw went to a druggist and bought 50 cents worth of bay rum, drank it and died from the effects of it. I am satisfied that prohibition is the very worst thing we ever had. Take the counties that have the Scott Act in force in Nova Scotia. They have one arrest and conviction for every 169 inhabitants. In New Brunswick we have one out of every 228 in ten out of fourteen of our counties where we have the Scott Act. In Ontario where they have no Scott Act they have one for every 475.

Hon. Mr. SCOTT—They have local option.

Hon. Mr. McSWEENEY—In Quebec they have one out of every 575, which proves conclusively that the places under a license law are much more temperate and sober than places under the Canada Temperance Act. In Ontario some years ago there were 30 counties under the Temperance Act, but after a trial of three years it was repealed, and now there is not one of them under this Scott Act. In Inverness and Cape Breton, where they tried the Scott Act, they repealed it because it was a perfect nuisance.

Hon. Mr. SCOTT—The hon. gentleman has furnished the best possible argument that could be used in support of the Bill itself. The Temperance Act was carried in a large number of counties in Ontario, but there were so many ways of evading it that it was a failure. That has been the fault wherever it has been tried. They tried it in Prince Edward Island and it failed. They repealed it completely, and put in force an Act which they could carry into operation. This Bill has been approved by the legislature of Nova Scotia unanimously. Of course if this Bill cannot be carried, they will probably adopt a law just as they did in Prince Edward Island —an absolute law.

Hon. Mr. POWER—That is right.

Hon. Mr. SCOTT—My hon. friend says that is right. Under it liberty for private individuals to receive or purchase liquor would be completely taken away.

Hon. Mr. DOMVILLE—I cannot agree with what my hon. friend has said. I would like to see an example set to all these people who have brought in these Bills and voted for them. When they are controlling the members of this House, why do they not set them an example? Let the church educate the people. Let there be example and precept. That is the way to bring about the necessary reform—not by a law sending a poor man to prison. That is a wrong principle. Hypocricy is the word for that, and nothing else. The next clause says that you may take it into your own private house, and yet you are laying down the cardinal principle here, that it is wrong to drink any intoxicating liquor; it is wrong to have it. The result is they go to the drug store, and buy Peruna and other stuff when they should either get liquor legitimately or it should be wiped out altogether. I do not care about supporting legislation which the public will not carry out; but we wreck the homes of people by permitting them to drink bay rum and that kind of thing. Let Nova Scotia make her own laws and not force them on another province that is not asking for them. Let them get some chips and make a fire for themselves in Nova Scotia, and place a little sulphur on the top of it if they want to. I think the Bill is vicious and that we should bring in a Bill to repeal the Canada Temperance Act.

The amendment was lost on a division.

Yeas, 9; Nays, 25.

The subclause was adopted.

On subclause (d),

(d) deliver to any consignee or other person, or store, warehouse, or keep for delivery, any intoxicating liquor so sent, shipped, brought or carried.

2. Paragraphs (c) and (d) of this section shall not apply to any intoxicating liquor sent, shipped, brought or carried to any person or persons for his or their personal or family use, except it be so sent, shipped, brought or carried to be paid for in such county or city to the person delivering the same, his clerk, servant, or agent, or his master or principal, if the person delivering it is himself a servant or agent.

Hon. Mr. McSWEENEY—I should like to ask the hon. minister the meaning of the words 'family use.'

Hon. Mr. SCOTT—It is for the court to say. It is for the use of the family.

Hon. Mr. POWER—That is an extraordinary doctrine to lay down. The hon.

gentleman is asked what a paragraph means, and he answers that is for the court to say.

Hon. Mr. SCOTT—He asks in regard to family use.

Hon. Mr. POWER—I should like the hon. gentleman from New Glasgow to tell us what subclause 2 means?

Hon. Mr. McGREGOR—The exception is that a man can have it in his own house. The kind and the use of it depend upon what he wants it for, but he can have it in his own family.

Hon. Mr. POWER—That is all very well, if these words stood by themselves. The clause says 'Except it be so sent, shipped, brought or carried to be paid for in such county or city to the person delivering the same.' What is the meaning of that? I cannot make it out.

Hon. Mr. CLORAN—The meaning is that you cannot pay at the receiving point, but you can pay at the shipping point, which is an absurdity in trade; and you are going to block business. You should not force any set of men to pay for goods before they are delivered, and that is what you are actually doing under the clause. You are forcing people to pay for goods before they are delivered.

Hon. Mr. PERLEY—That is a common thing.

Hon. Mr. CLORAN—There is no use in putting on the statute-book a provision of that kind.

Hon. Mr. PERLEY—You need not sell the goods.

Hon. Mr. CLORAN—That is trivial. Here is a class of men who can sell things outside the county, medical men, druggists, &c. Here you are going to change their system of doing business. What are you going to do? Here is a man who has a quantity of alcohol brought into a county for manufacturing purposes——

Hon. Mr. SCOTT—You are entirely wrong. That is provided for in a subsequent clause.

Hon. Mr. CLORAN—I do not see why you should compel any ordinary individual to pay for goods before they are delivered. I am not against the Bill, but I want a reasonable measure, and I should like to see it put in such a shape that it would command the respect of the courts.

Hon. Sir MACKENZIE BOWELL—The question asked by the hon. gentleman from Halifax is one that has been puzzling a number of us for some time, as to the real meaning of the clause. I interpret it to mean simply this: that the penalties imposed by subclauses (c) and (d) shall not apply to persons who bring liquors into their county for their own use, provided it be paid for at the time of its being purchased. If, however, you go into an adjoining county and order liquor to be sent into a county where the Scott Act is in force, to be paid for on delivery, then it becomes an offence. It is a capital clause, I must admit, for the seller, the distiller, or wholesale merchant who desires to carry on a cash business, because he then cannot sell the liquor to be sent to the parties to be paid for when delivered. I think it might have a good effect in that respect. There are people who will buy if they can be trusted for it; they have not the money, and if they had the money they would not buy it. In that respect it would be a capital thing to prevent people purchasing liquor on credit.

Hon. Mr. YOUNG—I think the hon. gentleman is absolutely right.

Hon. Mr. McSWEENEY—He can still buy the liquor on credit, but it cannot be sent in C.O.D. The real reason is to prevent young men sending for a case of liquor.

The subclause was adopted.

On subclause 3, paragraph (c).

3. No act done in violation of the provisions of this section shall be rendered lawful by reason of—

(c) any license for retailing on board any steamboat or other vessel, wine, ale, beer, porter, cider or other vinous or spirituous liquors ; or

Hon. Mr. WILSON—Might I ask the promoter of the Bill if this clause prohibits cider?

Hon. Sir MACKENZIE BOWELL—Don't you think you are going too far when you put in cider, because there is cider that does not contain four per cent of alcohol.

There are factories in Ontario where cider is manufactured which is not alcoholic, manufactured specially, and there are some, I think, in Quebec. I have cider in my house that I purchased last fall, and it is just as pure to-day as it was when I got it. It is not alcoholic, and it is sold as non-alcoholic. Under this clause you prevent the use of that cider. If it has not a certain percentage of alcohol, it will not be considered alcoholic.

Hon. Mr. McMILLAN—You cannot have fermentation without alcohol.

Hon. Mr. SCOTT—In the old-fashioned way of making cider, there was fermentation, and up to a few years ago it had a certain amount of fermentation, and now they put up apple juice just as they put up grape juice. It is more properly called apple juice and not cider.

Hon. Sir MACKENZIE BOWELL—It is called in the market non-alcoholic cider.

Hon. Mr. McMILLAN—Would it not be well to amend this clause and say 'fermented cider'?

Hon. Mr. FERGUSON—In the case of the Scott Act the name of a drink is not the crucial test. It is the alcohol it contains. There could be no prosecution for selling sweet cider. It is the proportion of alcohol contained which settles the matter.

Hon. Mr. WILSON—I think the hon. leader of the House is mistaken in saying there is no cider made in the country. I know for a certainty that in sections of western Canada very large amounts of cider are made. Suppose, for instance, there should be a Scott Act county, and people are making a very large amount of cider, and some of that cider is kept for a few days and they send it out from the factory to some Scott Act county, and before it arrives there it becomes more or less acid. I want to know who is to say whether it is alcoholic or whether it is pure cider? Who is to be the judge? The man shipping it may be hauled up for selling sour cider. He may have to pay a heavy fine when there is no intention of fraud on his part at all. We have any quantity of cider manufactured in Ontario, and I think this clause is going to work a hardship. They have to put alcohol into it to prevent fermentation, and in that case it would be held to contain a certain amount of alcohol, and it does appear to me this clause will work harshly on the manufacturer of cider.

Hon. Mr. ROSS (Middlesex)—I do not quite understand what the promoter of the Bill means by subsection (c). Subclause 3 says:

> No act done in violation of the provisions of this section shall be rendered lawful by reason of—
> (c) any license for retailing on board any steamship or other vessel, wine, ale, beer, porter, cider, or other vinous or spirituous liquors.

The most serious drinks, brandy, rum and whiskey are comprehended under (b), and he goes on to amend (c) by saying 'Any license for retailing on board any steamboat or other vessel, wine, ale, &c.' And then he exempts brandy, whiskey and rum. In clause (b) it is prohibited, and in clause (c) it is allowed. How does he explain that? Or is it prohibited altogether?

Hon. Mr. SCOTT—It is covered by the preceding section.

Hon. Mr. ROSS (Middlesex)—Why is it omitted in this section?

Hon. Mr. SCOTT—I think it is a mistake in the revising.

Hon. Mr. ROSS—Subclause (c) withdraws powers enacted by (b). I think (c) and (b) should be made to harmonize.

It being six o'clock the Chairman left the Chair.

After Recess.

The House resumed in Committee of the Whole consideration of Bill (WW) An Act to amend the Canada Temperance Act.

(In the Committee.)

Hon. Mr. BEIQUE—I agree with the hon. senator from Middlesex, that the words which are asked to be added, and which were in the old Act, would imply that there may be license permitting the sale of brandy which is not at all within the purview of the Act, and as paragraph (C) apart from the words suggested to be added, is a repetition of subsection (d), I suggest that paragraph (C) be struck out.

Hon. Mr. ROSS (Middlesex)—That would make that Act consistent.

Hon. Mr. BEIQUE—I mean the paragraph (C) of subsection 3 of clause 1 be struck out.

Hon. Mr. CLORAN—That allows the temperance people to drink cider?

Hon. Mr. BEIQUE—No.

Hon. Mr. CLORAN—If it does not, I shall move otherwise. If we are going to push temperance to the extreme, preventing the use of cider, I want to know it.

Hon. Mr. SCOTT—It has been in the statutes for 30 years and the hon. gentleman is the first man I have heard object to it. It is quite understood that unless it is intoxicating cider, the Act does not apply. Nowadays there is what is called apple juice which sometimes goes under the name of cider, which is not fermented. This provision applies to intoxicating cider. A large proportion of the cider in past years was intoxicating.

Hon. Mr. CLORAN—You would have to drink a bushel of it to get under the influence.

Hon. Mr. SCOTT—Not at all.

Hon. Mr. CLORAN—Pretty near it.

Hon. Mr. CLORAN—I hope the hon. gentleman will not consent to the change.

Hon. Mr. McGREGOR—It is better to leave the clause as it stands, and it can be taken up at the next meeting.

Hon. Mr. YOUNG—It looks like a repetition.

Hon. Mr. POWER—No, it is not a repetition.

Hon. Mr. LOUGHEED—There may be a class of license dealing with such liquors as are specified in paragraph (C) as distinct from those mentioned in paragraph (D). That is to say, the license may be sufficiently comprehensive to cover all in paragraph (B), while it may be limited in paragraph (C). I think that is the object of the clause.

Hon. Mr. SCOTT—The hon. gentleman is quite right about that.

Hon. Mr. POWER—Apparently there are two classes of licenses granted for selling on steamers. If there is any doubt about it, the clause had better stand.

Hon. Mr. BEIQUE—Then I withdraw my amendment.

Paragraph (C) was adopted.

On paragraph (B),

Hon. Mr. CLORAN—If this paragraph carries, I am in favour of it. We have in our druggists the worst vendors of alcoholic liquors. There is to-day on the market a large assortment of wines and liquors not known under their real names. Wherever there is a temperance community all these wines which are supposed to be banished, are sold openly in violation of the law. Ten or twelve years ago, when the Liberal government was in power, they tried to stop that sale and succeeded to a large extent. We stopped the sale of a great many of these so-called wines. The hon senator from Halifax mentioned Peruna. I understand Peruna contains over 40 per cent of alcohol, while in temperance counties they are not allowed to sell even lager beer unless it contains under two per cent of alcohol. Now here are wines sold in all our drug stores, and drug stores to-day are almost as numerous as saloons, and I know people who are ashamed to go into a saloon or retail grocery and buy a bottle of wine, who go to the druggist and buy these wines. Now if this clause 'any license of any other description whatsoever' means that these druggists shall not have the privilege of selling these wines, I am in favour of the clause.

Hon. Mr. BEIQUE—It is already the law.

Hon. Mr. CLORAN—But they overcome the law so easily. It should be stated in the law so clearly, that no matter what name may be given to the liquid if it contains over two per cent of alcohol it should only be sold under license.

Hon. Mr. FERGUSON—There is a Bill which deals with drugs now before the House of Commons which will cover that.

Hon. Mr. BEIQUE—The House of Commons is dealing with that question now.

Hon. Mr. CLORAN—We are not supposed to wait for the House of Commons. God knows when they will deal with that Bill. If this clause makes it clear and precise that no druggist shall have a right to sell without license, drugs containing more than two and a half or three per cent of alcohol, then I am in favour of it. As it is now, the druggist sells as much liquor without a license as his neighbour who keeps a saloon. That is an omnibus clause which takes in licenses of any description whatsoever, and I am talking on behalf of temperance, because I know from actual experience in the courts that our druggists are doing as much harm as the saloon keepers. As I stated before, the government tried to deal with the evil, but the druggists changed the names of the articles legislated against and are selling liquor as before. So that the law should be made to read that no liquid containing more than 2½ or 3 per cent of alcohol should be sold without license from the government, and if there is no license to be obtained in the county or in the district where they do business, they should not sell it at all, and if the promoters of the Bill want to be fair, they should see that this difficulty in the sale, and in the protection of the sale of liquor should be met by parliament. I am in favour of a Bill the object of which is to protect one class of society against the other who are infringers of their rights; but I ask them, after admitting the principle, that proper and fair means should be taken to attain that end. That is my position, which is plain and clear. If it is necessary, I shall move an amendment to this clause and make it clear that no person with or without a license shall have the right to sell liquids of any kind with over two or three per cent of alcohol in it. Then we will understand one another. Our temperance friends ought to know that in excluding from the beverages of the people such light ales as lager, which are supposed to contain at most from two to three and a half per cent of alcohol is not conducive to temperance. The strongest and best lagers coming from the United States contain three and a half to four per cent of alcohol, and this is merely a sufficient element of alcohol to preserve them. If you have not a certain quantity of alcohol in these beverages they will destroy themselves in a very short time. If you accustom our people to drink light ales, such as they have in Germany, a little heavier in England, and if you accustom our people to drink light wines such as they have in France, Italy and Germany, you will prevent them from acquiring a taste for strong alcoholic beverages; but under this Bill you do not even give them a chance to have a glass of cool lager on a hot summer day. It would take almost half a barrel of it to intoxicate a man. This is an extraordinary step on behalf of our friends who wish to raise the level of society. I am with them in that object but extremists never carry any weight in the long run. In the long run virtue stands in the middle and you want common sense in your laws. Because whisky and rum, brandy and alcohol commit ravages in society, which we all admit, that does not prove that a little ale or lager will do it, and why include all these light beverages in your prohibitory laws ? There is a point for legislators to consider, but they do not consider it. They think that because they put a law on the statute book they are going to lessen the evil. But the people will not stand for extreme legislation. Take 100 people; 51 of them vote for tee-totalism, and and 49 vote against it. Out of the 49, 40 observe the law, and out of the 50 who vote for tee-totalism there are twenty-five who are, I won't say always drunk, but nearly always drunk.

Hon. Mr. WATSON. That is too high an average.

Hon. Mr. CLORAN—Bring it down to 10 per cent, and the hon. gentleman ought to know from his experience in the west, where people do not get drunk on alcohol, but on patent medicines, which are ruination to body and soul. The hon. gentleman has seen it, he must know it and he cannot deny it. If our temperance men would only be moderate in their views—they think they are—if they would permit this country the enjoyment of some of God's gifts, but no, there is 20 per cent who use spirits on the quiet, they want to bar out cider. Why not prohibit ginger ale? There is nothing more rotten than cream soda and ginger ale for

the human system. It is a detriment to the health of the people.

Hon. Mr. LANDRY—What about Adam's wine ?

Hon. Mr. CLORAN. He did not have any. I am not going to base my argument on the experience of the ancients. I am basing it on the experience of this country and of Europe and of all warm climates. Warm climates cannot entertain the principle of prohibition. Their rivers and lakes will not allow the people to live on cold water. Their water is too warm and too putrid. They must have wine to live on in Spain, Italy, France, Germany, Corsica and Belgium. In England do you think the people could live on the water that runs through the little canals and rivers ? They must have their beer. Prohibition is not based on Christian needs or a Christian desire to reform the human race. It is not a principle a man could adhere to on account of any argument that should make Christianity triumph in regard to our morals.

Hon. Mr. SCOTT—The hon. gentleman is wrong in his illustration in regard to France. The mortality in France from drinking is greater than in any country in the world. The drinking of light wines has led to stronger drinks, and it has gone further, to absinthe.

Hon. Mr. CLORAN. Not to light wines, but to the absinthe habit which is a malady, and which the present republican government is trying to weed out.

Hon. Mr. DAVID—The grape juice.

Hon. Mr. CLORAN—That is only a misnomer for wine which will intoxicate the same as any other wine. It is alcoholic just as much as anything else. If you take two or three glasses of it, it will have the same effect as good strong brandy, and I would rather drink—well, I won't say what my preferences are, but to come down to the present time, the most civilized countries are obliged to drink wine owing to their insufficient supply of clean and pure water. Take Italy for instance. Who has ever visited Rome, Venice, Milan, or any of these places, in the months of June, July, August and September, and drink the water ?

Sir MACKENZIE BOWELL—I have been in those places.

Hon. Mr. CLORAN—Did you drink water?

Sir MACKENZIE BOWELL—No.

Hon. Mr. CLORAN—There is half the human race obliged, under Divine Providence for the sake of their health, for their protection, to live on wine, and we in Canada are going to teach the rest of the world how we are to become moral by act of parliament.

Hon. Mr. FERGUSON—We are legislating for ourselves.

Hon. Mr. CLORAN—We are legislating for a small portion of the people in Nova Scotia, of whom I wish to take good care. You have salt fish down there, and you should drink water, but you do not. I was told there was a little town in New Brunswick where there were only six or seven houses—and where the importation of liquor amounted to three thousand dollars—a temperance town in the backwoods, which shows that the people will have liquor. Now, if you would allow them to indulge in light drinks such as cider—that is not such a very strong drink, especially in Nova Scotia where they have apples by the million going to rot on the ground. Why not turn them into good apple cider—not apple juice. Apple juice is good as long as it is well preserved. What we want is champagne cider. That invigorates and gives courage to a man to go on with his work—not apple juice and grape juice, which are simply misnomers for alcoholic beverages. If I could find a seconder, I would push my amendment, which would be as follows :

Any license of any other description whatsoever, or any persons selling liquor containing more than 2½ to 3 per cent of alcohol, shall come under the provisions of this Act.

Hon. Mr. PERLEY—I will second the amendment.

Hon. Mr. WATSON—I do not wish to take much time of the House; after the horrible example just set us, we have had enough. Reference was made to the west. In Manitoba we have probably the most stringent license law in Canada on our

statute-book to-day. We provide for local option on a majority vote, and they provide that no liquor should be taken in where it is in force, even by a person for his own private use. We have local option out there, and not the Scott Act. The Local Option Law is carried here by a majority, and we go further than this Bill, because we do not allow a man to take liquor into a local option district for his own use, and for the last two or three months people have been held up on highways going into local option districts, and constables appointed by the provincial government have searched them to see if they had any liquor on their persons, and two men recently were put in jail for having liquor in their possession.

Hon. Mr. POWER—Does the hon. gentleman approve of that?

Hon. Mr. WATSON—I am not saying whether I approve of it or not, but I do say where you have local option you want to carry out the conditions of the Act. This Bill is asked for by an unanimous resolution of the Nova Scotia House, and I understand that in Prince Edward Island they have the Scott Act all over.

Hon. Mr. POWER—No.

Hon. Mr. WATSON—Well, they have prohibition, and I understand that in Nova Scotia ten out of the eighteen counties in that province are under the Scott Act, and if you are going to have the Scott Act in a position to be enforced, it seems to me the provisions in this Bill, which provide against any persons selling liquor in a local option district, are in the right direction to stop the sale of liquor because you are bound to have blind pigs where people can obtain liquor in the county. This Bill has been asked for; it has been carefully drawn to meet the requirements of the people of Nova Scotia, I think it is a good provision. I may say that a Bill has now been introduced in the House of Commons which will come before us, limiting the amount of alcohol to be allowed in patent medicines.

Hon. Mr. ROBERTSON.—We have had the Scott Act in Prince Edward Island for a great many years, I think probably 20 years, and we found that it did a great deal of good. It lessened the sale of liquor in the province very much, but we found it difficult to enforce the Act in Charlottetown and that municipality abolished the Scott Act and went in for prohibition. The reason why they went in for prohibition was in order that we might have the one law all over the island. The Scott Act was repealed in the outlying counties, and we adopted prohibition all over the island and we found it more easy to enforce, but I want to say that while we had the Scott Act in force it did a great deal of good and stopped to a large extent the sale of liquor and stopped drunkenness in Prince Edward Island. I desire to give this testimony in favour of the Scott Act. I cannot see when the legislature of Nova Scotia has asked this parliament to amend the Scott Act, in order that they shall be in a position to enforce it, why we should refuse to do so. A few of the counties in Nova Scotia ask for this; I do not see why they should not get it. I do not see why outside counties, where they are permitted to sell liquor, should impose their traffic on counties that do not want it.

Hon. Mr. FERGUSON—I confirm the observations made by my hon. friend with regard to our experience in Prince Edward Island. The change from the Scott Act to prohibition was mainly because such provisions as this were not to be found in the Scott Act, and another reason was that the Scott Act did not provide machinery for its enforcement, but when the province got its own provincial law it established machinery for the enforcement of the law, and we got an Act that applied to the whole province which we could enforce. I think the cause of temperance has been advanced very considerably since the Scott Act was exchanged for prohibition. I think I am safe in saying that the province of Prince Edward Island occupies a position to-day with regard to the liquor traffic equal to any part of the North American continent, and I think I might go beyond that. I do not say that all drinking is stamped out. I am sorry to say that it is not, but the difference between the state of the community to day and what it was in the old days under license or free liquor is most pronounced. All that we are doing now—and I direct

my hon. friend's attention to it—is we are passing legislation for such counties as choose to adopt the Act. In one word, this law is not applied to Prince Edward Island, because that island has put itself under its own prohibition law. It is not applying to Montreal, because it has not that Act and is not likely to adopt it. It only applies to those places that choose to adopt it. Is it right to leave people who want prohibition, no matter how strong the sentiment may be and how willing they may be to carry it out, to the mercy of outside places who have less advanced temperance sentiment, who can send in the liquor and can make every express agent in the country an agent to sell liquor? This will prevent that practice and it will give the people in those constituencies that want the Scott Act a chance to adopt it. Why should we not give them a chance? Leave the communities who do not want the Scott Act to work out their own problem in the matter of the liquor traffic, but give the people who want the Scott Act a fair chance in their own constituency and do not have their operations swamped by outside influences.

Hon. Mr. CLORAN—This is the amendment I propose to paragraph (d):

No person selling drugs or liquors of any kind shall do so with more than three per cent of alcohol in their composition.

Now, if that is not in favour of the Scott Act I should like to know what is.

Hon. Mr. LOUGHEED—Does my hon. friend mean when he says alcohol in their composition, alcohol in the seller or in the liquid?

Hon. Mr. CLORAN—If my hon. friend understood the English language, he would understand that it is the composition of the liquid that is meant. I defy the hon. gentleman to find any defect in the clause.

Hon. Mr. BEIQUE—The hon. member should not bring up the question on this Bill. It is the subject of another Bill which will come to us in a few days, and it requires an expert knowledge of drugs.

Hon. Mr. CLORAN—I am prepared to meet the legislation from the House of Commons when it comes, but we are dealing here with an important Bill, and I want it to be as effective as possible. I told the hon. gentleman from New Glasgow that I was with him in the carrying out of this Bill, and we should make our clauses so clear as to the responsibility of those who violate the Act that the courts will find no difficulty in interpreting them. Paragraph (d) is very indistinct.

Hon. Mr. SCOTT—It has been on the statute-book for 30 years.

Hon. Mr. CLORAN—The legislation of 30 years ago is behind the age and we want to improve it. I do not want the judges to say that our laws are no good. My amendment is as clear as A B C.

Hon. Mr. McMULLEN—I should like to know if the hon. gentleman's wife were taken ill and her physician prescribed medicine containing 10 per cent of brandy or some other alcoholic liquor, what would he think if the druggist who filled that prescription should be fined for doing so? Yet under his amendment he would render the druggist in that case liable to a fine.

Hon. Mr. SULLIVAN—A doctor can prescribe liquor.

Hon. Mr. McMILLAN—On what principle does the hon. gentleman base that 3 per cent as the maximum quantity of alcohol that ought to be in the prescription?

Hon. Mr. CLORAN—In many countries, especially in the province of Quebec, lager beer, cider and other beverages which do not contain more than 2 per cent of alcohol are supposed to be temperance drinks. It is a very narrow margin, because in nearly all those beverages there must be alcohol to keep them pure and fresh, but if they contain more than 2 per cent they cannot be sold except under license. I propose to go one step further, in the interest of our friend, and say 3 per cent. If I said 1 per cent it would be out of order, and I would give them the privilege of selling liquids with at least 3 per cent of alcohol. Such beverages would not be intoxicating, and our temperance friends ought to admit that people who want a glass of ale should be permitted to have it without being considered enemies of society. Let our friends put forth their efforts to diminishing the number of licenses, and they will accomplish more good. Let our pastors preach the benefits of temperance more than they

do, and they will accomplish more than we can by enacting laws. This Bill is calculated to do injustice in making employers responsible criminally for the actions of their employees. That is not a fair principle to introduce in our legislation. I want to go further than the hon. senator from New Glasgow, and provide that druggists shall not have the right to sell liquids of any kind, for beverages, if they contain more than 3 per cent of alcohol. We have institutions to-day such as Sohmer Park under the control of our provincial law, that are allowed to sell even on Sundays lager beer, subject to the condition that it must not contain over 2 per cent of alcohol.

Hon. Mr. De BOUCHERVILLE—I have no objection to the amendment, if the hon. gentleman will add the words 'unless on the prescription of a physician.'

Hon. Mr. ELLIS—I raise a point of order: the amendment proposed by the hon. member is not at all pertinent to subsection 3.

Hon. Mr. FERGUSON—My hon. friend from Victoria division will see that his amendment has no relevancy whatever to the paragraph.

The CHAIRMAN—The point of order is well taken.

Hon. Mr. CLORAN—I appeal from the decision of the chair. I should like to know on what principle the hon. gentleman rules my amendment out of order.

The CHAIRMAN—Because it does not pertain to the paragraph at all.

Hon. Mr. BEIQUE—If the hon. member for Victoria reads the first portion of the clause, he will see that the amendment is not germane to that subclause.

The CHAIRMAN—If the hon. gentleman will make his motion to appeal from the chair I will have it put to the House.

Hon. Mr. CLORAN—I appeal on the ground that paragraph (d) says any license of any description whatsoever, and I go on the ground that there is no druggist doing business in any community that is not required to have a license.

Hon. Mr. WILSON—I rise to a point of order. There has been a ruling which has been appealed against. The Speaker should be called in to decide the point of order.

Hon. Mr. CLORAN.

Hon. Mr. TALBOT, from the committee, reported that an appeal had been made from his decision.

The Speaker having put the question to the House, the decision of the Chairman was sustained.

The committee resumed.

Paragraph (d) was adopted.

On clause 2, paragraph (a),

Hon. Mr. BEIQUE—I call attention to the fact that section 127 is a re-production, in a great measure, of the old Act and takes no account at all of the exception which has been introduced by subclause 2 of clause 1 of this Bill.

2. Paragraphs (c) and (d) of this section shall not apply to any intoxicating liquor sent, shipped, brought or carried to any person or persons for his or their personal or family use, except it be so sent, shipped, brought or carried to be paid for in such county or city to the person delivering the same, his clerk, servant, or agent, or his master or principal, if the person delivering it is himself a servant or agent.

This exception is made to the operation of the Act, and the new section 127 would take no account of the exception and it unnecessarily repeats the same wording as in section 117. I therefore suggest that it be well to strike out paragraphs (a), (b). (c) and (d). It would have the same effect as was intended by section 127 as printed, and respect the amendment embodied in section 117.

Hon. Mr. CLORAN—It is about time for some one to say so.

Hon. Mr. POWER—If the hon. senator from De Salaberry will consider a moment. he will see that this clause is not open to the objection he takes. The words 'in violation of part 2 of this Act,' shut out the exception, because the exception is not in violation of part 2, which permits the purchase of liquor for family use. As a matter of clearness, it is better to preserve the form we have here and not oblige a person reading section 127 of the Act to go back to 117 to see what it meant. I think the balance of convenience is leaving the clause as it is.

Hon. Mr. BEIQUE—My point does not refer to the convenience of it. Section 117 is the first section of the second part of the

Act, and you have just amended section 117 to except from the operation of paragraph c and d, the paragraph mentioned in subsection 2 of section 117, and now if the new section 127 were adopted, it would wipe out altogether the exception contained in subsection 2 of section 117. If the hon. gentleman will take the trouble of comparing subsections a, b, c and d, in section 117. with paragraphs a, b, c and d, in the new section 127, he will find that one is a reproduction of the other, and that to the paragraphs c and d, in section 117 there is an exception mentioned in subsection 2, whereas there is no exception in the other.

Hon. Mr. POWER—The Act must be done in violation of part 2 of the section. In order to see what that is, I turn back to section 117 and subclause 2 of that new section says that paragraphs c and d of the section shall not apply to any intoxicating liquor sent, brought or carried to any person for his family use. Consequently, the person who ships or brings the liquor that way for his family use is not acting in violation of part 2 of the Act, and section 127 will not apply to him.

Hon. Mr. ROSS (Middlesex). I think the hon. senator from Halifax is right in his interpretation of the law. My first impression was that the hon. member from De Salaberry had raised a very important point. The punishment is for a violation of the law, but it is no violation of the law to introduce liquor for family use under certain conditions. Therefore, it does not apply. I think the hon. senator from De Salaberry will see that it is right, on further consideration.

Paragraph (a) was adopted.

On clause 3

3. Section 136 of the said Act is hereby repealed and the following substituted therefor:

136. If it is proved upon oath before any judge of the sessions of the peace, recorder, police magistrate, stipendiary magistrate, two justices of the peace, or any magistrate having the power or authority of two or more justices of the peace, that there is reasonable cause to suspect that any intoxicating liquor is kept for sale in violation of part II. of this Act, or of the Temperance Act of 1864, or is stored, warehoused, or kept for delivery, in violation of part II. of this Act, in any dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, such officer may grant a warrant to search in the daytime such dwelling house, store, shop, warehouse, outhouse, garden, yard, croft, vessel, building, or other place or places, for such intoxicating liquor, and if the same or any part thereof is there found, to bring the same before him.

2. Any information under this section may be in form 'Q' and any search warrant under this section may be in form 'R.'

Hon. Mr. POWER—This clause is one which deserves the consideration of the committee. Section 136 of the Temperance Act as it stands now allows a search warrant to be issued on a declaration under oath that there is reasonable cause to suspect that intoxicating liquor is kept for sale in violation of part 2 of the Temperance Act. This amendment proposes to go further than that, and add, 'Or is stored, warehoused or kept for delivery.' There was a tradition—it is only a tradition now—that an Englishman's home was his castle. Under this Act, on a mere affidavit from any one to the effect that he suspects that some one has liquor stored on his premises, a search warrant may be issued to search the house of the supposed offender. If the person who lives in the house has, say, a case of liquor intended for home consumption, that liquor is liable to be seized under a search warrant. I really think that the temperance people might have been satisfied with the law as it is. Issuing a search warrant to examine the house of possibly a very respectable person on the chance that they might find a case of liquor there, is something that is quite indefensible, and to which I think this House should not be a party.

Hon. Mr. CLORAN—I quite agree with the hon. senator from Halifax on that point. If our temperance people were more moderate in their demands, they would have more sympathy. One clause permits a householder to take into his house all the liquor he wishes, and another clause permits an officer to go and search the house for it, and, if he finds it, to punish the householder. He has a right to stock his cellar the same as our statesmen do when they get in power—they stock their cellars for the benefit of coming generations. This law says to the people in counties where the Temperance Act is in force, you may bring in all the liquor you like, but in another clause it says 'We will send a police-

man to take it from you.' They have the right to search not only warehouses but also dwelling houses.

Hon. Mr. SCOTT—They have all that now.

Hon. Mr. CLORAN—The hon. senator from Halifax says they have not.

Hon. Mr. SCOTT—The section of the Act provides for all that is contained in this clause, and the only new words that are added are 'warehouse and store.'

Hon. Mr. POWER—I regret that I do not appear to have the faculty of making my meaning clear. I pointed out that in addition to the provision of the Canada Temperance Act which is, where there is reasonable cause to suspect that intoxicating liquor is kept for sale, a search warrant may be issued, this Bill proposes to extend the power of search to the case where liquor is stored, warehoused or kept for delivery, and I said that under the word 'stored' you might include the case of a stock of liquor which a man had put in for his own private use.

Hon. Mr. SCOTT—No. It says for sale.

Hon. Mr. POWER. No it does not say that.

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—That is in the old law.

Hon. Mr. SCOTT—Yes and in the new.

Hon. Mr. POWER. It does not say 'kept for sale.'

Hon. Mr. LOUGHEED—It is in violation of part 2 of the Act.

Hon. Mr. DOMVILLE—I should like to ask my hon. friend what a croft is ?

Hon. Mr. ROSS (Middlesex)—It is a shed. A crofter is a man who lives in a shack.

Hon. Mr. CLORAN—What is a shack ?

Hon. Mr. ROSS—A shack is a croft.

Hon. Mr. DOMVILLE—Supposing we strike out the word 'croft' and insert something else.

Hon. Mr. SCOTT—I think we are wasting time.

Hon. Mr. POWER—I protest against the leader of the House saying that time is being wasted. This is an important measure, and it has been discussed in a fairly reasonable way, and I do not think it is right for the leader of the House to make such reflections on the committee.

Hon. Mr. ROSS—There is very little difference really between the proposed amendment and the old Act. I thought I understood the Secretary of State to read the old clause, which says that even if there is a suspicion that liquor is kept for sale in violation of part 2, there might be a search warrant issued. The words are 'kept for delivery.' In the new Act we have made delivery a violation. Delivery or sale would makes it clearer, perhaps, but delivery under this Bill would be a violation of the law, it does not matter whether it is sold or not. If it is kept or stored or warehoused in violation of the Act, it is an offence. It may be kept stored for private use for any length of time, but if it is not so kept in violation of the Act there is no harm coming to the person on whose premises the liquor may be found. We are giving full liberty to the right of private use or storage either in the house, garden or anywhere else, and we are only proposing to punish when that storage is in violation of the Act.

Hon. Mr. McSWEENEY—Would a bonded warehouse come under that ?

Hon. Mr. ROSS—I think that is under government control in such a way that it could not come in.

Hon. Mr. DOMVILLE—The government could have no control under this Act.

Hon. Mr. ROSS—It would be in the custody of the government, and it could not be a violation of the Act. The word 'croft' is a Scottish term, and I may not be able to define it properly, but in Scotland a croft is a shack by the wayside, sometimes made of sods. It is a practice rendered necessary by the ingenuity of lawyers to evade the law. They have imagined every conceivable place in which liquor can be kept, and in Prince Edward Island or New Brunswick, perhaps, a lawyer has thought that some insidious fellow might put his goods in a croft and uses this term. It might not be necessary and might not require investi-

gation in the court, but it would not do any harm on a statute book. The change is trifling and helps to render efficient the clauses agreed to, and I think it should stand as it is.

Hon. Mr. CLORAN—Another principle of British common law which is violated. It is said under the criminal law given to us by England that it is better to let 99 guilty people escape than punish one innocent party. That is admitted on all hands, except by the parliament of Canada. As pointed out by the hon. gentleman from Halifax, there is a change in this law from the old law, and as properly pointed out, it says alcoholic goods stored in a dwelling-house are liable to seizure, to be brought at once into court. A man is perfectly innocent. He has acquired a stock which he has stored in his cellar or in an outhouse, and he has a right to store it where he will. Every man is a king in his own castle.

Hon. Mr. FERGUSON—In violation of.

Hon. Mr. CLORAN—All the officer has to do is to swear that to the best of his impression it is kept there for delivery. The innocent man is subject to a tyrannical prosecution under this clause. I do not say that all the officers of the law are going to do it; but we know that in times of stress where there are certain objects to be gained, whether municipal or federal, officers can be more extreme in the performance of their duty than on other occasions, and they may come to my house and make oath that to the best of their impression I have a stock of goods stored there in violation of the Act and I cannot get at him afterwards for doing that. He makes it in contravention of my rights and liberties and of my comfort. The law gives him the right to take every case out of that cellar and haul it into court before I am found guilty. He disturbs a whole wine-cellar of goods, and I am brought before the magistrate before there is any chance of proving that it is not kept in violation of the law. How would that work in regard to people who wish to have wine-cellars? I do not say the ordinary officer will abuse the powers given him in a tyrannical way, but we know that occasions may arise when there is tyranny or revenge to be perpetrated, and these officers are not above that.

Hon. Mr. ROSS—The law now will permit the arrest of a suspected person.

Hon. Mr. CLORAN—But this law should not give the right to disturb the whole household and bring to court goods worth three or four thousand dollars and put them into a shack or croft at the police court. That is not fair.

Hon. Mr. SCOTT—That is the law and has been the law for years.

Hon. Mr. CLORAN—Then for heaven's sake change the law. It is time for the young generation to become alive and meet a progressive situation. The past has done its duty. To-day we live up-to-date, and we do not want to be disturbed as we were years ago. The law was passed 40 years ago, and that does not appeal to me at all. My duty is not bound up with the past, but with the present and with the future. I do not want to hear that argument any more. It does not appeal to the present generation who look upon this House as a House of dry bones. We are here, young men, trying to put life into it, and it is about time to drop these old practices. I have no sympathy with the argument. If there was any wisdom in it it would be all right. If the wisdom of the past were to guide us, forever, in the march of civilization, it would be all right; but it seems to me, that in many of our laws there are clauses which should be changed. Not later than five years ago we passed a law in the interests of Canada, and we have been told that the government itself did not know what was in the law.

The CHAIRMAN—I hope the hon. gentleman will confine himself to the clause.

Hon. Mr. CLORAN—These things were in existence for 30 years, and I think such illustrations are necessary.

The CHAIRMAN—I think the hon. gentleman is out of order now.

Hon. Mr. CLORAN—I say that under this Bill a constable could come into my house and seize goods that belong to me.

Hon. Mr. COMEAU—I should like to call attention to the fact that when liquor is seized and brought before the magistrate, the action is not final. The law provides for the destruction of the liquor, but before that is done, it must be proved it was stored in violation of the Act.

Hon. Mr. CLORAN—But you put an innocent party to great inconvenience. Under the law, an officer can come into my house and disturb an amount of goods worth from three to five thousand dollars, bring them into the police court and subject them to destruction whether through heat or want of proper care. I hold that this law can be made effective without introducing extreme measures, and I am willing to have it made effective, but I do not wish to be told in discussing these matters from a public point of view, that I cannot allude to past or future events.

Hon. Mr. ROBERTSON. It is refreshing to see the young and rising generations of Canada such temperance advocates and living examples of temperance. This Bill is absolutely necessary. In Prince Edward Island we have had as much experience of the administration of the Scott Act as any part of the Dominion, and we found that under the law as it was passed you could enter houses and examine them, and what was the result? They took the liquor to the barns, sheds and shacks and sold it there. When it was kept in the shed, you could see the men stealing their way in there, and you would have a suspicion that liquor was stored there, and of course you could go in and find it. I do not think you will find a case where the liquor kept for a man's private use was ever disturbed. It is the same in Nova Scotia and I think this talk of the abuse under the law is all wind.

The subclause was adopted.

On clause 5,

5. This Act shall have and take effect from the passing thereof in every county and city in which part II. of the Canada Temperance Act is then in force, in the same manner and to the same extent as if it had formed a part of the said Act when part II. of the said Act was brought in force in such county or city.

Hon. Mr. POWER—This clause would make the Act retroactive and I do not think that was the intention. That would make parties who are not liable to-day liable in the future. An hon. gentleman says it ought to, but you have no right to go back and say that something which was not an offence when it was done becomes an offence now. The fact that you did something which was not illegal when you did it should not now be made an offence. I do not know whether that was intended; I do not suppose it was. I do not think the last words should be there. You could strike out all the words after the words 'in force'; so that this Bill would not be retroactive.

Hon. Mr. ROSS—I think the hon. gentleman would find the case he refers to is covered by the Interpretation Act. The Act only speaks as against the offence from the time the offence was committed. Any offence committed prior to the passing of the Act is not affected. The Interpretation Act is clear on that.

Hon. Mr. POWER—But we find a provision that the Act shall be in force in the same manner and to the same extent and so on. That means that, take the case of the town of Pictou, where the Act has been in force thirty years, under this Bill you could go back months and hold people responsible for things that were done months ago just as though this amendment had been in force. That is clearly unfair.

Hon. Mr. CLORAN—The hon. senator from Halifax is perfectly right in his interpretation.

Hon. Mr. POWER—I move that all the words after 'force' in the third line of this clause be struck out.

Hon. Mr. COMEAU—This is not an ordinary Act passed by the legislature. It is brought into force by a referendum—a vote of the people. It might be argued that this Act had not been voted upon.

Hon. Mr. CLORAN—I ask the hon. senator from Halifax if he would accept a suggestion and have this Act apply merely to the province of Nova Scotia, which is asking for it, and not to any other province? I think he is in a position to state what the wishes of the province are.

The amendment was declared lost.

Hon. Mr. SULLIVAN—The hon. gentleman who introduced the Bill said it would only apply to Nova Scotia.

Hon. Mr. CLORAN—Yes.

The clause was adopted.

Hon. Mr. TALBOT, for the committee, reported the Bill without amendment.

SECOND READING.

Bill (No. 71) An Act respecting the Standard Mutual Fire Insurance Company, and to change its name to 'The Standard Fire Insurance Company.'—(Mr. Kerr).

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

THE SENATE.

OTTAWA, Friday, June 12, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADA TEMPERANCE ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. McGREGOR moved the third reading of Bill (WW) An Act to amend the Canada Temperance Act.

Hon. Mr. POWER—Pursuant to notice, I move that the said Bill be not now read the third time, but that all the words after the word 'force' in the third line of the fifth clause be stricken out. These words are to the effect that this Bill, when it becomes law, shall have force in the same manner and to the same extent as if it had formed a part of the original Act. I took the ground that this was giving the Bill a retroactive effect; that acts which had not been offenses when committed, would be made offenses under this clause, whereas the principle which is always adopted in our legislation is that an Act shall have effect only from the time of its passing. I do not think it necessary to elaborate that at all.

Hon. Mr. SCOTT—I move in amendment to the amendment that the following proviso be added to section 5:

Provided always that offences against the foregoing provisions, if committed before the passing of this Act, shall not be considered violations of part 2 of the Canada Temperance Act.

That will cover the point and leave the Bill as it is. I believe my hon. friend is willing to accept that.

Hon. Mr. POWER—I may say that while I think that is a very inartistic way of reaching the end, substantially it does attain the object which my amendment was intended to attain, and, therefore, with the consent of the House, I shall withdraw my amendment and allow this to be carried.

The amendment was withdrawn, and the amendment to the amendment was substituted and carried.

Hon. Mr. SCOTT—There was an amendment moved in regard to the licensing on steamboats, and at one stage the clause was made to read as it read in the Act of 1878. It then seemed to be the opinion of some senators that the second subsection was a mere repetition of the first. The first referred to wines, beer, &c., and the other of rum, brandy and stronger liquors. I think the cause of its introduction in the Act of 1878 was that in steamboats at that time certain licenses were issued for what are known as lighter drinks, wine, beer and so on, and the other related to brandy, rum, gin, &c. I am not quite sure what the final decision of the House was; the line was replaced, and I think was struck out again.

Hon. Mr. ROSS (Middlesex)—It stands as printed.

Hon. Sir MACKENZIE BOWELL—That was the decision.

Hon. Mr. McGREGOR—Those who drew up the Bill wished to have the clause restored as it was originally. A line was omitted in printing the Bill, and I want to have that included in the clause.

Hon. Mr. POWER moved that the clause be amended by inserting the line which had been omitted by accident.

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

A SUPPLY BILL.

Hon. Mr. SCOTT—Hon. gentlemen are quite aware that there is a shortage of

treasury money. I am informed that an arrangement has been made by the two parties in the other House to pass a supply Bill for one-eighth of the ordinary supply in the general estimates, and, I presume, adding the votes that have been already passed. Monday at four o'clock has been fixed as the time for giving assent to a Supply Bill. It is quite important that the Bill should go through at the earliest possible time, and I therefore give notice that I shall move that when the House adjourns to-day it stands adjourned until Monday at three o'clock.

Hon. Mr. KERR—Several members have left under the idea that the House would not sit on Monday, and I would suggest that it would be better to let the House stand adjourned until Tuesday.

Hon. Mr. FERGUSON—Why keep these poor people out of their money ?

Hon. Mr. PERLEY—I am quite surprised to find a supporter of the government opposing a supply bill, after the cry throughout the country that the opposition are holding up the supplies. We are ready to pass a supply bill whenever it comes —we are prepared to vote for it now.

Hon. Mr. FERGUSON—I object very strongly to this obstruction.

Hon. Mr. KERR—I thought it was a matter of keeping faith with those who had gone away without any notice of this change. There is nothing more important than that we should keep faith with all our members. However, after hearing the plaintive appeal of the hon. senator from Wolseley, I do not care to interpose any objection, since it causes him so much anxiety and alarm.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is in error. No advantage could be taken by any senator objecting to it. I take it for granted no one will object to this motion.

Hon. Mr. LOUGHEED—What assurance has my hon. friend that the Supply Bill will reach the Senate on Monday?

Hon. Mr. SCOTT—I have only the statement of the Premier.

Hon. Mr. SCOTT.

Hon. Sir MACKENZIE BOWELL—'Hope told a flattering tale.'

Hon. Mr. SCOTT—He asked me if I would make arrangements for its passage on Monday. I move that when the House adjourns to-day it stand adjourned till Monday at three o'clock.

The SPEAKER—Is that the pleasure of the House?

Hon. Mr. DeBOUCHERVILLE—I do not see that the matter is so very pressing. There will be plenty of time for it.

Hon. Mr. POWER—The hon. Secretary of State has informed the House that he will cause notice to be sent to the senators who are now absent, to the effect that the House will meet on Monday.

The SPEAKER—Does the hon. gentleman object?

Hon. Mr. DeBOUCHERVILLE—Yes.

The SPEAKER—Then the motion cannot be put.

Hon. Mr. WATSON—It seems to me that the hon. gentleman does not understand the position. The only business that can come before the Senate on Monday is the Supply Bill. No other business can be brought up. The House is unanimous in its desire to have that Bill passed. Surely there can be no objection to a quorum meeting on Monday to pass the Supply Bill?

Hon. Mr. DeBOUCHERVILLE—I thank the hon. gentleman for giving me a lecture about my understanding.

Hon. Mr. WATSON—Oh, no, I did not mean that. I said I did not think the hon. gentleman understood the situation exactly.

Hon. Mr. DeBOUCHERVILLE—I thank the hon. gentleman for giving me a lesson for not understanding matters which I understood as well as he does. The hon. gentleman from Toronto has given the same reason that I have given to the House—that these hon. members who are absent will not know of this proposed change. It is said they can be notified, but we do not know where they are.

The motion was not put to the House.

GRAIN INSPECTION AND SALE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (CCC) An Act to amend the Inspection and Sale Act as regards grain.

(In the Committee.)

On clause 3,

3. The following is added to section 48 as paragraph (*l*) thereof:—
(l The expression 'hard red Fife Wheat' shall mean wheat that is red in colour and of the Red Fife variety.

Hon. Sir RICHARD CARTWRIGHT—This variation in the phrase has been recommended by the several boards who sat on these matters for the purpose of explaining more exactly what Red Fife wheat is. They recommend that the words 'Hard Red Fife Wheat' shall be understood to mean wheat that is red in colour of the Red Fife variety.

Hon. Mr. PERLEY—We have been raising this Red Fife wheat in the Northwest for 25 years, and never had any trouble with regard to the grade. The wheat will grade No. 1 hard or 1 Northern, according to the law here. Here is the clause governing it:

No. 1 Manitoba hard wheat shall be sound and well cleaned, weighing not less than sixty-five pounds to the bushel, and shall be composed of not less than sixty-five per cent of red Fife wheat.

If you adopt this motion you cannot have any of our wheat graded No. 1 hard, or No. 1, 2 or 3, for this reason: There is 25 per cent of different coloured wheat in the first grade. That will be an excuse to put hard wheat down to No. 4. I move an amendment that the clause be made to read: 'the expression hard red Fife wheat shall mean wheat of the Red Fife variety.' If you leave the clause as it is here, the result will be a tremendous injury to the farmers of the Northwest, because their wheat will be subject to be graded lower than it should be.

Hon. Sir RICHARD CARTWRIGHT—This was specially recommended by the Royal Grain Commission.

Hon. Mr. PERLEY—The Royal Grain Commission is the most unpopular body in the whole Canadian Northwest to-day, and they are not a representative body as regards our wheat. Mr. Goldie is a miller, and he would like to have this because he would get our No. 1 Hard for a No. 3 variety.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman should put his amendment on record, and I will have it considered and we can discuss it further when we come to the third reading. I am not prepared to accept offhand an amendment of the kind. I do not pretend to say that I understand the subject.

Hon. Mr. PERLEY—I accept the suggestion. My point is simply this, that red Fife Wheat is sufficiently well marked now and has been for the last 25 years, and if you intend to require that it shall be red in colour, there is 25 per cent which, according to the Grain Act, is not red in colour, and the inspectors will be justified in saying it is not red Fife Wheat. In fact that red colour can easily be changed in wheat and it is difficult to say what is red.

Hon. Mr. LOUGHEED—Has my hon. friend any information before him to show that if Red Fife wheat were bleached in the slightest degree that it loses its quality as No. 1 Hard Red Fife? That should really be the test, because wheat may be bleached by rain or other causes and lose its colour; but it need not therefore lose its quality.

Hon. Sir RICHARD CARTWRIGHT—We had a good deal of discussion on the subject. If my hon. friend will look at the report of the proceedings held before myself and Mr. Oliver he will see that the matter was more or less fully discussed there. It is a question for experts, and I hesitate to express any positive opinion of my own; but I should like to have such an amendment as the hon. senator from Wolseley offered printed and in the day or two that will elapse before the Bill passes its final stage, I can communicate with the parties and inquire if they see further objection to it or not.

Hon. Mr. LOUGHEED—What my right hon. friend has to be careful about is, that

the interests of the miller and the grain buyer would be antagonistic to that of the farmer. If they, by reducing the grade simply through the colour, can buy an equally good wheat at a lower price, it is quite manifest that they are going to urge this point as strongly as possible, to the detriment of the farmer.

Hon. Sir RICHARD CARTWRIGHT—It was for that express purpose that I spent about eight hours a day for four days in endeavouring to arrive at a conclusion with the representatives of the various interests. I am very sorry that my hon. friend was not present to give me the benefit of his legal and practical knowledge; but several other gentlemen also of considerable experience were there and they seemed to have agreed on this conclusion.

Hon. Mr. FERGUSON—Would these words 'of the red Fife variety' admit of a certain proportion of white Fife?

Hon. Mr. PERLEY—No.

Hon. Mr. FERGUSON—I understood my hon. friend to say that white wheat, though it might be equally good, might lower the grade to third place.

Hon. Mr. PERLEY—Yes.

Hon. Mr. FERGUSON—White Fife is regarded as almost as good as red Fife.

Hon. Mr. PERLEY—It comes in another grade.

Hon. Mr. WATSON—There is a grading for red Fife wheat. The expression used here is 'Hard red Fife wheat shall mean wheat that is red in colour and of the red Fife variety.' The hon. gentleman from Wolseley knows very well that red Fife wheat grown on scrubby land, very often produces a large proportion of white wheat which is not as good for milling purposes as the red variety of hard wheat. It would not be fair to say that because pure seed was sown, the white grown on scrubby land must therefore be as good as the seed that was sown. It seems to me that the expression used here is fair, because you could possibly get a white Fife wheat that would be as good for milling purposes if part of it was Red Fife. It is well known that part of the wheat grown on scrubby land is soft. I do not know that you could make the clause better than it is. The white kernel is not as good as the red kernel.

Hon. Mr. PERLEY—I am glad the hon. gentleman has made this explanation, because it is quite true that even if you sow pure red Fife wheat a portion of the product will be of the description the hon. gentleman has mentioned; but according to the statement made by Dr. Saunders, of the Experimental Farm, it makes just as good flour and just as much of it as the hard red Fife wheat does, and the law now provides that in grading this wheat, if seventy-five per cent of it is red Fife wheat it shall be graded as hard red Fife. Now if you pass this Bill, one hundred per cent would have to be of red colour or that wheat would go down to No. 4 grade. It does not require any explanation to see that. I renew my objection, and I think when the right hon. minister comes to read my amendment, he will see that it is in the right direction.

Hon. Sir RICHARD CARTWRIGHT—The sole object we have in view is to get this clause as nearly correct as it may be, and I should be pleased to consider any suggestions that the hon. gentleman or any hon. member may have to make; but I want them to be put on our journals in order that I may be able to send them to the various parties concerned and get some further information about them.

Hon. Mr. DOUGLAS—I have a very strong feeling that this is asking too much. This phrase that it is red in colour ought not to be retained in the definition. It will be very much against the interest of the producer, and it is made a great deal of in order to support the millers' contentions. Of late years, very little hard red Fife has been produced or has been bought and recorded, for the simple reason that the hard red Fife wheat has gone down in grade and we have not that variety now; but we have No. 1 and No. 2 hard and this is due very largely to inspectors insisting on this red Fife wheat. I understand the contention of the hon. senator from Portage La Prairie that wheat will change in colour according to the character

of the soil in which it is produced, especially in new land that has produced trees. Such soil seems to have a certain influence upon the grain, detracting from its red appearance; but we have yet to learn that the quality of the wheat is damaged because of the change in colour. In fact, the word 'red' is not the word that ought to be used. If you wish to be technically correct, you would say amber colour. Under the present law we are allowed 25 per cent of lighter coloured wheat to be present under this definition. Then it does degrade the hard red Fife as far as the individual farmer is concerned. The purchaser contends immediately that it is not hard red Fife, is not red in colour, and will only offer the price of a lower grade, so that the farmer may lose on grain equally valuable with the grain covered by the definition. In this definition the whole case is quite well met when we retain what has already been suggested, that the expression har red Fife shall mean wheat of the red Fife variety. This should be read in connection with another clause, which is as follows:

123. All grain produced in the provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories, passing through the Winnipeg district en route to points to the east thereof, shall be inspected at Winnipeg or a point within the district, and, on all grain so inspected, the inspection shall be final as between the western farmer or dealer and the Winnipeg dealer.

It does not say that this definition shall be final for all men who are handling the same grade or quality of grain; but once the business is transacted and the grain is bought and the money paid, the transaction is closed, and the definition closes with it. That is the point I wish specially to emphasize before the committee. Why should this clause be put in here to be final as between the western farmer and the Winnipeg dealer? Is the Winnipeg dealer to be bound by the definition that we are now discussing? That is the point I wish to raise. If so, I have not so much objection to the clause; but if it is simply to be confined to the transaction between the producer and the Winnipeg dealer, then I have serious objection to the definition, and it would seem from the closing words of section 123, that there is something underneath this phrase, the closing of the transaction, a connection between that and the definition we are now discussing. That is the point I wish to look into. It is quite true that a great deal was said on this question at the convention. I was at those meetings, and they were largely financial interests that were represented, and this would give them a decided advantage over the producer. I want a definition that would carry the grain through every class of dealer and every individual who might buy or sell or forward the grain—that there should be but one definition for the whole. But it is a point that will come up again at the third reading, and perhaps the right hon. member who is in charge of the Bill would look into that matter.

Hon. Sir RICHARD CARTWRIGHT—Certainly.

Hon. Mr. CAMPBELL—I handle a great deal of grain from the Northwest, and I do not think this is very much in favour of the millers. I think it is a fair clause all round. The wheat shall be red in colour, of the Fife variety. It distinctly says what red Fife wheat shall be. It is immaterial what you call it, because you cannot make the value unless the value is there. You may call No. 4 Northern, No. 1 hard, but it won't give it the value. Wheat will command the price according to its merits. I think it is a fair clause and defines just what hard red Fife wheat shall be. Sometimes we have white wheat. That is, as a rule, probably as strong for flour as the red Fife, but it comes under another classification, and it is, in my opinion, a wise thing to keep our red Fife wheat clearly and distinctly that it shall be red in colour and of the Fife variety. I think it would be well to adhere to the section as it is now. It will not do any injustice to the farmer in the Northwest, and confers no favour on the miller in the east.

Hon. Mr. PERLEY—If it is no good to anybody, why do you want it?

Hon. Mr. CAMPBELL—It does not hurt the farmer.

Hon. Sir RICHARD CARTWRIGHT—We shall pass it, but my hon. friend will give notice of an amendment which shall be fully discussed on the third reading.

The clause was adopted.

On clause 5,

5. Section 79 is amended by adding at the end thereof the words 'which fees shall be paid by the person at whose instance the survey is demanded, or by the owner or possessor of the grain.'

Hon. Mr. CAMPBELL—This is in reference to the survey. I find that very often objection is taken to the grade and the survey board is called, and if the survey board overrules the inspector's decision, the inspector has to pay the cost, and if they corroborate the inspector's decision then the party who causes the survey has to pay the cost. I hardly think that is fair to the inspectors. They are doing the very best they can. I believe they are conscientious and faithful in the discharge of their duty.

Hon. Mr. PERLEY—A good many of them do not need any eulogy.

Hon. Mr. CAMPBELL—It is hardly right that they should be fined if they should perchance make a mistake, and I think the costs of that survey board, in the first instance, should be borne by the government. I make that suggestion.

Hon. Sir RICHARD CARTWRIGHT—If the government pay, it must take a little more off for the work it does; so that it would come out of the farmer in the long run. Section 5 merely provides that the fees be paid by the party who demands the survey.

Hon. Mr. PERLEY—Who is to pay?

Hon. Sir RICHARD CARTWRIGHT—Whoever demands the survey or the owner or possessor of the grain. It relieves the inspecting officer of the necessity of paying fees.

Hon. Mr. CAMPBELL—But the party who makes the application has to pay the fees in any case?

Hon. Sir RICHARD CARTWRIGHT—Or the owner or possessor of the grain.

The clause was adopted.

On clause 7,

7. Section 119 is amended by striking out the words 'other than oats' in the second and third lines thereof.

Hon. Sir RICHARD CARTWRIGHT—The object of this clause is to enable commercial standard boards to form commercial grades for oats. I presume there will be no objection to that. At present they cannot do it, but this clause will enable them to do it.

The clause was agreed to.

On clause 8,

8. Section 123 is hereby repealed and the following substituted therefor:—

123. All grain produced in the provinces of Manitoba, Saskatchewan and Alberta and in the Northwest Territories, passing through the Winnipeg district en route to points to the east thereof, shall be inspected at Winnipeg or at a point within the district; and, on all grain so inspected, the inspection shall be final as between farmer or dealer and the Winnipeg dealer.

Hon. Mr. PERLEY—What does this clause mean?

Hon. Sir RICHARD CARTWRIGHT—This is simply re-enacting clause 123 of the existing Act. If my hon. friend will look at it, he will find that this part of it merely goes over the existing Act as it stands. I am going to propose an amendment to this, to re-insert a clause which is in the existing law, as follows:

Provided that when, owing to extreme pressure of business, a railway company or other transportation company finds that cars containing grain are being unduly delayed for inspection purposes at Winnipeg, the company on notification to and with the consent of the chief inspector, or in his absence the assistant inspector may remove a number of cars to Fort William without inspection at Winnipeg.

That was omitted, and it seems to me it should be re-inserted.

Hon. Mr. PERLEY—The inspection shall be as between the western farmer and the Winnipeg dealer.

Hon. Sir RICHARD CARTWRIGHT—That is the existing law.

Hon. Mr. PERLEY—Then it is wrong, because the farmer must have redress after it passes the Winnipeg inspection. If the grain is inspected at Winnipeg and the farmer is not satisfied, he can ask for a survey; but this amendment provides that the inspection at Winnipeg shall be final as between the western farmer and the Winnipeg dealer. That conflicts with other

sections in the Bill. We would not want any survey board at all if that were correct.

Hon. Sir RICHARD CARTWRIGHT—Not any more than the existing law does, because those provisions are in the law as it stands.

Hon. Mr. PERLEY—It is a curiously worded section, when it says the thing shall be final between the western farmer and the Winnipeg dealer.

Hon. Mr. CAMPBELL—If, for instance, I in the eastern district, which is East of Port Arthur, buy a car of grain from the west, and it is shipped from Winnipeg to me in the east, then it must be inspected somewhere, and it is inspected in Winnipeg en route, and that is final.

Hon. Mr. PERLEY—Where does your survey board come in?

Hon. Mr. CAMPBELL—It comes in at Port Arthur or Duluth.

Hon. Sir RICHARD CARTWRIGHT—It would not be final, if a survey were demanded by my hon. friend behind me. With the wheat going into his mill, he could demand a survey.

Hon. Mr. PERLEY—If I send a carload of wheat to Winnipeg and it is inspected, and I am dissatisfied with the inspection, that is final.

Hon. Sir RICHARD CARTWRIGHT—That is the law as it stands, and as it has stood for some considerable time.

Hon. Mr. PERLEY—I understand that, but I say it is wrong.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will see this, as anybody who had any thing to do with such matters will see, that it is important there should be as few appeals as possible, and somebody or other should have the opportunity of deciding. Up to Winnipeg and up to the coast as between the farmers and dealers in Winnipeg, this inspection is satisfactory. When it goes beyond that, and passes out of the hands of the farmer, he probably would have been paid before that time, and goes into eastern Ontario and elsewhere, then the survey might be demanded. There might be considerable deterioration in the grain between the time it left Winnipeg and its arrival in Toronto, and it might be justifiable to hold a survey there.

Hon. Mr. PERLEY—I would think the reverse of that. Supposing there is some collusion by which my car is not graded up to standard: then after that it could be graded higher. That is possible.

Hon. Sir RICHARD CARTWRIGHT—It is hardly likely to occur. We have not received complaints of that kind.

Hon. Mr. PERLEY—It is one continual howl out there.

Hon. Sir RICHARD CARTWRIGHT—Not against the inspection made by Horne in Winnipeg.

Hon. Mr. PERLEY—Yes, every day of the week, and every hour of the day.

Hon. Sir RICHARD CARTWRIGHT—They complain about the way they were treated at the country elevators and at Fort William. They have not complained much about the inspection under Mr. Horne.

Hon. Mr. PERLEY—Mr. Horne does not survey one car in five thousand. He has a lot of men called graders. I have not shipped much; my sons manage the farm and do the shipping. Some three or four years ago I shipped a carload of wheat to Winnipeg. I sent a sample down a day or two before I shipped the car, and my neighbor sent some samples at the same time. We had got into a conversation one day in his store and we concluded to send the samples down, which we did, and the inspector graded one hard and one northern. Mine was graded No. 1 hard, and when I sent the car down I lost the grade on it, and so did he. I wrote down to the inspector that he had not graded the cars of grain according to sample, which was a fair, honest sample of the car, and he wrote back that if it was not too late he would write to Fort William and have it graded up one grade, and he did so, and I gained $30 by it.

Hon. Sir RICHARD CARTWRIGHT—I do not pretend to say that, with the very large number of millions of bushels of grain handled, no mistake could occur. That would be impossible. But I think I am justified in saying that as a rule the

inspection has given satisfaction to our farming friends. They are not always easy to satisfy as to the treatment they receive; but it was not of the Winnipeg inspection that hitherto we have had many complaints.

Hon. Mr. PERLEY—If the hon. gentleman were living in the western country he would find out.

Hon. Sir RICHARD CARTWRIGHT—I think more complaint would be made before they got to Winnipeg than afterwards. When he says there is a contradiction, I think he is in error. The inspection is to be made final between the parties named, but the survey may be made in case of subsequent deterioration. There has been an omission in this clause, and I beg to move the amendment which I read a few minutes ago.

The amendment was agreed to, and subclause one was adopted as amended.

On subclause 3, of clause 8,

3. If any car on its arrival at a terminal elevator is found by the inspector to be plugged or wrongfuly loaded, the grain in such car shall be re-inspected, and if the first inspection is altered the original certificate shall be recalled and a new one shall be issued in accordance with the re-inspection and shall be final.

Hon. Mr. PERLEY—I have only this to say of paragraph 3, that it is the greatest reflection on Mr. Horne and his inspectors there could be, to think that he would grade a car that was plugged. If Mr. Horne examined that car properly he would find it was plugged and would condemn it there and then. It is only because he or his officials do not attend to their duty that such a state of things could exist. The idea of a car being found plugged after leaving the inspector's hands is monstrous.

Hon. Mr. DAVIS—The inspector would have a good deal to do if he had to go through every car to find if it was plugged. In the early days, they used to plug a car of wheat by means of a stove pipe, filling the inside with bad grain and foul seeds and leaving good grain on top and on the sides.

Hon. Mr. PERLEY—The hon. gentleman seems to know a good deal about it.

Hon. Sir RICHARD CARTWRIGHT.

Hon. Mr. DAVIS—I know what has been going on in the Northwest, and I know that it is possible for a car to be plugged.

Hon. Mr. PERLEY—I have too much respect for the growers and inspectors to think that it is possible. If such a practice exists, the inspector should find it out. I doubt if you would find any one in the Northwest, who would be guilty of plug ging a car. It may happen up at Prince Arthur, where my hon. friend lives, but it is not general in the Northwest.

The subclause was adopted.

On subclause 4, of clause 9,

4. No grain shall be specially binned for any person, firm or corporation in any terminal elevator except in cases where it is found to be out of condition on arrival at such terminal elevator, and in cases where it has gone out of condition while in store as provided in sections 34 to 38 of The Manitoba Grain Act.

Hon. Mr. PERLEY—The gentlemen who waited on the government with respect to this Bill, strongly urged that they should have the right to bin their grain at the terminal elevator. This clause prevents that. I suggest that the clause be amended by adding the following :

Grain may be specially binned for any person, firm or corporation in any terminal elevator by special agreement.

If they can make an agreement with the elevator owner, they should have the privilege of doing so, but not otherwise. That is fair to all parties. In the west, we raise considerable quantities of wheat and sell it in carload lots or larger quantities. If a man has a good sample of wheat, an eastern miller may buy it from him, and the vendor ought to be permitted to make an arrangement with the elevator company, if he can, to bin that wheat for him at the terminal elevator. There is nothing unfair about it. In fact it is the reverse—it would be unfair not to allow it.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman will please do as he did in the other case—give notice that he will move his amendment on the third reading. Would not some restriction have to be put on the quantities that could be specially binned at a terminal elevator ?

Hon. Mr. PERLEY—Not less than a carload.

Hon. Mr. CAMPBELL—They could not keep a bin for a thousand bushels.

Hon. Mr. PERLEY—The deputation that was down here asked for carload lots.

Hon. Mr. CAMPBELL—How many bushels will a bin at one of these elevators hold? Thousands and thousands of bushels.

The subclause was adopted.

On subclause 6, of clause 8,

6. Where grain rejected for dirt is ordered to be cleaned by the owner the cleaning shall be subject to the supervision of the inspecting officer.

Hon. Mr. PERLEY—I have another clause to be added. I own an elevator at Wolseley. I have no cleaning device, but I am going to put one in. I have shipped grain by the carload with different farmers, and it has been badly mixed with inferior grain. The man who purchased my grain wants to have it shipped clean, but it has to be graded at Winnipeg, and after it is cleaned it cannot be graded except at lower grades. I have here an amendment which I propose to offer:

All grain marked by the Inspection department for cleaning, shall be cleaned as ordered and then inspected by the inspector at such point and graded under the rules of the Inspection Act and then binned according to the grade.

That is to say, if I send an inferior article down and it only grades No. 3 at Winnipeg and goes to Port Arthur and is cleaned and grades higher, let me have the advantage of it. I give notice of this amendment.

On clause 16,

16. Section 137 is amended by inserting under the heading 'Spring Wheat' and after the definition of 'No. 2 Manitoba Northern Wheat' the following paragraphs:—

No. 1 Manitoba bleached wheat shall contain wheat slightly bleached by weather conditions, and tough and slightly damp wheat that has been properly treated and fit for storing all of which in the direction of the inspector has not been injured for milling purposes, and that otherwise would have graded No. 1 hard or No. 1 northern, and weighing not less than sixty pounds to the bushel.

Red varieties of spring wheat other than red fife may be graded No. 1 northern or lower in the discretion of the inspector.

Hon. Mr. PERLEY—I take exception to this clause altogether. It establishes another grade of wheat that is not required and makes another means of getting at the farmer and lowering his grade No. 3. By that clause, they provide that the wheat must be of good milling quality, and it has to be very slightly bleached by weather conditions, tough and slightly damp, but it goes out of the grade, and where it otherwise would have graded No. 1 Northern it cannot be graded at all. It has to go into No. 2 or No. 3.

Hon. Sir RICHARD CARTWRIGHT—Does it not become No. 1 Manitoba bleached wheat?

Hon. Mr. PERLEY—It has to go into a lower grade. That clause should be struck out. I am quite willing to let my objection stand as a notice.

Hon. Mr. CAMPBELL—If the wheat is bleached and slightly tough and damp, the grade should be reduced.

Hon. Mr. PERLEY—It makes such wheat lower than No. 2 Northern. You would not have ten bushels of red Fife wheat in the whole of the Northwest Territories this year if that clause were allowed to pass. It would take over $2,000,000 out of the farmers of the Northwest this year.

Hon. Mr. LOUGHEED—This would establish the most inferior grade of wheat known in the Act. If my right hon. friend will turn to section 137, he will find that No. 3 Northern wheat shall be white winter wheat not clean enough nor sound enough to be graded as No. 2. At the present time that is the lowest grade of wheat. You propose to amend that section by adding another grade No. 1 Manitoba bleached. The logical sequence of that would be that this new grade would be inferior to the present lowest grade of wheat.

Hon. Mr. WATSON—Complaint has been made by the farmers that wheat of first class variety might be bleached by a shower of rain, and it is to meet that difficulty that this clause has been framed. It was put in by the representative of the Grain Growers' Association of the Northwest. Tests have been made, and it has been found that such wheat produces as much and as good flour as No. 1 hard. This clause is entirely in the interest of the farmers of the west, and is designed to prevent No. 1

wheat that has been bleached by a shower of rain from being thrown into a lower grade. Under this clause, it will be known by a special grade and will sell within a cent per bushel of the price of No. 1 hard.

Hon. Mr. LOUGHEED—Can the hon. gentleman show that this establishes a grade equal to No. 2 Northern?

Hon. Mr. WATSON—If a grade is established for it, the wheat will sell on its merits.

Hon. Mr. LOUGHEED—It should be graded above No. 1 Northern.

Hon. Mr. WATSON—It may, after being treated and dried, grade up next to No. 1 hard.

Hon. Mr. PERLEY—You do not provide for any wheat being graded after it is treated?

Hon. Mr. WATSON—This does; it says so right in the clause, and the clause was put there at the instigation of the grain growers of the west.

Hon. Mr. LOUGHEED—It comes after the definition of No. 2 Northern.

Hon. Sir RICHARD CARTWRIGHT—That would not make the wheat any the less valuable for mercantile purposes.

Hon. Mr. WATSON—It is proposed to give wheat which has been bleached by a shower of rain its proper place after it has been treated.

Hon. Mr. PERLEY—There is no provision in the Act that wheat shall be judged by the colour. It shall be judged by the hardness of the grain. The introduction of colour is the sting of the whole thing. The moment you mention the colour you lower the grade.

Hon. Mr. WATSON—The hon. gentleman knows that bleached wheat will never grade No. 1 hard under the present inspection.

Hon. Mr. DAVIS—From all the evidence I have been able to get, this bleached wheat we are speaking of now is as good as No. 1 Northern for milling purposes and better than No. 2 Northern. It is just possible that we should change the grade No. 2 Northern and put this into it instead of making the new grade. There is a good deal in what the hon. senator from Wolseley says, that if we go on increasing the grades the farmers will have only low grade wheat. Wheat touched with rain may be just as good as No. 1 hard, but because it is a little bleached they throw it into the lower grade. The more grades there are, the more the elevator man and the miller make out of it.

Hon. Mr. PERLEY—Dr. Saunders of the Experimental Farm has a mill for the purpose of testing the value of the different varieties of wheat for flour. I will read wheat he says. It is a made up job to undertake to put such great stress on the colour of our wheat in the west. My coat may be a little soiled, but it is none the less warm. Dr. Saunders says:

> Natural paleness in the brand is no indication at all of weakness in the flour. It is strange that wheat buyers and others who are interested in the valuation of wheat seem so often been unable to perceive the difference between paleness due to a pale skin and paleness due to a pale interior of the kernel.

Hon. Mr. WATSON—I do not think that means bleached wheat.

Hon. Mr. PERLEY—Yes, that is bleached wheat. He says in all such cases it does not include the skin of the wheat. He goes a good deal further than I do, and says that there is very little difference because of the colour. The great advantage in our wheat is the hardness of it. I hold it is important not to have that clause in the Bill, because it makes another grade, and, as I understand it, is putting that wheat down to a lower grade than No. 1 or No. 2.

Hon. Sir RICHARD CARTWRIGHT—I have taken a note of my hon. friend's remarks, and will have them considered. These clauses were all gone over carefully with the men who specially claim to be representatives of the farming interest. As I understood, they all acquiesced in the clause.

Hon. Mr. PERLEY—Nine out of ten of those fellows were not farmers, but dealers. The farmer in the Northwest has little to say about it. He is busy tilling the soil and gathering the harvest and it is a lot of dealers in wheat at Winnipeg who are

making these representations, men who have not money enough to buy the wheat and have to go to the banks.

Hon. Sir RICHARD CARTWRIGHT—This clause was not suggested by the grain growers.

Hon. Mr. PERLEY—Half the members of the Grain Growers' Association, are speculators.

Hon. Mr. CAMPBELL—It seems to me that the object of the clause is to benefit the farmer.

Hon. Mr. PERLEY—I have yet to see millers anxious for the interests of the farmer.

Hon. Mr. CAMPBELL—Take wheat that has been slightly bleached and tough, and slightly damp and has been properly treated what is that graded now? It goes in as bleached wheat, but under this clause it is raised from bleached wheat to what it is worth.

Hon. Mr. DAVIS—If you raise it to No. 2 Northern, I shall be satisfied.

Hon. Mr. CAMPBELL—That is what it does. As I take it, it is made No. 2 Manitoba Northern wheat.

Hon. Mr. DAVIS—Then make it plain that it is No. 2 Northern and I shall be satisfied.

Hon. Mr. DOUGLAS—Strike out the last two lines of the clause and make it plain.

Hon. Mr. CAMPBELL—It takes wheat that otherwise would be graded bleached wheat, and puts it in as No. 2 Manitoba.

Hon. Mr. DAVIS—It does not say so. Why not put in a line or two saying it shall be graded as No. 2 Northern.

Hon. Mr. LOUGHEED—If my hon. friend will look at the next paragraph, he will see that it would be graded No. 3 Manitoba Northern.

Hon. Sir RICHARD CARTWRIGHT—This Bill introduces a new clause.

Hon. Mr. LOUGHEED—But the clause you now propose to insert will precede the clause giving the inspector discretion to classify it as No. 3 Northern. That paragraph still remains and would follow the paragraph we now propose inserting in the Act.

Hon. Mr. CAMPBELL—If we do not put in this clause, bleached wheat will go in as bleached wheat and, of course, will sell at a lower price; but if the conditions are such as are described in this paragraph, it would grade No. 1 Northern, and when it is treated and put in proper condition, I take it the intent of this clause is to allow the inspector to make that No. 2 Manitoba, and I think it is right.

Hon. Mr. PERLEY—This clause says it shall be good milling wheat, equal to No. 1 or No. 1 Northern.

Hon. Mr. CAMPBELL—If it had not been bleached and had not been treated then it would go as No. 1 Hard or No. 1 Northern but on account of these conditions affecting the wheat, and it has been dried and put in proper condition, it is made No. 2 Northern.

Hon. Mr. PERLEY—It says slightly bleached and slightly damp. Do you mean to say that that interferes with the quality of the flour?

Hon. Mr. DAVIS—I should like to ask my hon. friend, who is a practical miller, if he is of the opinion that wheat described in that clause is just as good as No. 2 Northern wheat for milling purpose? Does he think it could be brought in with No. 2 Northern?

Hon. Mr. CAMPBELL—No. 2 Northern must weigh 58 pounds to the bushel. This is 60, but it has been slightly bleached and it has been treated therefor. You cannot dampen or bleach it in any way at all without detracting from its value.

Hon. Mr. PERLEY—Inspector King says differently.

Hon. Mr. CAMPBELL—And on account of this wheat weighing 60 pounds to the bushel, whereas wheat that was not tough would only weigh 58 pounds to the bushel, I think it is proper it should go in at that weight.

Hon. Mr. DAVIS—You say that as this wheat before it was bleached would have graded No. 1 hard or No. 1 Northern, that

it would grade more than No. 2 Northern. Does he, as a practical man, say that this would have as much value as No. 2 Northern?

Hon. Mr. CAMPBELL—Yes, I think so.

Hon. Mr. DAVIS—Supposing you make it read in this way:

No. 1 Manitoba bleached wheat shall contain wheat slightly bleached by weather conditions, and tough and slightly damp wheat that has been properly treated and fit for storing, all of which in the discretion of the inspector has not been injured for milling purposes, and that otherwise would have graded No. 1 hard or No 1 northern, and weighing not less than sixty pounds to the bushel shall be considered No . 2 northern.

If you add those words to it, we would know where we are at, but you are making another grade.

Hon. Mr. WATSON—I do not think there is any question about it, that the miller will buy this new grade for a higher price than No. 2 Northern. That new grade will soon be known to the buyers, and I am satisfied that the farmer will get more for his wheat as described in this clause than he would on No. 2 Northern, because it does not weigh 58 pounds to the bushel. If it is put in proper condition for storage it may bring a higher price than No. 2 Northern. You could not very well mix up bleached wheat where bleached wheat is not classed. Bleached wheat has been thrown into the rejected grade, and the farmers are complaining, and they have been suggesting that a grade be made for that wheat. The matter has been discussed. Tests were made, and it was found that wheat slightly bleached was not destroyed for milling purposes.

Hon. Sir RICHARD CARTWRIGHT—If you struck this clause out, all the wheat which comes under it would go into an inferior grade, and it was to give it a chance to pass for the higher grade.

Hon. Mr. DAVIS—That would depend on the climatic condition. If you had a good deal of rain, two-thirds of the crop of Saskatchewan and Alberta might come under that heading.

Hon. Mr. PERLEY—Three-quarters of it just now.

Hon. Mr. DAVIS—You might take another year with very little rain and there would not be very much of it. If we are satisfied that that class of wheat is as good if not better than No. 2 Northern, I do not see any objection to put it into the grade of No. 2 Northern.

Hon. Sir RICHARD CARTWRIGHT—But No. 2 Northern has a distinct definition at present which this particular class would not meet.

Hon. Mr. PERLEY—The wheat should be graded with a great deal of respect for the weight of it. Ordinary wheat will weigh 63 and 64 pounds to the bushel, and there is no wheat you can find so ready a market for as No. 2 Northern, because it is two or three cents lower than No. 1, and it makes just as much flour because it has to have the same weight, 63 pounds to the bushel. There is hardly any wheat worth talking about which weighs 58 pounds. Take our wheat graded No. 2 feed, and it weighs 58 pounds. The men buying wheat in Ontario will buy No. 2 grade quicker than any other, because there is most money in it.

Hon. Sir RICHARD CARTWRIGHT—Does the hon. gentleman propose to strike the clause out?

Hon. Mr. PERLEY—Yes.

Hon. Sir RICHARD CARTWRIGHT—I will call attention to it.

Hon. Mr. DOUGLAS—It seems to me there is a misunderstanding as to whether this new grade shall be classed under No. 2 Manitoba. If the two last lines from 5 onward were dropped, I think it would clear away a good deal of the difficulty, and would leave it without a doubt that this new grade would come under No. 2 Manitoba Northern wheat. It is not necessary to the principle of this legislation, because it is only explanatory. After the words 'milling purposes,' all the words that follow, 'And that otherwise would have graded No. 1 hard or No. 1 Northern and weighed not less than 60 pounds to the bushel,' are quite unnecessary as to the ranking or grade of that bleached wheat, and its connection with No. 2 Northern, and I would see no difficulty at all in adopt-

ing that clause, if those words were struck out.

Hon. Sir RICHARD CARTWRIGHT—We can consider that.

Hon. Mr. CAMPBELL—At present, wheat that is slightly bleached by weather conditions, tough and slightly damp, is classed as rejected wheat. This clause raises the grade and makes it better for the farmer.

Hon. Mr. DOUGLAS—I have heard millers in the west contend that one year when we had a fall of snow in October that covered up the wheat and detracted from its value, bleached wheat was sold very much lower, and they made a very large amount of money from that very fact, and in the conference held at Regina, which I attended, not simply one miller, but all the millers present, contended that the wheat, after it was dried and had become hard again, was just as good for milling purposes as No. 1 hard.

Hon. Mr. PERLEY—I heard Mr. King make that statement to-day.

Hon. Mr. DOUGLAS—And they had no objection to it at all. They said they had made a good deal of money by receiving such wheat at a lower price, and that it was quite equal in value to No. 1 hard, upon their own confession.

Hon. Sir RICHARD CARTWRIGHT—I recommend to my hon. friend that he should give notice of motion to amend on the third reading. I cannot accept such amendments offhand.

Hon. Mr. PERLEY—This is the greatest piece of humbug I ever saw. It shows how little value you put on the red varieties, and red Fife wheat:

Red varieties of spring wheat other than red Fife may be graded No. 1 Northern or lower, in the discretion of the inspector——

Hon. Mr. CAMPBELL—I was going to call attention to that. I do not think that other varieties of red wheat should be graded as No. 1 Northern. No. 1 Northern red Fife wheat has a distinct characteristic. The description is:

No. 1 Northern Manitoba wheat shall be sound and well cleaned and weighing not less than sixty pounds to the bushel and shall be composed of at least sixty per centum of Hard Red Fife wheat.

Now you are going to make this grade northern, although it does not contain sixty per centum of hard red Fife wheat. I submit it should not be graded better than No. 2 Northern.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman can move an amendment, and we shall consider it.

The clause was adopted.

Hon. Sir RICHARD CARTWRIGHT—Hon. gentlemen will remember that in the passage of the Manitoba Grain Act, we inserted a clause repealing certain other sections, and in subsection one of section 99 these words were omitted, which I now propose to insert:

If the car is leaky or in bad order the record shall state the fact.

Hon. Mr. DAVIS—I should like to go back to clause 7, which has been passed by the committee. The section was amended by taking out the word 'oats,' and I desire to draw attention to the fact that there was quite a controversy in the House of Commons over this same question. That year they raised a magnificent sample of oats in Saskatchewan, and the Grain Board at Winnipeg graded it away down until the people could scarcely get anything at all for it, although it had a good commercial value, and this clause was inserted, taking out the word. This amendment proposes to restore it.

Hon. Sir RICHARD CARTWRIGHT—No, this gives the Western Board the right to create a commercial grade for oats.

Hon. Mr. DAVIS—I understand that the people of Alberta object to this clause?

Hon. Mr. TALBOT—I was going to move at the third reading, that clause 7 be struck out.

Hon. Sir RICHARD CARTWRIGHT—I understood this was strongly desired by the Alberta farmers in order to enable the commercial grades of oats to be inserted. If they do not desire it, I have no concern in it. We can consider it, and the hon. gentleman can move an amendment.

The amendment was adopted.

Hon. Mr. DAVIS—Did the hon. minister take into consideration the matter I men-

tioned the other evening with reference to the loading of foreign cars? It is an important matter. It is provided that no cars shall be loaded with grain unless they are stencilled. That clause is taken from the Minnesota Act; but they do not use foreign cars there. Cars come into the Northwest with settlers, and they load those cars with wheat going back. They cannot do that under this law.

Hon. Sir RICHARD CARTWRIGHT—That is with reference to the Act which we recently passed. I will call attention to that.

Hon. Mr. CAMPBELL—I think there was a provision for weighing grain at terminal elevators. I think we should repeal that section.

Hon. Sir RICHARD CARTWRIGHT—I will look into that. I propose to move the following addition to section 138:

The provision made in the following clauses for the establishment of standard samples of grain of United States production shall not apply to corn, but corn of United States production shall be inspected according to the definitions provided in clause 136 of this Act.

The Board of Trade of Montreal say that there is very great difficulty indeed in fixing grades for American grain in view of the various qualities of the different sections, and that great delays take place in obtaining samples; and with respect to corn of United States production, they propose that it be inspected according to the definition laid down in clause 138.

The amendment was adopted.

Hon. Mr. CLORAN, from the committee, reported that they had made some progress with the Bill, and asked leave to sit again on Tuesday next.

The Senate adjourned till 3 o'clock, on Tuesday next.

THE SENATE.

OTTAWA, Tuesday, June 16, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

Hon. Mr. DAVIS.

PAYMENTS TO MR. HOARE.

INQUIRY.

Hon. Mr. LANDRY rose to:

Call the attention of the House to the fact that Mr. Hoare, the chief engineer of the Quebec Bridge and Railway Company, of which Mr. Parent is president, has received from the Transcontinental Railway Commission, of which the same Mr. Parent is also president, certain amounts during the years 1904-5, 1905-6, 1906-7 and 1907-8, and that he will inquire—

For what services have such amounts been paid by the Transcontinental Railway Commission?

What position did then Mr. Hoare occupy in or for the said commission?

Was he paid as engineer of Quebec Bridge Company or as a temporary employee of the Transcontinental Railway Commission?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. For salary and expenses for Mr. E. A. Hoare, for the years 1904-5, 1905-6, 1906-7, 1907-8.

2. Mr. E. A. Hoare has been in the employment of the commissioners, and has been paid by the commissioners since October 6th, 1904, first as an engineer in charge of location from the Quebec bridge, westerly to west of Cap Rouge Viaduct, and from the Quebec Bridge Company's railway easterly to near St. Jean Chrysostome. He remained in this position until October, 1906, since which time he has had charge of the erection of the Cap Rouge Viaduct.

3. He has been paid for his services in connection with the Transcontinental Railway in the same manner as other engineers in the employ of the Transcontinental Railway Commissioners.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

When the government, in 1903, concluded a financial arrangement with the Quebec Bridge and Railway Company, did it then require and has it made it one of the obligations of the contract that the company should forthwith subscribe additional shares to the amount of $200,000?

Has the company caused this additional sum to be subscribed?

By whom, gving the names?

Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather

employed almost the whole of that sum, to wit: $188,721, in payment of the discount of which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 per cent?

Hon. Mr. SCOTT—I may say that I answered that question in the form in which it was put in the first instance, that this $200,000 was subscribed in compliance with clause 4 of the agreement between the government and the Quebec Bridge and Railway Company. So far as the correspondence was concerned, I laid copies on the table some weeks ago in connection with that and other subjects. All correspondence in regard to that matter is in the possession of the Senate.

Hon. Mr. LANDRY—I call attention to the fact that the documents which the hon. minister laid on the table the other day do not contain a single word in answer to this question. It might have been a change of documents. The paper on the top of the file indicates that the file contains an answer to these questions, but as a matter of fact the documents filed here are in no way an answer to my questions at all. What I am asking, I asked in regard to the $200,000; but what I did not get are the names of those who subscribed. That is the third question of my inquiry—by whom, givi g the names. I have not the names and I cannot find them in the report that the hon. minister laid on the table. I think this is because of some misconception of the question, or perhaps some of those papers have been put in another file with other documents, but certainly they are not in the return laid on the table. The documents laid on the table comprise all the orders passed between the government relating to the affairs of the bridge company, but there is nothing at all concerning the $200,000. I call the attention of the hon. gentleman to this fact. The papers asked for must have been sent elsewhere; they are certainly not in our possession. I will hand the minister the documents that were laid on the table, and he can see for himself that they do not contain a reply to this question. I want the names of the seven or eight shareholders who subscribed the two hundred thousand dollars, and the amount of each subscription. It would be an easy matter to get the names of those shareholders.

Hon. Mr. SCOTT—I saw the Minister of Finance himself, and he said that all the correspondence is in the possession of the official who had the making up of that report, and I could get it there. I saw Mr. Ross, who is the gentleman in charge of this matter in the Finance Department, and he assured me that all the correspondence was in the papers I laid on the table. It is quite impossible that I could personally look after the correspondence.

Hon. Mr. LANDRY—I would ask the hon. gentleman to let the matter stand; all I want is the names of those who subscribed and the amounts of their subscriptions. What the Finance Minister said to the hon. gentleman may be all very true, but we have not received the information.

The SPEAKER. Perhaps the hon. gentleman had better frame a new inquiry for that part of his question which is not answered.

SUPPLY BILL NO. 3.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (186) An Act for granting to His Majesty certain sums of mony for the public service of the financial year ending March 31, 1909.

The Bill was read the first time.

Hon. Mr. SCOTT moved the suspension of the rules in so far as they relate to this Bill.

Hon. Mr. LOUGHEED—It might not be inappropriate to point out the very undesirable way in which the Supply Bills of the government are being railroaded through this Chamber without opportunity for consideration or discussion. It is almost unnecessary to say that discussion on this Bill is not expected, and would be entirely out of place inasmuch as His Honour the Deputy Governor is practically waiting at the doors of the Chamber to assent to the Bill. Now, it may be very well said in answer to the criticism which I have made, that the Senate would not have authority

to in any way amend the Bill. That does not, however, lessent the argument that the Senate would have the right to reject the Bill and to criticize any item or all the items of expenditure it contains. The Bill is printed, it is true; but it has only been placed on our desks to-day. Consequently, no information has been obtained by the Senate with reference to the contents of the Bill. My hon. friend may say it represents one-eight of the total supplies required, and that a similar Bill passed through before, but that is the greater objection to the transaction of business in this way. We have been doing this business by simply putting through a fraction of the supplies without any consideration or discussion, and without any thought as to what the public expenditure is. One need not point out that the public expenditure involved in this Bill far exceeds that of any preceding year, and is far in advance of what is warranted by our revenue. This, of course, will not preclude our discussing the Supply Bill in its entirety when brought down at the end of the session ; but I cannot impress on my hon. friend too strongly the undesirability of asking this Chamber, without having had any notice whatever on an important subject of this kind, to put a Bill through all its stages without any opportunity for giving it proper consideration.

Hon. Mr. SCOTT—What the hon. gentleman says may be all very true, but his experience in this Chamber will lead him to the conclusion that the practice in the past has been that the Supply Bill has never received very much consideration in the Senate. In my experience I do not think I can recall three occasions when any attempt was made to discuss it. When I was on the other side of the table, the hon. gentleman in charge of these Bills entirely disclaimed any responsibility for making any explanation whatever. I do not approve of that. I would very much rather a different policy were observed. My hon. friend's criticism is well founded, but our experience has been that they always want Supply Bills in a great hurry, and when the main Supply Bill has been brought down in the past it has always been on the day of prorogation. I do not approve of it, but it is very hard to get over those old customs. However, I fancy that this Chamber keeps itself well in touch with the debates in the other House, and we are pretty familiar with the items in the Supply Bill, and know if any of them are open to objection. They have all been thoroughly discussed in the other Chamber. They come here thoroughly threshed out, and, therefore, no serious harm is done by the suspension of the rules. The Bill before us is composed of two schedules, a and b. A consists of all items reported to the House since the passing of the other Bill. They amount to $23,389,981. Of that $22,669,981 are in the main estimates for the fiscal year 1908-9 and chargeable to the consolidated fund. There is chargeable to capital in this $700,000, making $23,329,000. Schedule B represents one-eighth of the identical items in the main estimates for the current year and not yet reported by the House. They amount altogether to $7,919,354, of which $2,963,901 are chargeable to consolidated fund and the balance to capital account. The total amount of the two is $31,309,335.

Hon. Mr. LOUGHEED—That is, the two schedules that we are voting to-day ?

Hon. Mr. SCOTT—Yes, the total amount.

Hon. Mr. LOUGHEED—Can my hon. friend say how much we have already voted in former Supply Bills during the present session ?

Hon. Mr. SCOTT—Yes, I think I can.

Hon. Sir RICHARD CARTWRIGHT—We have voted an eighth, and certain things which have been voted in bulk.

Hon. Mr. SCOTT—We had the supplemented estimate of last year—I need not include that—that was five million odd——

Hon. Mr. LOUGHEED—How much, was the supplemental last year which we voted this session ?

Hon. Mr. SCOTT—$5,319,633. That was the supplemental estimate for the past year. In addition to that, we voted –about the beginning of April—certain items that had been passed through the House of Commons, and they were included, $4,585,415, and then one-eighth added to that amounted

to $11,246,403, the two making together $15,831,818. That is what we voted in March or the beginning of April and that is apart from the five million. To-day we are called upon to vote $31,309,335, those two items being the vote of the present year, 1908-9, would amount to $47,141,153. Then there is still to be voted six-eighths more.

Hon. Mr. LOUGHEED—The hon. gentleman omitted the five millions which was voted, which would bring the vote of the present year in excess of $52,000,000.

Hon. Mr. SCOTT—Yes.

Hon. Mr. MILLER—I do not think it would be out of place to emphasize here the little time given to the Senate to consider not only this Bill, but other Bills of the first importance that are sometimes brought before us. There are, no doubt, special reasons in connection with the Supply Bill now before the House which render it a matter of urgency to pass it at once; but that is not the case, and cannot be truly said in reference to other important Bills which will be brought before this House before the session closes. We are now in the seventh month of the session, and I think the House will agree with me when I say that nearly all the important legislation which was promised by the government at the opening of parliament and through the session is not yet through the House of Commons—in fact the serious legislation of the session, such as the Insurance Bill, the Civil Service Bill, the Election Bill and several other Bills I could mention have not even advanced to the second reading. I do not think I exaggerate when I say that if these important Bills get the consideration they are entitled to from the House of Commons, they cannot, taken altogether, be put through the House of Commons, before, perhaps, the first of September. Certainly it would take two or three months to get that legislation through unless it is to be rushed through parliament with indecent haste. There is the Insurance Bill for instance. I suppose it would not be saying too much to state that that Bill ought to take two or three months going through the House of Commons, if it is not to be rushed. It is an important measure, full of important details, which must create long discussions in the popular branch before the Bill leaves that House. There is also the Civil Service Bill, one of the most important Bills that has been before parliament since confederation. It is a subject of the first importance. It is a subject that has engaged the legislatures of the two leading countries of the world within the last century—that is Great Britain and the United States—and it is only thirty years ago that really the Civil Service law was matured to the condition in which it stands now in England, and after a great deal of hard fighting in the neighbouring republic, Congress has not got half way through with the work before it in connection with the Civil Service reform. It would be monstrous to suppose that either of the Bills I refer to can be put through the House of Commons in less than two or three months. I mention those two Bills because of their special importance. Then there is the Election Bill, which has been before this country for some time, in regard to certain features of it, requiring amendments which are very controversial and would also take a very great length of time. If the House of Commons cannot possibly have sufficient time to discuss these important measures within the next two months, as I say they will not, what is to become of them when they are brought before the Senate for consideration? Are we then to go through the farce of passing them here in a perfunctory manner without any discussion or examination? If so what position will we occupy in the eyes of the country? If we are to give them the careful consideration that their importance demands, it would bring us into November or December before we could close the session. There are precedents for this House asserting itself on such occasions—some of which my hon. friend the leader of the House will well remember. During the very first session after confederation, in which a great deal of legislation was necessary in order to reorganize the departmental system of the government, towards the conclusion of the session the government brought down a lot of important Bills relating to the criminal laws of the country, and this House then

took the stand that it was too late in the session, that the House would not have time to give proper consideration to those important measures, and that therefore they would not entertain them at all, and threw them out on the second reading. That is a precedent established by this House in the very first year of its existence. Then I recall the attention of my hon. friend the leader of the government to another important occasion, in 1892 or 1893, I think it was, when the subject of codifying the criminal laws was before parliament. It was first discussed before the Commons and then referred to a Joint Committee of both Houses, consisting of the leading members of both Houses, of which committee I had the honour of being chairman. After two or three months, spent in the heat of the summer by that committee in perfecting the measure as far as they were able, two or three sittings a week of the committee for two or three months, it went to the House of Commons, underwent a great deal of labour in that House, and it came up here to us, and my hon. friend, the present leader of the House, got up in his place as leader of the opposition and asked the House to reject the Bill and to nullify all the work that had been done by the House of Commons and the Joint Committee on that occasion and put the Bills over for another session, as there was not sufficient time in which to consider them properly. It is true he did not succeed in his motion, but that was the opinion which he had at the time, that it was derogatory to the House, that it was bringing the House into a false position to ask it to pass in a perfunctory manner Bills of such an important character, without such time for consideration as would be necessary if an ordinary turnpike road Bill had been before the Senate. I have no hesitation in saying that this House must be in session here for another three or four months at least if anything like decent attention is to be given to the highly important and far-reaching legislation which is now before the House of Commons; that is, unless we are expected to ignore our functions altogether, and take the Bills as they come from the House of Commons. I hope the Senate is not prepared to allow that imputation to be placed on it by its enemies or by the country. My remarks may not be relevant on the present Bill, but I thought I would throw out the hint for the consideration of the government in order that they might give us some idea, if not in this House, then in the other House, of the legislation that is really intended to be pressed on parliament this session. I cannot believe it possible that they intend to press the Insurance Bill. If not, why not drop it at once? I cannot believe it possible they intend to take up and deal with the great question of civil service reform and rush it through either the House of Commons or the Senate, nor can I believe that other important legislation I could refer to is to be rushed in a perfunctory manner through this House, which it must be, unless we are prepared to sit here through the dog-days.

Hon. Mr. SCOTT—The hon. gentleman's remarks furnished food for thought, and ought to be fairly well considered. I may say that this Chamber has been pretty busy itself during the present session. We had gone through the alphabet twice with our Bills, and are on the third round, which is the first time in my experience that the Senate has introduced and passed through so many Bills in one session. Then we have passed through a great many Bills from the House of Commons. In regard to the Insurance Bill, it has not been before the House of Commons for the past three months, and it is not likely it will be there again unless to postpone it for another year. I do not think it is seriously contemplated to put it through this session. It is a very important Bill, but it is not a Bill that there is urgency for in any sense. It was introduced rather in obedience to a very sensitive feeling that seemed to prevail among those who hold policies, and I think that feeling is now pretty well removed. I think the people of the country are well satisfied that our insurance companies are in fairly good standing and that there is no necessity for such a crusade against them as there was in New York. In regard to the Election Bill, my hon. friend knows that the government can scarcely be held responsible for its position in the House of Commons. They would like to have it put through

some time ago, but there was opposition there which prevented it from proceeding.

Hon. Mr. MILLER—My object was not to throw blame on the government, but to call attention to the facts.

Hon. Mr. SCOTT—I know that. My hon. friend's remarks were quite pertinent.

Hon. Mr. CLORAN—Before the motion is put, I have to recall to the attention of the Senate the declaration made by the hon. Secretary of State in regard to the insurance companies. It was our duty some three or four months ago to prosecute certain companies in the United States——

The SPEAKER—I beg the hon. gentleman's pardon. The question has now been put from the chair. He can take another occasion to make his remarks.

Hon. Mr. CLORAN—I was waiting for His Honour the Speaker to put the question. I simply wish to say that I am glad to hear the Secretary of State admit that the crusade against the insurance companies in New York State was necessary, although he would not admit the same thing three years ago.

The motion was agreed to, and the Bill was passed through its final stages under suspension of the rules.

BILLS ASSENTED TO.

The Senate was adjourned during pleasure.

The Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada, acting Deputy of His Excellency the Governor General, being seated at the foot of the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: 'It is 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 Hamilton Radial Electric Railway Company.

An Act to incorporate the North Empire Fire Insurance Company.

An Act to incorporate the Travellers' Life Assurance Company of Canada.

An Act to incorporate the Bank of Hamilton Pension Fund.

An Act respecting the Subsidiary High Court of the Ancient Order of Foresters in the Dominion of Canada.

An Act to incorporate the Canada Weather Insurance Company.

An Act respecting the Canadian Northern Ontario Railway Company.

An Act to incorporate the Vancouver Island and Eastern Railway Company.

An Act respecting the Western Alberta Railway Company.

An Act to incorporate the Standard Accident and Guarantee Company of Canada.

An Act respecting the Eastern Trust Company.

An Act respecting the Quebec and New Brunswick Railway Company.

An Act respecting the Board of the Presbyterian College, Halifax.

An Act for the relief of Andrew Walker.

An Act for the relief of Edith Maud Rosario Gammell.

An Act to incorporate The Anglo-Canadian and Continental Bank.

An Act to amend the Winding-up Act.

An Act respecting the Anglo-Canadian Insurance Company and to change its name to the National Union Insurance Company.

An Act respecting the merger of the Northern Bank and the Crown Bank of Canada under the name of the Northern Crown Bank.

An Act to incorporate the Standard Plate Glass Insurance Company of Canada.

An Act respecting the Quebec Railway, Light and Power Company.

An Act to incorporate the Northern Empire Railway Company.

An Act respecting the New Brunswick Southern Railway Company.

An Act respecting the Fort William Terminal Railway and Bridge Company.

An Act respecting the Pacific Coast Fire Insurance Company.

An Act to repeal the Canned Goods Act.

An Act to amend the Meat and Canned Foods Act.

An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company.

An Act respecting the Manitoulin and North Shore Railway Company.

An Act respecting the Pontiac Central Railway Company.

An Act respecting the Occidental Fire Insurance Company.

An Act to incorporate the Architectural Institute of Canada.

An Act to amend the Land Titles Act.

An Act respecting Signal Dues at Halifax.

An Act respecting Meaford Harbour.

An Act respecting the Grank Trunk Pacific Branch Lines Company.

An Act to incorporate The Ruthenian Catholic Mission of Saint Basil the Great in Canada.

An Act to amend the Exchequer Court Act.

An Act to incorporate the Saskatchewan Power Company.

An Act respecting the Pacific and Atlantic Railway Company.

An Act to authorize the exchange of certain school lands for other Dominion lands.

An Act respecting the Nipissing Central Railway Company.

An Act respecting The Crown Life Insurance Company.

An Act respecting the Edmonton, Yukon and Pacific Railway Company.

An Act respecting The Phœnix Assurance Company, Limited.

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending the 31st March, 1909.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

'In His Majesty's name the Deputy of His Excellency doth assent to these Bills.'

The Senate resumed.

PAYMENTS TO MR. EDMOND TASCHEREAU.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the House to the answer given on the 9th of June instant, to a question put on the subject of M. Edmond Taschereau, and inquire of the government:

1. Does the government know that according to the Report of the Auditor General for the nine months ending on March 31, 1907, at page 307 of Part W, Mr. Edmond Taschereau appears to have received from the Transcontinental Railway Commission a sum of $3,177.84?

2. In face of these figures, how can the assertion be explained, which was made to this House by the Honourable the Secretary of State, fixing at $677.21 only, the amount paid to Mr. Edmond Taschereau by the said commission up to March 31, 1907?

3. Who is responsible for the variance of $2,500.63 between the figures given to this House by the Honourable the Secretary of State and those brought before the public by the Report of the Auditor General?

4. Who gave the honourable minister the answers which he communicated to this House?

Hon. Mr. SCOTT—That is a question that is being debated very much. They still maintain that the error rests with the Auditor General. There was a payment of $2,500.63 to L. A. Taschereau, and to Edmond Taschereau there was paid $677.21; but I think, from the observations which fell from my hon. friend, it all appears under the name of Edmond, which they say is incorrect. I will read the answers as given to me: The answer to questions 1, 2, 3 is, yes; but this amount of $3,177.84 applied to C. E. Taschereau, by the report of the Auditor General is not correct, as the sum of $2,500.63 does not concern C. E. Taschereau, but L. A. Taschereau, K.C.

4. The information for the answers given was furnished by the Transcontinental Railway Commission. They say it was the error of the Auditor General marking the two sums to the one man, whereas it was paid to the two in the amounts I have already named.

Hon. Mr. LANDRY—I am not quite satisfied with the explanation. I accept it as given by the hon. leader of the House, but in the Auditor General's Report the item is marked this way: 'To C. E. Taschereau, $3,177.84.' Then below that line is given the details of each payment, and all those payments are credited to Mr. C. E. Taschereau. In the face of the reply received to-day, I would inquire for what purpose the payments were made?

Hon. Mr. SCOTT—I have given the explanation I have received.

THE SECRETARY OF THE NATIONAL TRANSCONTINENTAL RAILWAY COMMISSION.

Hon. Mr. LANDRY rose to draw the attention of this House to the answer given, on the 14th May last, to a question put on the subject of Mr. Ulric Barthe, which answer affirmed that the government had not paid anything whatsoever to Mr. Ulric Barthe, and also to the subsequent answer given to this House on the 9th of the present month, affirming, under the signature of Mr. P. E. Ryan, the exactness and the truth of the first answer, and inquire of the government:

1. When the government affirmed that the Transcontinental Railway Commission had never paid anything whatsoever to Mr. Ulric Barthe and, more especially, had never paid anything for his presence at certain meetings of the Quebec Terminus Committee, was it not led into error, and did it not give an answer which contradicts the Report of the Auditor General for the nine months ending on March 31, 1907, page 298 of Part W?

2. When Mr. P. E. Ryan affirms under his signature that the first answer of the Secretary of State is exact, how can the contradiction between his declaration and the Report of the Auditor General be explained, and how can the government content itself with information which contradicts official documents?

3. Does the government intend to intimate to the secretary of the Transcontinental Railway Commission that his duty is to answer categorically questions as put?

Hon. Mr. SCOTT—When the hon. gentleman repeated the question, they still persevered in the answers they had given The answers they furnish now are as follows:

1. Yes, but the question was understood to apply to the salary and disbursements of Mr. Barthe as secretary of the Quebec Bridge Company.

2. The answer of the hon. Secretary of State, reading as follows: 'The commissioners have nothing to do with the payment of the salary and disbursements referred to'—was understood to refer to the salary and disbursements of Mr. Barthe as secretary of the Quebec Bridge Company. The information in Mr. Ryan's letter with respect to payments made to Mr. Barthe for services as secretary of the Quebec Terminals Committee, and on account of the investigation re Horsey and Earle, is the same as that contained in the Auditor General's report.'

Hon. Mr. LANDRY—Is there no means of removing a man who understands so badly as that. I find the answer—I do not impute it to the hon. minister—a piece of impudence. If that man cannot answer better than that he should be removed from office. I ask him one thing and he answers another, and he says he is right when he is clearly wrong. If he persists in such conduct, he should be replaced by somebody else.

BILLS INTRODUCED.

Bill (168) An Act to authorize the payment to the provinces of Saskatchewan and Alberta of part of the Assurance Fund under the Land Titles Act.—(Hon. Mr. Scott.)

Bill (169) An Act to amend the Yukon Act.—(Hon. Mr. Scott.)

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to direct the attention of the House to a statement which appeared in the 'Evening Journal' which reads as follows:

Before the special committee of inquiry into the financial affairs of the Quebec Bridge Company yesterday afternoon, Mr. Ulric Barthe, secretary of the company, explained that when the company was formed it had a capitalization of one million dollars, but that the shareholders were only called upon to pay four per cent of their subscribed stock. Mr. Barthe said that when the new company was securing legislation at Ottawa in 1897 Senator Landry, unknown to the company, secured the insertion of a clause in the Bill providing that the shareholders of the old company should be reimbursed for cash advances made on stock. Senator Landry, the witness said, had never been friendly to the new company.

Mr. A. K. MacLean, the chairman of the committee, asked if it was true that Senator Landry had on one occasion started a rumor to the effect that the piers of the bridge rested on an insecure foundation. Mr. Barthe said a newspaper in which the senator was interested had made some such statement.

I want to deny this emphatically. There never was such a statement made on my part. What took place was this: The pier on the south side of the river rested on a foundation which was not very sure. The government sent down their geologist, Dr. Ami, to make a report. The report was made, and the consequence of that report was that the bridge company was obliged to sink their pier about 20 or 30 feet deeper. The paper, 'L'Evenement,' of which I am one of the proprietors—not the editor—stated the same facts. The paper was sued by the company for having stated those facts; but the prosecution stands there yet. We never heard of it further. After five or six years we do not know whether they intend to proceed further. I think it was dropped in the courts. That is the whole history of this question. As to my being friendly to the new company, well, I might not have been very friendly to the new company; I was one of the directors of the old company. I was turned out of the old company. I do not think there was anything in that to make me very freindly to the new company, but I have always avoided doing anything against the Bridge Company, because I considered it was a national project, and I think I have enough patriotism in my composition to put my personal feelings below the interest of my province and of my city. If I were not able to do that, I would not be worthy of occupying a place in this House.

JUVENILE DELINQUENTS BILL.

THIRD READING.

Hon. Mr. BEIQUE moved the third reading of Bill (QQ) An Act respecting Juvenile Delinquents.

He said: I desire to call attention to an article published in a French periodical called 'La Revue des Deux Mondes' upon the question dealt with by this Bill. The article deals with the moral and legal protection of children, and deals, as is done in all articles published in that review, most exhaustively with the question, comparing the legislation and the institutions of different kinds which have been adopted in many countries in Europe, and also in America for the protection of children. I desire to give to such of the hon. members of this House as are not familiar with the French language a very short summary of the ground covered by this article, especially as regards France, and with regard to some of the United States, but chiefly to the Netherlands and Scandinavian countries, where the law is very far advanced.

Institutions for the purpose of reforming delinquent or badly inclined children were established in France, as early as 1840 and 1844, at the instigation of two French philanthropists, Mr. de Gasparin, then Minister of Agriculture and Mr. Demetz, a judge in Paris.

Their method consisted in using children to improve the land and vice versa. An agricultural school established for the purpose, was soon followed by what was called a paternal house 'Maison paternelle,' at first for undisciplined rich children of all classes. In this school, children are taught a trade of some kind—agricultural by preference,—and their religious instincts, honour and live for their country are developed. After remaining at the school for a term not exceeding three years, the institution helps to find them employment and extends its benovelent patronage as long as it may be required. If they are sick or in absolute poverty, they are allowed to go back to the school for relief.

Institutions of the same kind with refuge workshops in which gardening and agricultpre are taught were all created for girls.

A few years afterwards, a number of other societies were established for the protection of orphans and neglected children,—for the protection of children found begging;—for the protection and defence of children brought before the courts, &c., &c. This last mentioned society was established by a few lawyers in Paris who were grieved at seeing children from twelve to fifteen years old tried as adults and sent to ordinary prisons where from bad associations, they became real criminals. The members of the society meet every fortnight under the presidency of the batonnier of the bar, and the society has for among other objects, that of improving the laws and procedure applicable to minors of sixteen years of age, of organizing with the help of the bar and other public bodies, the defense of arrested children, of studying all questions of preservation and rehabilitation of children and of promoting the organization of similar societies.

In 1893, l'Asile temporaire d'observation' for delinquents of 16 years or under was established. Such delinquents are kept at work for two or three weeks, their character being carefully studied, if they are found radically vicious, they are given up to the tribunal; if on the contrary improving, they are delivered to their parents or intrusted to l'Assistance publique.'

There exist in France over one hundred of such private societies for the preservation, patronage, improvement and reformation of children as auxiliary to public institutions and supplementing their insufficiency.

The first Children's Aid Society in the United States was founded by Mr. Ch. Loring L. Brace, about 1852.

By opening an asylum where neglected children were offered supper and a night's lodging for five cents, he managed to attract a large number of them. At supper time, he had familiar and fatherly conversations with them and soon persuaded them to attend a night school which he also opened for them. In the course of the first twenty years, he succeeded in rescuing no less than 32,400 of these neglected children and sent them to the Western States where they received the benefit of family life and apprenticeship in agriculture.

The agitation against committing children to ordinary houses of confinment was commenced in the United States about 1891 and as we all know, it finally resulted in the passing of laws for the establishment of Juvenile Courts in the State of Illinois, in 1899, and in a large number of other

states since, and for the appointment of probation officers and juvenile committees.

Laws practically to the same effect are now in force and operation in the Netherlands and Scandinavian countries.

The object of these laws is first to prevent, as much as possible, children being perverted; and second, to redeem those who have gone astray. The preventing process is mainly applied to the parents, who, in most cases, are the real guilty parties. Their children may be removed from their authority, placed with respectable families under the protection and control of Children's Aid Societies or of probation officers.

In Denmark the law provides for the appointment of councils of tutorships and divides children falling under the control of such councils into four categories: 1st, children of 18 years or under, who have committed offences indicating depravation, but who by reason of their age (14 or under) are exempt from punishment; 2nd, children of from 15 to 18 years who, by reason of a defective education, are wanting materially of normal reasoning; 3rd, children of 15 years old or under, morally corrupt or whose morals are endangered by their surroundings; 4th, children of the same age being ill treated or who suffer in their physical or moral development.

A council of tutorship is established in every municipality containing less than 10,000 souls. Such council is composed of five members, three of whom are elected by the municipal council and two of whom may be females, the parish priest or parson and the school master or school mistress. In cities or towns of more than 10,000 souls, there may be as many such councils as the Minister of Justice decides and they are composed of seven members including a physician and a woman elected by the municipal council. There is besides a superior council of tutorship sitting in Copenhagen entrusted with the supervision of the other councils, the co-ordination of their action and the decision of important question. The Board of Public Help on the other hand controls the education which has to be given to indigent children. In fact, three different bodies are entrusted with the duty of protecting children; the Board of Public Help, the Municipal Council, and the Council of Tutorship. The means of action are wisely employed and graduated. The parent, tutor or child is at the outset notified by the president of the Council of Tutorship and if any grave offence has already been committed the fact is noted on a register. If required, a special tutor may be appointed to the child—for a child under 7 years, such special tutor is always a woman who voluntarily undertakes to supervise how the child is treated by his parents and educated at school. If it is found that through poverty, the child suffers from want of education, the Board of Help is invited to come to the rescue. If on the contrary, the parents are responsible for the trouble, a more severe admonishment is served by the Council of Tutorship, and, if necessary, the child may be sent to a professional or industrial school. If the child is so vicious that his contact may spoil his associates, he is sent to a reformatory school and afterwards entrusted to a respectable family. The choice of place of abode for the child removed from the care of his parents has always to be ratified by the Superior Council of Tutorship.

In this law, three characteristics are worthy of notice: First the municipality of authorized bodies entrusted with protecting the child and whose respective powers and duties are carefully set out and apportioned under the supreme arbitration of the arbitration of the Minister of Justice; Second, the prominent part given to women and clergymen in the Council of Tutorship, and third, the variety of institutions helping in the preservation and reformation of the child. Of these, there are many: the nursery, the workshop asylum, the children's asylum, the school house, the industrial school, the reformatory school, the garden school where the child is occupied at the cultivation of vegetables and at acquiring useful notions on plants and insects—the special asylum for the purpose of studying the character of the child and ascertaining what regime should be applied, &c., &.

In Norway and in Sweden, the laws in regard to children are practically to the same effect as those of Denmark.

I have given these details for the purpose of showing what amount of interest is taken in children in some countries by

the State and by institutions of all kinds, public and private. Here a good deal is being done by individuals and private institutions—especially religious institutions—but the State whether represented by the federal or provincial governments and public bodies of all kinds should do a great deal more.

Hon. Mr. DeBOUCHERVILLE—The hon. senator from De Salaberry has been giving us from the 'Revue de Deux Mondes' a historical sketch I might say of the establishments in different countries for the relief of young delinquents. If I did not misunderstand what the hon. gentleman said, the first institutions were established in France in 1844 and all the other institutions were formed after 1880?

Hon. Mr. BEIQUE—They commenced in 1852 in the United States.

Hon. Mr. DeBOUCHERVILLE—That was a case of a private gentleman taking under his care a sort of charitable institution. I am speaking of institutions formed by governments, and I may say that I think in Canada, at least in the province of Quebec, we have been ahead of almost all the governments spoken of by the hon. member from De Salaberry. In 1870. I think at the instance of the Rev. Mr. Ramsey, a brother of Judge Ramsey who had been living in England for some time, there was an article published on the subject and the result was a law was passed in Quebec for establishing reformatory schools. Since that time they have been improved, and we have in the province of Quebec a statute relating to reformatory schools which I think is almost perfect, if anything human can be perfect. Now, I am not against the principle of the hon. gentleman's Bill. Clause 2 contains a description of a juvenile offender:

> (c) 'juvenile delinquent' means any child who violates any provision of the Criminal Code, chapter 146 of the Revised Statutes, 1906, or of any Dominion or provincial statute, or of any by-law or ordinance of any municipality for which punishment by fine or imprisonment may be awarded; or, who is liable by reason of any other act to be committed to an industrial school or juvenile reformatory under the provisions of any Dominion or provincial statute.

This would indicate that this Bill is an amendment to the Criminal Code. but I fail to see in any part of it, anything of that nature; it merely makes regulations for the management of those reformatories. As I have already said, we have in the province of Quebec several reformatories, one of very high standing in Montreal. We have reformatory schools, more particularly for young girls, in Quebec and other parts of the province. What I object to is that this House should interfere with reformatory schools established by the provinces. I have followed the Bill and fail to see anything in it which amends the criminal law. One clause provides for the establishment of a new court—a juvenile court. That is against the constitution, as will be seen by reference to clause 91 of the British North America Act, which provides, amongst other things, that 'the criminal law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters,' shall be within the exclusive jurisdiction of the Dominion parliament; but under subsection 6 of section 92 the provinces have exclusively the right to 'The establishment, maintenance, and management of public and reformatory prisons, in and for the province.' It is true, we call them reformatory schools, but, as a matter of fact, they are prisons if the young people are detained there. For these reasons, I think the Bill encroaches on the rights of the provinces and should not pass this House. I therefore move that the Bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. BEIQUE—I would draw the attention of the hon. gentleman from Montarville to the fact, first that the acts which are enumerated in clause 2 of the Bill are, by the third clause, made offences, and therefore they fall within the jurisdiction of the parliament of Canada. The second point made by the hon. member is that the Criminal Code is not amended. I would draw his attention to clause 33 of the Bill which provides:

> 33. Whenever and so soon as this Act goes into force in any province, city, town, or other portion of a province, every provision of the Criminal Code or of any other Act of the parliament of Canada inconsistent with the provisions of this Act shall stand repealed as regards such province, city, town, or other portion of a province.

Then the hon. member is afraid that this Bill may infringe upon provincial rights. I draw his attention to clause 32, which says:

32. Nothing in this Act contained shall be construed as having the effect of repealing or over-riding any provision of any provincial statute.

Hon. Mr. DeBOUCHERVILLE—Read the whole of the clause.

Hon. Mr. BEIQUE—It continues :

and when a juvenile delinquent who has not been guilty of an act which is, under the provisions of the Criminal Code an indictable offence, comes within the provisions of a provincial statute, it may be dealt with either under the provincial Act or under this Act as may be deemed to be in the best interests of such child.

But, this clause is to be read in connection with clause 17. I should say first that under clause 16 the judge of the juvenile court is empowered to commit the child to the care or custody of a probation officer, or to a Children's Aid Society, a reformatory, an Industrial School or to a foster home. And clause 17 provides:

17. Whenever an order has been made under the next preceding section committing a child to a children's aid society, or to a superintendent of neglected and dependent children, or to an industrial school, if so ordered by the secretary of the province, the child may thereafter be dealt with under the laws of the province in the same manner in all respects as if an order had been lawfully made in respect of a proceeding instituted under authority of a statute of the province; and from the date of the issuing of such order the child shall cease to be a ward of the court and, except for new offences, he shall not be further dealt with under the provisions of this Act. The order of the provincial secretary may be made in advance and to apply to all cases of commitment mentioned in this section.

I have drafted this clause for the purpose of safeguarding, as completely as possible, the rights of the provinces in dealing with juvenile delinquency and preventing provincial institutions being interfered with. I consider it our duty to be the guardians of provincial rights, but we must not carry that to extremes, and if good can be done by juvenile courts throughout the Dominion as is sought to be done by this Bill, there is nothing in the constitution to prevent it. On more careful reading of the Bill, I think the hon. member will come to the conclusion that the rights of the provinces are properly safeguarded, and that the Bill is in the right direction. I may add, that, to my knowledge, no measure has received more general approbation—speaking from my own province at all events—than this Bill. I have presented to this House a large number of petitions signed, mainly in different parts of the province of Quebec, by tens of thousands, without any organization, and I could read any number of letters I have received, commending the passing of a law of this kind. Therefore, I think that not only does the Bill not infringe on the rights of the provinces, but it meets a public demand which should be satisfied without further delay.

Hon. Mr. ROSS (Middlesex)—We are indebted to my hon. friend from De Salaberry for the attention he has paid to this very important subject. I feel convinced that the surest way to prevent the increase of our criminal population—and statistics show that that class of our population is unfortunately on the increase—is to begin with the young. Early in the history of confederation, Ontario established reformatories. They were penal institutions rather than reformatories. Those confined in them were sent there on limited sentences. An attempt was made to provide for their education and to teach them trades, but the lads were under restraint, and there was not that freedom of action which would help them to develop their own self reliance and place them on their good behaviour. In 1882, we established a system of industrial schools for boys and girls both Protestants and Catholics. The government subvented those schools; teachers were provided and the boys were not under restraint. There were no walls or guards to prevent the children from running away. It was expected that the attractions of the school would be sufficient to keep the young lads and girls there, and that by a course of training, gymnastics, by courtesy and kindness, these boys would be reformed. Our industrial school system has been a complete success. I cannot say now the number exactly, but there must have been hundreds of lads who entered there, say from ten years up to 15 or 16, who remained in the school some for two years and some for longer, who received a course of

instruction. The practice was to draught these boys from the industrial schools into foster homes where they acquired such a training as the apprenticeship would warrant. In that respect a great deal has been done. Later, in 1892, we copied from Australia a law to which my hon. friend made no reference; but it was the basis of the present law really that the hon. gentleman has introduced, a law whereby neglected and dependent children would be protected. That went further than the reformatory or Industrial School Act. It provided that children from one or two years and up to a certain age, should be taken from homes where facilities for their education were not provided, or where the lives of their parents were of such a character as to warrant the community in providing against the children remaining longer amid bad environment. In the case of a drunken home, or in a home where vicious habits prevailed, these children were sent into foster homes and educated. For these we had to provide a shelter in the meantime, and the shelter was so provided at considerable expense by the government. Although this provision was made for these delinquents and neglected children, they were not left to the guardianship of the foster home. We have the superintendent, a Protestant superintendent and a Roman Catholic superintendent, to look after them. We have a matron whose business it is to visit the children in their homes; so that there is a strict supervision over them from the moment they are educated and put into the foster home up to the time they might marry and settle in life, or until they are released from control. That system has worked admirably. The number is between three and four thousand children who have been so rescued from a vicious life and have been provided for. That is what the province has done and is now doing. I now come to the point, which, perhaps, I was a long time in reaching, namely that in the administration of the law we felt that there were one or two evils to be removed. In the first place, when a child was brought before the court in order to see what disposition was to be made of him, it was found to be necessary that during the interval between his arrest and capture by the police officer, and the time he was sent to an industrial school, he should not be placed in the company of criminals. That was a delicate stage in his career, and in order to avoid that danger, the police magistrates and officers were warned to care for the boy in the meantime. This Bill provides for more than we are able to do in the provincial courts. In the interval between capture and sentence, he is put in charge of a probation officer. He is not sent direct to the police court. He is not held under police control until the time of his sentence, but under the control of some other officer, who will see that he does not mix with other prisoners. That, I think, is most important, but I consider the most important feature of this Bill is that boys or girls are not necessarily sent to these reformatories or schools, but their education is supervised at their own homes. The probation officer sees that a boy or girl who is liable to a criminal career is cared for with his own parents which, to my mind, is an important feature of this Bill. There is no education for that child—that is the proper kind of education—so good as that which he receives in his own home. The two advantages arise: first he has the pleasure of a home, such as it may be, and secondly the parents are supervised, to a certain extent, by a probation officer to see that their conduct is of such a character as would warrant the child being left to their control. That we do not seem to be able to reach under the Ontario system to the full satisfaction of those concerned in the welfare of delinquent children. This Bill will aid the province in carrying out what I think is very important legislation. While we may be jealous of provincial rights, and I think rightly too, all the provinces—and I am sure the province of Ontario will most happily receive any assistance from this House in the way of legislation in the manner I have indicated. These children who would, under this Bill, be under the eye of a probation officer, as in Massachusetts—I think that is the law in Massachusetts—and who would be watched in their homes, and whose parents also would be under the eye of the probation officer, are more likely to grow up with some love for home and with regular habits than they would be if this probation officer exercised no supervision over them, and, besides, it seems

to me the parents should feel the full responsibility, not only of the intellectual but of the moral education of their children. If these juveniles are to be taken away from the parents and sent to a school, the connection between the home and the child is broken. I think that should not be allowed when it is at all possible to prevent it. Keep the child with its parents; see that the parents look after him properly, and save to the state the expense of his education, for the parent is the natural guardian of the child and responsible for his education and maintenance, and in that way you weave into and interfuse into the community the supervision of a court, of a probation officer, whether a man or a woman, of high character, and thus modify and improve the moral or immoral habits of children who will come under this Act. We are greatly indebted to the hon. gentleman from De Salaberry who has given this measure to this House, and I am satisfied it will be accepted by the people of Ontario, and am sure by all philanthropic and humane people, for they are not limited to Ontario at all, as a useful piece of legislation. I am sorry to notice that our central prison is fuller today than it has been at any time since it was established. Our penitentiaries are being overcrowded. Statistics show that youths from 16 to 21 are becoming less respectful to the law than previously. Of course, a foreign immigration may account for a great deal of this; but apart from that I think it is our first duty to see, in the congestion in the large cities, that care should be taken to provide that we have no slums, and that vicious habits are not formed where they can be prevented, and that such homes when brought under the supervision of probation officers, should it fail to have the moral effect sought for, the juveniles should be removed to industrial schools where they can be taught good trades, and rendered beneficial to their country and comfortable to themselves.

Hon. Mr. LANDRY—I call attention of the hon. gentleman from De Salaberry to clause 34 of this Bill which reads as follows:

34. This Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of such province providing for the establishment of juvenile courts, or designating any existing courts as juvenile courts, and of detention homes for children.

As I understand this clause, it is a proclamation issued by the federal authorities, that puts the Act in force in each province, subject to the authority of the province for the establishment and the maintenance of the court itself. But clause 35 goes further and says:

35. This Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 34 of this Act.

I do not see why because a place is a town or city it does not fall within the jurisdiction of the province in this respect. Even though it is a city, it is in the province all the same, and is subject to provincial jurisdiction. I do not see the reason of a distinction. In one place it is a general enactment, and then in another it is a special enactment applying to cities and towns. I do not see why provincial rights should be trampled upon because the provincial legislature has not passed the Act referred to. Clause 35 reads as follows:

35. This Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 34 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.

That is giving to the municipal authority the power to provide what the legislature has not given them power to do. If the legislature has not enacted anything of the kind, how can the municipality have authority which is not bestowed upon them by the provincial legislature?

Hon. Mr. BEIQUE—I call attention to the fact that under this Bill no new courts are created. The provinces are invited to create courts, and if they do not create courts, then the courts already existing may be designated by the Governor in Council as juvenile courts.

Hon. Mr. LANDRY—But that is creating a court.

Hon. Mr. BEIQUE—The Act does not seek to create any court.

Hon. Mr. LANDRY—Except in that way.

Hon. Mr. BEIQUE—It is merely under the Criminal Act as we have it in the statutes now. If you refer to article 800 and following of the Criminal Code, you find there provisions dealing with juvenile offenders, and in these provisions it is stated how these offenders are dealt with by the criminal courts and by the courts of the province, because all the courts are established by the province. Now in chapter 148 of the code you find special provision applicable to Ontario and then special provision applicable to Quebec only, and others to Nova Scotia and all the other provinces in regard to the question of children, and prescribing how the child shall be dealt with by the court, how it shall be sent to a reformatory or to an industrial school, or how otherwise it shall be dealt with. This Bill does not really go any further than that, except by enacting that the Acts mentioned, violations by children of 16 years or under of any of the provisions of the Criminal Code or of any provision of the provincial statute or of provisions of a by-law of a municipality for which punishment by imprisonment or fine is enacted, shall come within this Act and shall be considered as an offence under this Act, and shall bring the juvenile delinquent under the provisions of this Act, and it provides how he shall be dealt with. Now, all that is necessary to have the Act go into force either in the province or any part of a province, is that proper machinery exists for the operation of the Act, and the moment the Governor in Council is satisfied that the machinery exists, it will be in the power of the Governor in Council, by proclamation, to declare that the Act shall be in operation for that province or in that part of the province. I fail to see the difficulty that is in the mind of the hon. gentleman. The Act may be put in operation in the city of Montreal, for instance, because the government is satisfied that there are courts there which can act as juvenile courts, whereas it might not be put in operation in St. Hyacinthe or in other cities of the province, because there are not courts established which would justify the putting in operation of the Act in that municipality.

Hon. Mr. LANDRY—I think the Act goes further than that. It says:

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city, town, or other portion of a province, in which the Act is so put in force, or may appoint some other duly qualified person, to act as juvenile court judge for such city, town, or other portion of a province, and the judge or justice or person so designated or appointed shall have and exercise in such city, town, or other portion of a province, all the powers by this Act conferred on the juvenile court.

That is the establishment of a court where no court of that nature exists. I contend we have no right to do that.

Hon. Mr. CASGRAIN—The federal government has a right to do that.

Hon. Mr. LANDRY—But where there is no court, you come with this Act and establish one. You may establish one in Montreal, and say: 'We shall not establish one in St. Hyacinthe' but if you establish it in Montreal you establish it in the province, and if the Governor in Council is satisfied that in a city like St. Hyacinthe or Three Rivers there is no juvenile court, by this law they have a right to establish one. It is in that part particularly you are encroaching upon the rights of the provinces. If the province does not see fit to establish a court, I do not see why we should do it. We have not the right to do it.

The Senate divided on the hon. Mr. de Boucherville's motion for the three months hoist, which was lost on the following division: Yeas 4, nays 41.

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Hon. Mr. SCOTT—I move:

That the said Bill be not read a third time, but that it be further amended by adding the following words to subsection 3 of section 23: 'the person so appointed may in their discretion sit as one joint committee.'

In some places there are Protestant committees and in some Catholic committees. In the city of Ottawa there is one committee in which all denominations join, and this allows them to join of they please.

The amendment was adopted.

Hon. Mr. POWER—I move that clause 35 of the Bill be amended by adding thereto the following section:

3. In addition to those expressly mentioned in this Act, the Juvenile Court judge has all the powers and duties, with respect to offenders under or apparently under the age of sixteen years, vested in, or imposed on a judge, stipendiary magistrate, justice or justices, by or under the Prisons and Reformatories Act, chapter 148 of the revised statutes, or any amendment thereto.

I have added a few words to the amendment of which I gave notice. This does not hurt anybody. It does not take away any powers which the juvenile court judge has under the Bill before us; but it is intended to remove a doubt which, I at any rate, entertain as to whether without some amendment of this kind the juvenile court would have all the powers and the duties set out in the chapter of the Revised Statutes which is cited. Take subclause 4 of clause 3 of the Bill recently passed, it is said there that the superintendent of the Industrial School may, with the consent of the parent or guardian of the boy, or if such consent cannot be obtained, with the consent of the stipendiary magistrate of the city of Halifax, apprentice the boy to a farmer or other person. It might be contended that under this Bill the juvenile court had not that power, and the object is to vest in the juvenile court judge all the powers with respect to juvenile offenders which are conferred by the existing laws on the magistrates or judges at present. Then under subclause 9, there is a provision that the police magistrate at Halifax may, under certain circumstances, issue a warrant. It may be claimed that without this amendment he would not have the power to do this. There are two similar provisions in clause 5 of the Bill. I do not think there can be any possible objection to this clause.

Hon. Mr. BEIQUE—I regret that I am unable to accept the proposed amendment, not so much because I think it unnecessary, but because I am afraid it would interfere with the economy of the Bill, and I will state why. First, because it cannot be contended that the judge has not all the powers of a stipendiary magistrate, as will be seen by reference to the following part of the second clause of the Bill:

(e) 'justice' has the same meaning as it has in the Criminal Code.

(f) 'the court' or 'the Juvenile Court' means any court duly established under any provincial statute for the purpose of dealing with juvenile delinquents, or specially authorized by provincial statute, the Governor in Council, or the Lieutenant Governor in Council, to deal with juvenile delinquents.

(g) 'the judge' means the judge of a Juvenile Court seized of the case, or the justice, specially authorized by Dominion or provincial authority to deal with juvenile delinquents, seized of the case.

Then, why add that juvenile court judges shall have all the powers and duties with respect to offenders under or apparently under the age of sixteen, vested in or imposed on a judge, stipendiary magistrate, justice, &c., when it is stated by the clause which I have just read that the judge has all the authority under any law of the Dominion? The reason why I am afraid it may interfere with the economy of the Bill is this: under the Bill the juvenile court is perfectly free to deal with the child by committing him for a year or six months or for any term he may think proper,

whereas under chapter 148 of the Revised Statutes referred to in the amendment section 105 provides that when any Roman Catholic girl evidently under the age of 16 years is convicted of any offence for which by law she is liable to imprisonment, the judge or magistrate by whom she is tried may sentence such girl to be detained in the Good Shepherd's school at Halifax for any term not exceeding five years and not less two years. The hon. gentleman will see that it would be liable to tie the hands of a judge if he decides to commit a girl to that institution. He would be prevented from committing the child for less than two years. It is against the economy of the Act, and I hope the hon. member will not insist upon his amendment as it is clear that a judge of the juvenile court under the definition in clause 2 of the Bill has all the power sought to be given him by the amendment.

Hon. Mr. LANDRY—I would ask the hon. gentleman if the Bill has been reprinted?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LANDRY—I do not find in the amendments introduced on June 4th any clause No. 35. I would ask that that clause 35 be read.

Hon. Mr. BEIQUE—It is as follows:

35. This Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 34 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city, town, or other portion of a province, in which the Act is so put in force, or may appoint some other duly qualified person, to act as Juvenile Court judge for such city, town, or other portion of a province, and the judge or justice or person so designated or appointed shall have and exercise in such city, town, or other portion of a province, all the powers by this Act conferred on the Juvenile Court.

Hon. Mr. LANDRY—I move an amendment to that amendment, that clause 35 be struck out. If I accept an amendment which adds to the clause, I consent thereby to retaining clause 35 which is against my intention, and therefore I move that the clause be struck out, because it creates a provincial court which we have no power to do.

Hon. Mr. BEIQUE—If the hon. gentleman will limit his amendment to striking out 'or may appoint some other duly qualified person,' it will meet his point, and I would accept the amendment.

Hon. Mr. LANDRY—I do not think it meets it altogether. It substitutes the federal for the provincial authority, and we have no right to do that here. Let the provincial legislatures create the court. By clause 34 it is provided that:

34. This Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of such province providing for the establishment of Juvenile Courts, or designating any existing courts as Juvenile Courts, and of detention homes for children.

That is right, because it recognizes the jurisdiction of the province, which this thirty-fifth clause does not.

Hon. Mr. ELLIS—This is trifling with the time of the House. We voted against the principle of this amendment when we refused to grant the six months hoist. My hon. friend from De Salaberry has agreed to the withdrawal of the very thing involved in the vote we took a few moments ago.

Hon. Mr. LANDRY—That vote was on the whole Bill; now I am moving to strike out one clause of the Bill.

Hon. Mr. SCOTT—A very important clause of the Bill, and if it is struck out it will injure the Bill very seriously.

Hon. Mr. LANDRY—No. Where the province acts and establishes such courts we say, we shall come in and take advantage of the court thus created and apply our law to that court; but where the province has not created a court, I do not see why we should intervene.

Hon. Mr. POWER—This constitutional question was discussed by the hon. senator from De Salaberry on the former amendment. I wish to say to the hon. senator from Stadacona that this question of the Dominion using a provincial court and appointing ad hoc judges and that sort of

thing was all tried out and settled in the case of the election courts. It was considered and discussed and went to the Privy Council, where it was held that the Dominion had power to utilize provincial judges and courts for Dominion purposes. So far for the objection of the hon. gentleman. The senator from De Salaberry undertook to say, in opposition to the very reasonable amendment which I proposed, an amendment which I showed I think to be necessary, that it might interfere with the economy of the Bill; but the hon. gentleman never showed how it would interfere. How can it interfere? This amendment says, in addition to the powers specially mentioned in this Act, the juvenile court judge has all the powers given by chapter 148 of the Revised Statutes to stipendiary magistrates and other officers; and I pointed out certain powers which were not given by the Bill before us, and as to which doubt might arise afterwards. A question might arise if it were proposed to apprentice a boy from one of these industrial schools in Halifax to some person outside—the question who should assent. It is provided by the law with respect to these schools, that the stipendiary magistrate of Halifax shall do that, but there is nothing in this Bill to say that that particular power is to be enjoyed by the judge of the juvenile courts. The hon. gentleman quoted some definitions. 'Justice has the same meaning as it has in the Criminal Code.' Chapter 148 is not the Criminal Code. Then 'juvenile court means any court duly established under any provincial statute for the purpose of dealing with juvenile delinquents, &c.' This definition does not say that that court shall have all the powers that these magistrates have. In the same way 'The judge means the judge of the juvenile court seized of the case, &c.,' but it is not set out anywhere that these powers, which are not strictly powers connected with the criminal law, shall be enjoyed by the judge of this court. No hon. gentleman can point out how this amendment will interfere with or damage this Bill in the slightest degree. I say there is great reason to doubt whether the absence of this amendment may not seriously interfere with the operation of the Bill. I may say that these industrial schools in Halifax are not of the same character altogether as those to which the hon. gentleman from Middlesex referred in the course of his address this afternoon. They are schools and homes rather than prisons. They are not prisons in any strict sense, and, a great many instances, the children would be sent to them and then from these schools apprenticed out to suitable persons. It would be a great mistake to omit anything necessary to prevent its being held that the juvenile court judge had no power to assent to the apprenticing of the child. The same way with respect to a child whom it is desired to bring back who has misconducted himself. For these reasons I insist upon my amendment.

At six o'clock the Speaker left the chair.

After Recess.

The committee resumed consideration of the motion for the third reading of Bill (QQ) An Act respecting Juvenile Delinquents, and the amendments thereto.

Hon. Mr. BEIQUE—After comparing notes with the hon. member from Halifax, I am disposed to accept his amendment by adding this proviso, if it is acceptable to the hon. member :

Provided the discretion of the Juvenile Court judge as to the term for which the juvenile offender may be committed is not affected by this subsection.

The SPEAKER—Inasmuch as I hold in my hand an amendment to the amendment already, I will state how the question stands. On the motion for the third reading of this Bill, the Hon. Mr. Power has moved an amendment to clause 35, and the hon. senator from Stadacona moves that the clause be struck out.

Hon. Mr. FERGUSON—I have not followed the discussion on this Bill closely. I made up my mind that it is a very good measure, but since the question has turned on this last clause, I have looked at it somewhat carefully, and I think it is not within the power of this parliament to pass that clause.

Hon. Mr. BEIQUE—I have invited an hon. member of this House to move to strike out the words : 'Or may appoint some other duly qualified person' in sub-

clause 2 of clause 35, so that there will be nothing in this clause which may be interpreted as giving the right to the Governor in Council to create a juvenile court.

Hon. Mr. FERGUSON—It would be very desirable that we should see the amendment in order that we might judge of its scope and effect. It cannot come before the House until the other amendment to the amendment is disposed of. In the very little investigation I have been able to give to the matter, I have come to the conclusion that we cannot do what is proposed to be done under clause 35. Turning to the British North America Act we find there are two sections which deal particularly with this subject. Subsection 27 of section 91 deals with the powers of the federal parliament. We have to deal with the criminal law and procedure in courts of criminal jurisdiction. Subsection 14 of section 92 gives the province the administration of justice in the province including the constitution, maintenance and organization of provincial courts. The Bill right up to the last clause seems to me to be in harmony and in line with the provisions of the British North America Act. Section 34 is all right. It reads.

34. This Act may be put in force in any province, or in any portion of a province, by proclamation, after the passing of an Act by the legislature of such province providing for the establishment of Juvenile Courts, or designating any existing courts as Juvenile Courts, and of detention homes for children.

That is all right. We have no power except what is given to us in subsection 27 of section 91, of the British North America Act there is no exception made against this parliament with regard to the constitution of courts of criminal jurisdiction, and then the other clause, subsection 14 of section 92, gives the administration of justice in the province including the constitution, maintenance and organization of the provincial courts of the province. 34 is all right and in harmony with these two provisions of the British North America Act. But when we come to section 35, it reads:

35. This Act may be put in force in any city, town, or other portion of a province, by proclamation, notwithstanding that the provincial legislature has not passed an Act such as referred to in section 34 of this Act, if the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province, by the municipal council thereof or otherwise.

Notwithstanding that the provincial legislature may refuse to do the very thing they are exclusively empowered under the British North America Act to do, that is to constitute a court, and notwithstanding that we step in and override their power and put the Act in operation, notwithstanding the provincial legislature in its wisdom may have determined it will not do it, we are overriding it. I may be wrong, but to my mind it is a very clear case, and we will be decidedly infringing on the provincial jurisdiction if we pass that section. As far as I have been able to consider the Bill, I think it is a good measure, and will no doubt produce a very important reform, but it would be a pity to mutilate such a measure by going further than we have the right to go. We should not go one iota further than we have the right to go. I think we are overriding the power of the province under the British North America Act, and constituting a court of criminal jurisdiction—for it must be that or nothing at all—within the province. I will therefore support the amendment to strike the clause out of the Bill.

Hon. Mr. POWER—I think parliament has the power to pass clause 35 in the shape in which it is; but the hon. gentleman from De Salaberry has stated that it is his intention to have the words: 'Or may appoint some other duly qualified person,' stricken out. These are the only words which might throw any doubt whatever upon the power of this parliament to pass this clause. Parliament has enacted all the criminal law, and has decided, in that portion of the Criminal Code which deals with procedure, as to what judges shall try the different offences, and what the powers of the judges in criminal matters shall be. They do not undertake to create new courts, but they decide as to which of the existing courts shall try criminal cases and set out the procedure. The Bill which we are dealing with, is a measure to amend the criminal law as to juvenile delinquents, and with the amendment which

the hon. gentleman from De Salaberry says will be made, this clause which is under consideration will be simply saying that certain existing judges shall deal with the subject matter of this Bill; so that I do not think there can be any question whatever as to the jurisdiction of parliament extending far enough to enable us to pass this clause. As I said before recess, dealing with the amendment moved by the hon. gentleman from Stadacona, we had several years ago this same question, or a similar question, raised as to the power of the Dominion parliament to impose upon judges of provincial courts the duty of trying election cases.

Hon. Mr. FERGUSON—That has no analogy at all, no bearing on this case.

Hon. Mr. POWER—Oh, excuse me. It has a bearing. It is a parallel case. The Dominion parliament had the right to deal with elections for the House of Commons as it has the right to deal with the criminal law, and the Dominion parliament, in exercising that right, deputed a number of powers to the judges of provincial courts who were instructed by the law to try these election cases, and they still continue to try them. That question went to the highest courts, and it was decided that the action of the Dominion parliament was within its jurisdiction; and I think it is quite clear that what this clause proposes is within the jurisdiction of parliament.

Hon. Mr. FERGUSON—The case that my hon. friend refers to is plainly no parallel whatever, for this reason: the exception in the British North America Act against the Dominion is in the constitution of criminal courts. With reference to the election courts there can be no doubt that there was jurisdiction. With reference to a court of criminal jurisdiction, the two sections I have read are clear. The federal parliament has no powers respecting the constitution of a court of criminal jurisdiction. It is expressly excepted, and the other section 27, is in entire harmony with that. My hon. friend from Halifax seems to think that the words that are proposed to be struck out of the Bill remove the strongest and the only objection to it from his point of view. With due deference to my hon. friend from De Salaberry, I may say that I do not see so very much objection to the words he proposes to strike out. If there was a court for a judge to be designated to or appointed to, that would be perfectly right. It is the want of a court. Some years ago I gave the subject some consideration, and as the result of a very extended inquiry, and as the result of consultation with some very eminent authorities, I found this was the system with reference to courts and judges under the British North America Act. The constitution of the court is divided. We have the power to establish courts for Dominion purposes, but the establishment of courts for provincial purposes is entirely vested in the province, and exclusive power to constitute criminal courts; but with regard to the judges the power is with this parliament altogether—that is the appointment and control of judges. There is no divided jurisdiction so far as they are concerned, and for that reason I do not think there is much objection or any objection to the words he proposes to strike out—if the province had provided the court in the proper way for the judges to be appointed to preside over. The objection from my point of view is mainly in section 35, that this Act may be put in force in any city, town or other portion of a province by proclamation, notwithstanding the provincial legislature has not passed an Act such as is referred to in section 34, in other words although the province has not done what the British North America Act says it shall exclusively do—that is establish a court of criminal jurisdiction. For my part, I only took it up just now, but I made myself familiar with this subject some years ago on another matter. But my mind is clear on the point, and, although a layman, I venture to express the opinion that if this clause is passed as a part of the Bill it will be found later on to be ultra vires.

Hon. Mr. BEIQUE—If I may be permitted to answer the objection of the hon. gentleman from Marshfield, I desire to call his attention to the fact that the first paragraph of section 35, and the second paragraph deal with two different things altogether: the first paragraph has nothing at all to do with the creation of any court.

It refers merely to the facilities for the creation of the Children's Aid Societies or foster home or other place where the delinquent may be kept. It is the facilities for the working out of this Act. But it refers in no shape or form to the creation of the court. The reference to the creation of the court, or that subject, is dealt with only in the second paragraph of the clause. Now the second paragraph says what? If we leave out the words I have suggested to be struck, it reads as follows:

2. The Governor in Council may designate a superior court or county court judge or a justice, having jurisdiction in the city, town, or other portion of a province, in which the Act is so put in force, to act as Juvenile Court judge for such city, town, or other portion of a province, and the judge or justice so designated or appointed shall have and exercise in such city, town or other portion of a province, all the powers by this Act conferred on the Juvenile Court.

Now, I respectfully submit that this is merely dealing with matters of procedure. Subsection 27 of section 91, states that the federal parliament has exclusive jurisdiction in the criminal law except the constitution of courts of criminal jurisdiction, but including proceedings in criminal matters. Take the criminal law as it is under the existing law, the trying of juvenile offenders is entrusted by the criminal Act to such and such courts, and the revision of the judgments is entrusted to the court of the Queen's Bench, in the province of Quebec. To-morrow this parliament may change that part of the procedure and entrust it to the Superior Court or to the Circuit Court or any court of provincial jurisdiction created by the province. Why would not this parliament be likewise entitled to say that juvenile offenders shall be tried by such court as the parliament may designate, or as the Governor in Council may designate by proclamation? It is not creating a court; it is merely designating a court created by the province having the power to deal with juvenile offenders.

Hon. Mr. LANDRY—To be another court.

Hon. Mr. BEIQUE—No, it will remain a provincial court; but it will be entrusted with that special power. As I say, the Superior Court to-morrow, might be entrusted with the trial of all offences under the Criminal Act. Surely the hon. gentleman would not suggest that it would not be within the province of this parliament to enact a law of that kind? I repeat it is not creating a court, but merely dealing with a matter of procedure, prescribing that such and such courts of provincial creation shall deal with such and such offences under the Criminal Act.

Hon. Mr. FERGUSON—My hon. friend still keeps to subclause 2 and insists that it is simply procedure. If subclause 2 stood there alone without the principal part of clause 35, I would not be inclined to argue with my hon. friend; but it is the principal part of the clause that created the difficulty and infringes on the British North America Act. Clause 34 is perfectly clear and in accordance with the practice of this parliament ever since confederation. We know that the province constitutes a court, and that there has been a little dilatoriness on the part of this government in different provinces in appointing a judge. The province had to provide and constitute the court, and it was then for the government of Canada to appoint a judge and provide his salary. The Dominion might hesitate and think the judge was not necessary, but it ultimately had to comply. It is the right of the province to constitute a court, and if we undertake to do that we are simply overriding the power of the province. Clause 35 provides that the Act may be put in force in any city, town or other portion of the province by proclamation, notwithstanding the provincial legislature has not passed an Act such as is referred to in clause 34. If that is not overriding the power of the province, I cannot conceive anything that would do it. Supposing, as an illustration, a court were established in the city of Ottawa. Those interested in the proper care of the younger generation would make their application to the provincial government at Toronto, who would inquire into it and determine whether the needs of the administration of justice would warrant the establishment of the court. If they should decide, after inquiry, that it was unnecessary to establish such a court at Ottawa, this clause provides that the Governor in Council may designate a judge to preside over a court which the province refuses

to constitute. While the subclause strikes me as a matter of procedure, there is a fatal objection to the principal part of the clause.

Hon. Mr. ROSS (Middlesex)—Clause 34 makes it clear that this Act shall not be put in force except with the approval of the provincial government. The difficulty with my hon. friend from Marshfield is that clause 35 rather obscures, if it does not supersede to a certain extent, the provisions of clause 34. I thought he was right; I think he is wrong now, or I am, and it is merely a matter of argument and interpretation. Let us read it carefully. Clause 34 provides: 'This Act may be put in force in any province, or in any portion of a province, by proclamation.' By clause 34 the Act comes in force by a proclamation of the province. By clause 35 the Act may be put in force in any city, town or other portion of a province by proclamation, notwithstanding that the provincial legislature has not passed an Act such as is referred to in clause 34. Reading that, it would seem that the proclamation of the Governor in Council supersedes the action of the province. But let us read further:

> If the Governor in Council is satisfied that proper facilities for the due carrying out of the provisions of this Act have been provided in such city, town, or other portion of a province by the municipal council thereof or otherwise.

Now, the words 'Provision being made for the operation of the court by the municipal council, is, to my mind, what saves the clause. The municipality derives its power from the provincial government. If the municipal council, which is a creature of the provincial government, makes provision whereby it may be enforced, the proclamation of the Governor in Council takes effect. Otherwise the proclamation would not take effect, because it is distinctly provided that he must be satisfied that due provisions for the carrying out of the Act have been made by the municipal council.

Hon. Mr. LANDRY—Has the municipal council the right to make provision for a juvenile court?

Hon. Mr. ROSS (Middlesex)—I am not sufficiently familiar with it to be able to say; it may or it may not. I am only arguing without knowing the facts; but assuming it has the right; this Act is predicated upon that assumption. The Act cannot be operated unless some provincial authority, either the legislature or the municipal council makes provision for its coming in force. If the municipal council has not the power, then the proclamation would have no effect, for the preliminary step towards its becoming operative is the act of the municipal council. If that be true, and the municipal council have the power, we do not supersede provincial jurisdiction. In the first place, the province is given the power; in the second place it is assumed that the municipality has the power, and if it exercises the power, the Act comes in operation. If the municipal council has not the power and does not act, the Act does not come into operation. So the municipal and the provincial authorities are recognized, and both are provincial and provincial rights are not superseded.

Hon. Mr. FERGUSON—My hon. friend has referred to these proclamations, one as provided for in clause 34, and the other by clause 35. To my mind, these must both emanate from the Governor in Council. There is no reference to the Lieutenant Governor in Council.

Hon. Mr. ROSS (Middlesex)—If there is any doubt on that, it might be clarified by saying 'By proclamation of the Lieutenant Governor.' I assumed it was by proclamation of the Lieutenant Governor. You have no evidence to the contrary anyway. The assumption on the part of my hon. friend is that it is by the Governor in Council?

Hon. Mr. FERGUSON—Undoubtedly; this is an Act of the parliament of Canada.

Hon. Mr. ROSS (Middlesex)—It does not become operative in a province except by proclamation of the Lieutenant Governor, and in that I think the plain meaning is that we are taking care not to supersede provincial power by saying, although we pass this Act it does not come into operation until proclaimed by the Lieutenant Governor. Otherwise the clause would have no meaning. We do not require any

proclamation of the Governor in Council to bring it into operation unless it is specially reserved.

Hn. Mr. LANDRY—It is reserved in that clause.

Hon. Mr. ROSS (Middlesex)—I assume it is not a reservation in behalf of the Governor in Council, but is operative by the proclamation of the Lieutenant Governor.

Hon. Mr. BEIQUE—It is by proclamation of the Governor in Council. I thought the words had been added. Of course it is an important piece of legislation, and it is well that it be fully considered.

Hon. Mr. LOUGHEED—As this is very largely an academic question, I am at liberty to differ from my hon. friends from Marshfield and Stadacona. We are rather confusing the issue on account of the language in clause 34, which makes provision for the designation by the province of a court for the trial of those particular cases. That is not necessary at all. The federal government, if it finds a court in existence, can designate, practically imperatively, certain duties and it is not necessary for the province to designate any particular court which shall receive jurisdiction from the federal government with reference to exercising jurisdiction in any matters within the competency of the federal government. Consequently, it seems to me that the language in clause 34 of the Bill is almost unnecessary as to a province designating a particular court to have jurisdiction in these particular cases. The hon. member from Halifax has referred to the Dominion Election Act. That is a case in point. It has been well established as a constitutional principle that the federal government can designate jurisdiction in any provincial court with reference to any subject coming within the competency of the federal government.

Hon. Mr. LANDRY—But where a provincial court does not exist.

Hon. Mr. LOUGHEED—If that court does not exist, the Dominion government cannot call a court into existence. It is a mistake in assuming that clause 35 creates a court. It does not create a court; it simply provides a method of procedure by which it places upon a court in any province the duty of exercising jurisdiction with reference to the subject of this Act. I must confess that I do not appreciate the point of the hon. senator from De Salaberry in striking out line 19 'or may appoint some other duly qualified person to act as juvenile court judge.' The federal government cannot appoint ad hoc judges to act in this particular case, and it seems unnecessary to strike that out. So far as using the expression municipal council is concerned, which rather staggered my hon. friend from Middlesex, I might point this out: there are certain urban municipalities within the Dominion of Canada charged with the support and maintenance of city jails. For instance the city of Toronto supports its own jails. Toronto being a municipality could make provision in that jail for the reception of juvenile delinquents, and I think the employment of this language has reference to a case of that particular kind. I suppose that obtains in other municipalities as well as in Toronto.

Hon. Mr. ROSS (Middlesex)—It could provide shelters or industrial schools, and if those are not provided, the Governor in Council could not bring the Act into operation.

Hon. Mr. LOUGHEED—So far as the employment of the language 'Governor in Council' is concerned, that is merely a provision as to bringing the Act into force, that this Act will not be brought into operation indiscriminately throughout the Dominion where it may not be regarded as desirable or necessary. It is simply a precaution placed on the Governor in Council to make inquiry, and having found it desirable to bring the Act into force, a proclamation is issued bringing the Act into force within that particular district.

The House divided on the amendment to the amendment, which was rejected.

Hon. Mr. DAVID moved an amendment to the amendment, that the following be added:

Provided that the discretion of the Juvenile Court judge as to the term for which a juvenile offender may be committed is not affected.

Hon. Mr. POWER—I have no objection to accept that, and would suggest that it

be an amendment to clause 30 instead of clause 35.

Hon. Mr. FERGUSON—It is difficult indeed for an hon. member to know the bearing of a motion made in that way, without having an opportunity of reading it over. I must say I cannot give an intelligent vote on the amendment, coming up without notice at the last moment and not handed to the chairman, so that hon. gentlemen could look at it. It becomes difficult to understand them?

Hon. Mr. LANDRY—I think there should be notice given of amendments to a public Act.

The amendment was agreed to.

The SPEAKER—The question is now on the amendment proposed by the hon. gentleman from De Salaberry, seconded by the hon. gentleman from De Lanaudière, that clause 35 be amended by striking out the words: 'Or may appoint some other duly qualified person,' and in line 21, the words 'or person.'

The amendment was carried on a division.

The Bill was then read a third time and passed.

CARE OF JUVENILE DELINQUENTS.

DEBATE CONCLUDED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Comeau:—That in the opinion of the Senate steps should be taken to provide an institution for the keeping of juvenile convicts separate from older criminals.

Hon. Mr. DeBOUCHERVILLE—Since moving the adjournment of the debate, I have read the resolution proposed by the hon. gentleman, and considered it fully, and I have no objection to make. I hope the hon. gentleman will succeed in obtaining from the provincial governments what he requires. Of course he will have to apply to the local government, and I think in the province of Quebec, provision is now being made in respect of this matter by the building of a new and up to date institution for such cases. I think everybody will approve of what the hon. gentleman has proposed, and what he has said.

The motion was agreed to.

SHUSWAP AND THOMPSON RIVERS BOOM COMPANY BILL.

Hon. Mr. CASGRAIN moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (49) An Act to incorporate the Shuswap and Thompson Rivers Boom company.

He said: I am simply moving the adoption of these amendments as chairman of the committee. I am not in charge of the Bill.

Hon. Sir MACKENZIE BOWELL—An hon. gentleman asks me to request that this measure be postponed, that he had to go away, and desired to make some motion in reference to it, and I think it would be advisable that in a matter of so much importance as this, which will create a great deal of discussion, some hours no doubt, he might consistently delay it until there is a better House than we have to-night.

Hon. Mr. POWER—I call attention to the fact that the amendment proposed by the hon. gentleman from Prince Albert is for the third reading of the Bill.

Hon. Mr. BOSTOCK—This measure has already stood over since last Wednesday, nearly a week now. It was fixed for to-day, I think at the request of the hon. gentleman from Stadacona. I understood the objection of the hon. gentleman from Stadacona was on a point of order.

Hon. Sir MACKTNZIE BOWELL—That might be taken up to-night, but I think the main question should stand over.

Hon. Mr. LANDRY—I want to raise a question of order on this item. The report of the committee is now before this House, and that report decides in one way a question which that committee had already decided in another way. Bourinot, at page 556, says:

As the rules of the House govern the procedure of committees generally, a committee cannot renew a question on which its judgment has been already expressed.

If you look at page 451, you will find the following:

When a motion has been stated by the Speaker of the House and proposed as a question for its determination, it is then in the possession of the House, to be decided or otherwise disposed of according to the established forms of proceeding. It may then be resolved in the affirmative or passed in the negative; or superseded by an amendment, or withdrawn with the unanimous consent of the House. It is, however, an ancent rule of parliament that 'no question or motion can regularly be offered if it is substantially the same with one on which the judgment of the House has already been expressed during the current session.'

That is the rule that governs the House, and the rule that governs the committee is the one I have just stated, and the rules of the House govern the procedure of committee. What are the facts? That Bill was referred to a committee. The committee decided that the preamble had not been proved, so the report of the committee was to that effect. The committee passed judgment. It negatived the proposition that the preamble had been proven. This is a negative decision. It is still further more difficult to encounter than an affirmative decision. His Honour the Speaker will know that. The committee had to pronounce itself on that question. The report was made to this House. What did this House do? This House, on a motion to adopt the report of the committee, decided by an amendment that was adopted that the report and the Bill be referred back to the committee for reconsideration.

Hon. Mr. KERR—For further consideration.

Hon. Mr. LANDRY—Well, what is reconsideration? What right has the hon. gentleman to interrupt me? What is further consideration if not reconsideration?

Hon. Mr. KERR—I beg pardon for interrupting the hon. gentleman. I thought he would like to be corrected as to the expression.

Hon. Mr. LANDRY—Well, I want to be corrected in a clever way.

Hon. Mr. BEIQUE—That is offensive.

Hon .Mr. LANDRY—Who is offended?

Hon. Mr. BEIQUE—The hon. gentleman from Toronto.

Hon. Mr. LANDRY—The hon. senator is not offended. The Bill was referred back to the committee for further consideration. according to the hon. gentleman, that master of the English tongue. I suppose he won't be offended this time. The committee cannot reconsider or take back a decision it has already given on a question, if reconsideration or further consideration means that the committee must go back on its decision. It is not in that way that the report should have been returned to the committee. There is a rule of this House that says that the House could instruct a committee, and the instruction given by the House is what empowers the committee to do a thing that the committee has not the right to do without it. The committee has not the right to reverse its own decision. In this case the committee not having the right to go back on its decision, the course which should have been followed, was to refer the Bill back to the committee with instructions to do such a thing. That was not done. Bourinot at page 556, just after the paragraph I have read, says:

For instance, we recognize the operation of this rule in the fact that in committee on a Bill a new clause or amendment will not be allowed, in contravention of a previous decision (g.) It has been ruled in the English House that when a select committee has resolved that the preamble of a private bill has not been proved, and ordered the chairman to report, it is not competent for the committee to reconsider and reverse its decision, but that the Bill should be re-committed for that purpose (h).

It must be recommitted for that purpose; that is to say the Bill must be sent back with an instruction for that purpose, to do a thing which a committee has no right to do without a special order of this House empowering them to do what they have no right to do. The paragraph proceeds:

Consequently the correct precedure in all analogous cases is for the House to give the committee instructions which will enable it to consider the whole question again.

We find in May the same doctrine, page 818 of the last edition. We find that:

It has been ruled that when a committee have resolved that the preamble of a private

Bill has not been proved, and ordered the chairman to report, it is not competent for them to reconsider and revert their decision, but that the Bill should be recommitted for that purpose—

That is just what I have said :

This course, however, of recommending a Bill of which the committee has reported the preamble not proved is unusual and requires a strong case to be made out for its adoption. In 1854 the preamble of two out of three competing railway Bills were declared not proved, but the successful Bill, after it was reported, having been withdrawn, the two other Bills were recommitted, and the preamble of one of them was declared to be proved. In 1861, the case of the mould and Denbigh Junction Railway Bill, the committee reported that the preamble had not been proved, but all opposition having been subsequently with drawn, the Bill was recommitted to the former committee who reported the preamble proved and the Bill was passed. In 1874 in the case of the Bolton-le-Sands, Warton and Silverdale Reclamation Bill, the committee having reported that the preamble had not been proved, the Bill was afterwards recommitted to the former committee with an instruction to the committee to strike out of the Bill all powers for the compulsory taking of land, to which any opposition was offered. In 1902 in the case of an omnibus Bill—the South Eastern and London, Chatham and Dover Railways Bill—the promoters not having been able to accept the provisions suggested by the committee in one opposed portion, 'Railway No. 1' of the Bill, the committee reported that the preamble of the whole Bill, including other and unopposed portions, was not proved. The Bill was thereupon recommitted with an instruction to the committee to reconsider their decision upon so much of the preamble as did not relate to Railway No. 1; and the committee subsequently reported that they had done so and had found the preamble proved except in so far as it related to Railway No. 1. And in several other cases where compromises have afterwards been affected and the promoters have consented to make amendments, the Bills have been recommitted for that purpose.

We see by those quotations that in all cases when a Bill is recommitted to the committee to be reconsidered, it was always when instruction was given to the committee. The rule stands for the committee as for the House. They have no right to reconsider a decision or to reverse a decision given except when a special instruction is given to them by this House, and if hon. gentlemen will refer to the volume of decisions given by the ex-speakers of the English House of Commons, they will find the definition of an instruction, and it is also to be found in May and Bourinot. What is an instruction? What is the nature and the scope of an instruction? You will find that an instruction is always given by this House to a committee to empower the committee to do what in the usual way it has no right to do. For these reasons, I claim that the Bill, not having been referred back with a special instruction empowering the committee to reverse its decision, the committee had no right to reverse its decision, had no right to make a new report. and this report is now before the House without any authority whatsoever. There is another point I could raise on that question, and it was pointed out to me in committee. They said that a committee may always reconsider its decision, but I say it did not apply to a special committee, but merely to a Committee of the Whole, and the quotation that was made at that time applied not to the report of a Senate Committee but on a decision of a Committee of the Whole, so that it did not apply to the present case. If that committee had no right to do what it did except on special instructions, but supposing it had a right to reconsider, what is the procedure that it should have followed? I will just call the attention of the Speaker for a moment to page 539 of Bourinot, where he says :

Committees are regarded as portions of the House, limited in their inquiries by the extent of the authority given them; but governed for the most part in their proceedings by the same rules which prevail in the House. Every question is determined in a select committee in the same manner as in the House to which it belongs.

At page 542, he says :

If a question or Bill is rejected in the Senate or Commons it cannot be regularly revived in the same House during the current session. Circumstances, however, may arise to render it necessary that the House should reconsider its previous decision on the question, and in that case there are means afforded by the practice of parliament of again considering the matter. Orders of the House are frequently discharged and resolutions rescinded.

It gives the procedure to be followed when the House wants to rescind its decision :

In such a case the motion will first be made to read the entry in the journal of the resolution, and when that has been done by the clerk, the next motion will be that the said resolution be rescinded.

A similar amendment cannot be proposed on a future day. For those reasons

I ask that the report of this committee be declared to be out of order altogether and completely against the rules of this House.

Hon. Mr. POWER—I do not think the point of order is well taken.

Hon. Mr. LANDRY—I would be astonished if the hon. gentleman thought so.

Hon. Mr. POWER—I think that is unkind of the hon. gentleman from Stadacona, because day after day I concur in his expressions of opinion with respect to questions of order. Just now I think the hon. gentleman has a good deal of confidence in my judgment and he feels he is wrong, and knows that I shall not agree with him.

Hon. Mr. LANDRY—I feel much confidence in the hon. gentleman's judgment, but I do not think I am wrong. I have great respect for the hon. gentleman's judgment, but I do not feel like following him.

Hon. Mr. POWER—It is perfectly true as to Bourinot, and that the committee is governed by the rules of the House; that is, while the committee is sitting doing business it has to do business in accordance with the rules that govern the House; but that is not the case here. This committee did its business at the first meeting in accordance with the rules of the House. It instructed the chairman to report. When the committee adopted that first report and instructed the chairman to report the Bill to the House, the committee was functus officio. It had nothing more to do with that Bill. It was completely clear of it. The report of the committee came up to the House. The House has supreme control over its own committees and over their doings. The House was not satisfied with the report the committee made, and in the exercise of a right which ought to be clear to everybody, and I am satisfied is quite clear to the hon. gentleman from Stadacona, the House, practically said to the committee, you take this Bill back again and reconsider it. When the Bill went back to the committee, the next meeting of the committee was not as though it were a part of the first meeting; it was an entirely new thing. This Bill had come from the House to the committee to receive further consideration; and the committee were at liberty to report in accordance with the indications of the will of the House, which the House had given them, though possibly there might be some question if the committee had persisted in the opinion they had expressed the first time—there might be some question as to whether the were doing their duty. With respect to the passage from Bourinot, I might say that Bourinot there refers to the English practice, and I purpose calling the attention of the House and of his Honour the Speaker to what May says about this subject. It is a matter which is dealt with in several places. At page 420 of the last edition of May we are told that:

> Motions also may be made that the report be recommitted, or recommitted with minutes of proceedings so far as they relate to a certain paragraph; or recommitted and the order of reference amended; or communicated to the Lords at a conference.

That is that it may be recommitted. That shows what Bourinot speaks of, and he says if you want to alter the report of a committee, you have to recommit it. This Bill was recommitted. We followed the practice laid down in Bourinot and May. Then I call His Honour's attention to pages 497 and 498 of May:

> It may be necessary to recommit a Bill to a Committee of the Whole House and occasionally to a select committee before it is read a third time.

Now, that is what has been done here:

> A Bill may be recommitted first without limitation, in which case the entire Bill is again considered in committee, and reported with 'other' or 'further' amendments. The Bill may be recommitted with respect to particular clauses or amendments only, or to the clauses in which amendments are proposed to be made, and the preamble. On clauses or schedules being offered, or intended to be proposed, the Bill may be recommitted with respect to these clauses or schedules. In these two latter cases no other parts of the Bill are open to consideration. A Bill, however, has been recommitted in respect of certain clauses, and of new clauses relating to the subject matter of those clauses. The Bill may be recommitted, and an instruction given to the committee, that they have power to make some particular or additional provision.

In this case it was recommitted without limitation. There were no instructions given, because if the House had instructed the committee, then the committee could

only have made the amendments they were instructed to make. In this case, the Bill was sent back without limitation, in which case the whole Bill was open to be reconsidered in committee. Further on May says a Bill may be recommitted as often as the House may see fit. Bills have been committed twice and three times, and as many as six and seven times:

It has been ruled that when a committee have resolved that the preamble of a private Bill has not been proved and ordered the chairman to report, it is not competent for them to reconsider and reverse their decision, but that the Bill should be recommitted for that purpose.

That is what was done here—it was recommitted.

Hon. Mr. LANDRY—Not for that purpose.

Hon. Mr. POWER—Yes, for that purpose.

Then at page 831:

In some cases private Bills reported from a committee have been recommitted; and, unless the House has otherwise directed the recommitted Bill has stood referred, in the ordinary way, to the committee of selection. Usually, however, when any private Bill is recommitted, it is referred specifically 'to the former committee': and no member can then sit unless he had been duly qualified to serve upon the original committee on the Bill.

Then on page 832:

Unless the Bill be recommitted by the House with express reference to particular provisions, the whole Bill is open to reconsideration, in committee.

Hon. Mr. LANDRY—Reconsideration?

Hon. Mr. POWER—Yes, the committee can consider the whole Bill, and the committee did so in this case, so I do not think that the point of order is well taken, and I think that the hon. gentleman's confidence in my judgment is justified.

Hon. Mr. SULLIVAN—Supposing you send a Bill back, would it not be silly not to state the cause for sending it back? Surely a Bill cannot be sent back without stating why that is done? I do not say it is the law, but it is common sense to say that there should be some reason mentioned for sending a Bill back. I have a right to rise, as a member of the committee, and ask why a Bill is sent back to me and to get an answer.

Hon. Mr. CASGRAIN—For reconsideration.

Hon. Mr. SULLIVAN—If I say there is no need of reconsideration, what then? The hon. gentleman is only evading the question.

Hon. Mr. KERR—I would call attention to the fact that on the page of Bourinot referred to by the hon. gentleman from Stadacona, the matter is covered quite sufficiently without reference to the other points brought forward. Let me refer to page 526, of Bourinot, just above the words that were cited by the hon. gentleman from Stadacona. 'A report may be referred back to a committee for further consideration. That is what was done here. 'Or with instructions to amend the same in any respect.'

It may be either way: 'In this way a committee may regularly reconsider and even reverse the decision they had previously arrived at.' That is exactly what was done here. Now, the order that was made in this case was that the report be not now adopted, that is to say the report which found the preamble not proven was not adopted by the House, but that the said Bill be referred back to the said committee for further consideration. Bourinot says when it is referred back for further consideration, the decision may be reversed.

Hon. Mr. FERGUSON—The point turns altogether on the question whether the order of the House in sending it back for further consideration implied an instruction to reverse the previous action. Now, I was not in the House at the time of the debate, but I have gone over the report, and I think that is the way to ascertain what was in the minds of the House when it was under discussion here. Very few members indeed expressed themselves in favour of reversing the decision of the committee, but they thought more information should be obtained. Any hon. gentleman who will take the trouble of going over the debate will find that the bulk of the discussion turned on that. How would it be possible to construe the order sending it back for reconsideration into an instruction to reverse the order, when members in their speeches and arguments

showed that what they wanted was more information? The order of the House came very far short of that, and in the light of the speeches that were made, very many who voted to send it back were not pronounced in their opinion as to what should be done, and how could they instruct the committee to do something that they were not prepared to do themselves? While it would have been competent for the committee to make a report setting forth the further information they have obtained, I do not think it was competent for them to reverse their former action and declare the preamble proven, when their former action was that the preamble was not proven.

Hon. Mr. KERR—The report in this case was one paragraph, that the preamble was not proven. It was ordered by this House that that report be not adopted, but that it be referred back—the report on what? The report that the preamble had not been proven—for further consideration.

Hon. Mr. FERGUSON—To elicit information which hon. gentlemen in their speeches showed was required. It would have been competent for the committee to have reported again and supplemented their former information and leave the House, which was the only tribunal competent, to reverse their former action.

Hon. Mr. BEIQUE—I have already taken a position similar to that taken this evening by the hon. senator from Halifax. I did so without examining the question; but on looking into it I must say that I confirmed my first impression that the committee, as was very properly stated by the hon. senator from Halifax, in reporting as it did then, became functus officio. The report was not adopted by the House—the House recommitted the Bill for further consideration. This House might as well have committed the Bill to another select committee. It was within the power of this House to do so, but the House chose to recommit the Bill to the same committee with instructions to deal with it as though they had never dealt with it before. It became the duty of the committee to reconsider the Bill and not to be bound by any action it had taken. The committee was no more bound by the conclusion at which it had arrived on the first commitment, which was exhausted after its report had been presented to this House, than another committee would have been bound by that decision. Therefore in my humble opinion, the point of order is not well taken.

Hon. Mr. FERGUSON—No one will doubt for a moment that it would have been competent for the committee, under that reference, to have sustained their former action. Does any one doubt that?

Hon. Mr. GIBSON—No.

Hon. Mr. FERGUSON—How then could it have been an instruction to reverse it? The authorities are clear that this can only be done by the committee on an instruction, that is to reverse the conclusion they had come to that the preamble was not proven. How could a reference which left it open to the committee to do what they chose be an instruction to take a particular course?

Hon. Mr. GIBSON—Was it not possible for the committee to have brought back the same report it had presented before, that the preamble had not been proven?

Hon. Mr. FERGUSON—That is just the point I have made.

Hon. Mr. GIBSON—But the committee did not do that; the committee reversed their former decision.

Hon. Mr. LANDRY—The hon. senator from Toronto has quoted Bourinot. What does Bourinot say? That a report may be referred back to a committee for reconsideration, but Bourinot adds: 'or with instructions to amend the report.' He goes on: 'In this way a committee may reconsider and even reverse,' that is in case of an instruction. To show who is right and who is wrong in the interpretation given to these words, let me quote further from Bourinot:

> As the rules of the House govern the proceedings of committees generally, a committee cannot renew a question on which its judgment has been already expressed.

Is that clear? He continues:

> For instance we recognize the operation of this rule in the fact that in committee on a

Bill, a new clause or an amendment will not be allowed in contravention of a previous decision.

Is there any doubt about that? He continues:

It has been ruled by the English House that when a select committee has resolved that the preamble of a private Bill has not been proved, and ordered the chairman to report, it is not competent for the committee to reconsider and to reverse the decision.

Is that clear?

Hon. Mr. CASGRAIN—Until it is referred back.

Hon. Mr. LANDRY—They must have the instruction. It says so:

It has been ruled that when a committee has resolved that the preamble of a private Bill, has not been proved, and ordered the chairman to report, it is not competent for them to consider and reverse their decision, but that the Bill should be recommitted for that purpose. This course, however, of recommitting a Bill of which the committee has reported the preamble 'not proved' is unusual and requires a strong case to be made out for its adoption.

They cannot do it otherwise. That is clear and proves the case. I leave it in the hands of the Speaker

The SPEAKER—The matter under discussion affects a private Bill. Bourinot at page 786 says:

Whenever a committee reports unfavourably on the preamble of a Bill, it has no place on the order paper in either House. Of course it is always open to the House to refer a Bill back to a committee for further consideration especially if the reasons for not proceeding with it appear insufficient to the House. Or the House may give instructions to the committee to strike out certain provisions and report the same as amended.

I might say in answer to a remark made by the hon. senator from Marshfield, that even when there is an instruction, that instruction is not mandatory or imperative; it is always that the committee be allowed, and of course the committee can still maintain its decision or reverse it. But the instruction is only given to extend the jurisdiction of the committee to give power to the committee which otherwise it would not have. In this case the committee reported that the preamble of the Bill was not proven. The House took, apparently, a contrary view and recommitted the Bill for further consideration. It would, without looking at the authorities, imply that the subject of the decision of the committee had been referred back for reconsideration. The preamble generally contains the principle of a Bill. It was on the important principle of jurisdiction that the discussion took place in this House, and which prompted this House to send back the Bill for further consideration. The hon. senator from Stadacona has cited May who says at page 818:

It has been ruled that when a committee have resolved that the preamble of a private Bill has not been proved and ordered the chairman to report, it is not competent for them to reconsider and reverse their decision, but that the Bill should be recommitted for that purpose.

The decision which is cited on which this principle is based is to be found in a footnote where in 1858 reference is made to the case of Shrewsbury and Welchpool Railroad Bill. I could not find any parliamentary decision either from the committee or the House that bore on any procedure that would have been adopted by the committee to review and reverse a decision previously taken, but I find in the Journals of the House of 1858 the procedure on that very Bill. The Bill had been committed with a certain number of Bills to a Select Committee, which was called Group 10 of Railway Bills and the report from that committee reads as follows:

Mr. Cobbett reported from the committee on group 10 of Railway Bills: that in the case of the Shrewsbury and Welchpool Railway Bill, they had examined the allegations contained in the preamble of the Bill, but the same had not been proved to their satisfaction. Ordered that the Bill be recommitted to the former committee, and that they have leave to sit and proceed upon Monday next, at twelve of the clock.

That was the whole order. At the date mentioned, M. Cobbett reported from the Committee on Group 10 of Railways:

That in the case of the Shrewsbury and Welchpool Railway (recommitted) Bill, they had examined the allegations contained in the preamble of the Bill and amended the same, by striking out so much thereof as had reference to the proposed deviations of the line, and to agreements to be entered into with other companies, those portions of the preamble not having been proved to their satisfaction; and found the same, as amended, to be true; and had gone through the Bill and made amendments thereunto.

This second report was concurred in and the Bill was read the third time.

So this is the case upon which May relies to make that declaration of principle. I find that it is a very parallel case with the one under review, and I do not see that there was any instruction to the committee to review its decision on the preamble. My opinion is that when a Bill is recommitted without special instructions, the whole Bill is under review, and that the procedure followed by the committee in this instance was a proper one. I declare the point of order not well taken.

Hon. Mr. CASGRAIN moved that the Order of the Day be discharged and placed on the orders for to-morrow, first after the third readings.

The motion was agreed to.

BILL INTRODUCED.

Bill (EEE) An Act respecting the Hamilton, Waterloo and Guelph Railway.—(Hon. Mr. Gibson.)

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

THE SENATE.

OTTAWA, Wednesday, June 17, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (DDD) An Act to incorporate the Alberta Southwestern Railway Company.—(Hon. Sir Mackenzie Bowell.)

SENATORIAL DIVISIONS.

MOTION.

Hon. Mr. ROSS (Middlesex) moved:

That a committee of seven members of the Senate to be named by Mr. Speaker, be appointed to divide the province of Ontario into as many Senatorial divisions as there are members of the Senate, from the said province.

2. To designate said divisions by appropriate titles.

3. To allot the senators from the said province to such divisions, having regard as far as possible to the wishes and preference of the senators concerned.

He said: I think I shall have to add to the motion the words 'To report to the House at a reasonable time,' or something to that effect. The motion requires very little exposition. It practically explains itself. The first proposition is to divide the province into senatorial districts.

Hon. Mr. ELLIS—I do not wish to interrupt the hon. gentleman, and I will mention my point of order after he concludes his remarks, if that will be the correct way. I should like to know whether I must do it now, or whether I will be in order in raising the point after the hon. gentleman has spoken? I take it the Senate has no power to constitute a committee to do something which the Senate itself cannot do.

Hon. Sir MACKENZIE BOWELL—What is the point of order?

The SPEAKER—He says this motion is ultra vires of the Senate. So that the point being raised, the hon. gentleman may discuss it if he desires.

Hon. Sir MACKENZIE BOWELL—Before the hon. gentleman discusses the motion, would he indicate to us his reasons for raising the point of order? I understood the Speaker to say that the point he raised was that the Senate has no power to appoint a committee to declare what portion of the province of Ontario a senator—not that he shall represent, but by which he shall be designated.

Hon. Mr. ELLIS—I do not wish to raise the point of order in order to shut off the hon. gentleman's speech, if I would be in order after the speech has been delivered; but I do not desire to be put off then by saying, 'You are too late.' I make the statement now that the motion is out of order as the resolution is asking the Senate to exercise a power which is not provided for in the British North America Act.

Hon. Mr. POWER—I do not understand that the hon. gentleman from Middlesex proposes to amend the British North America Act right away. I think that his object is to simply have this committee consider the question, and suggest to this House a plan for subdividing the province of Ontario. The language is a little too direct, and I think if the hon. gentleman from Middlesex were to secure a committee for the purpose of considering a divi-

sion we would get over the difficulty. We all agree with the hon. gentleman from St. John, that we should like to hear the discussion on a very important question, and we are satisfied that a discussion by the hon. gentleman from Middlesex would be most interesting and instructive, and I should be sorry that we should lose it.

Hon. Mr. ROSS (Middlesex)—Of course any motion that I might move would be subject to the concurrence of the Senate. It is not intended as an amendment to the British North America Act; that can only be done by the imperial parliament. I did not think the matter was of sufficient moment to propose it as an amendment of the British North America Act, nor do I like to have this parliament of Canada going too often to the imperial parliament to tinker with the British North America Act. I thought by convention, or comity, the Senate might agree to the recommendations if such were made by a committee, designating certain districts as the senatorial districts for the province of Ontario. I will give a few of the reasons for this, however, as I go along.

Hon. Mr. MILLER—Does the hon. gentleman think that that would give power to the government to appoint a senator from Ontario to represent a particular district ?

Hon. Mr. ROSS—Yes.

Hon. Mr. MILLER—I do not think it would. It would be a matter of courtesy.

Hon. Mr. ROSS—Purely a matter of courtesy. The province of Quebec, by the British North America Act, is already divided into senatorial districts, the obligation being that the senator must be either a resident of the district or the owner of property situated in that district. I do not know whether that arrangement works better than the arrangement in Ontario ; but in my judgment it is a more equitable distribution of senatorial representation of the province, and carries with it a certain amount of fairness and justice to the different districts of the province, which I think are worthy of consideration, so my first proposition is, if this committee is appointed and the matter is considered, that it could report senatorial districts for the province of Ontario that would give a much better distribution of senatorial representation than at present prevails. I am not blaming the government that the senators of Ontario are not distributed throughout the province. That is for them to consider, but the fact remains that if you take a parallel of latitude—say east and west from Lindsay—that the whole of the province of Ontario north of that parallel of latitude would be unrepresented in this House. The whole of the district of Nipissing and the whole of the district of Algoma, that new and growing part of Ontario, are not heard from in this House by any one having local or other connection with those districts, and in the same way the counties west of London—Essex, Kent, Lambton, Huron Bruce, Grey and Simcoe, a very large, wealthy and prosperous agricultural district is not heard from directly or indirectly in this Chamber. I think that is, not to say unfortunate, but it is an anomaly that might very well be corrected. It does not follow if this idea were carried out that a senator should necessarily be a resident of the district he represents, any more than it follows that the senators from Quebec are residents of their districts. I notice, by looking up the post office addresses of Quebec senators, that eleven reside in Montreal and three in Quebec. More than half of the representatives of Quebec are, therefore, residents of these two cities. I do not propose to lay any restriction upon the Crown. It is not necessary under our system or the British system that a member of the House of Commons, should be a resident of the district he represents. The qualification for a senator of the United States is that he shall be a resident of the State. That qualification is followed in the province of Ontario, and that is all we can say of it ; but a better distribution for us, with our large number of senators, would be the distribution which I propose. In the United States, each state has but two senators, so to give a subdivided representation in that case would be simply to cut a state in two. I propose to divide the province of Ontario into twenty-four districts. Another reason for this is, if this

distribution were carried out, you would create a local interest in each district the senator was representing. Whom do I represent? Nominally I represent Middlesex. I have associated my name in this Chamber with Middlesex, simply because of my connection with it for 30 odd years and for a sentimental reason I desire to retain the connection. We have four senators resident in Toronto, three resident in Ottawa and two resident in London. If I were designated either by courtesy or by comity to the county of Middlesex, then the electors of Middlesex, the taxpayers and inhabitants of Middlesex would speak of me as their senator, and I would have a local interest in the county and its population, and the people of Middlesex would have a personal interest in me. For that reason, Bills affecting senatorial districts would be more likely to come to the Senate than they do now. Private Bills go largely to the House of Commons because a member of that House is closely identified with his constituency while we in the Senate are not specially identified with any district. If we have any designation, it is of our own selection. The hon. senator from Smith's Falls is so designated of his own choice. He is sometimes designated as the senator from Leeds and Grenville ; then we have the senator from Bowmanville, the senator from Hastings and the senator from Alexandria, &c. A wider designation would give a senator a wider interest in a certain district, and the people of that district a personal interest in their representative in the Senate. It is possible that because of the want of this personal and local interest, people take less interest in the Senate than they otherwise would. If you ask the people of Bruce, Simcoe, Algoma or Nipissing : 'What interest have you in the Senate,' they would say: 'None; nobody speaks for us in the Senate ; we may as well go to one as to another or almost to a senator from another province as to any senator from the province of Ontario.' I hold, therefore, the change which I propose would give a better distribution of senators throughout the province, which would be an advantage, and it would give senators a local interest which would be perhaps an advantage to them, and give the people of the several districts an interest in the Senate also. Suppose an important public function was taking place in which a locality was interested, such as the opening of a new railway, or some other public enterprise, it would add to the influence of the senator and of the district if they could call upon the senator to take part in the proceedings as their representative. They are sure to call upon a member of the House of Commons, but at present there is no reason to call on any one senator of Ontario, more than on another. Nor do I suppose that this would limit the choice of the Crown in any sense. The choice of the Crown is not limited in the province of Quebec. Eleven senators chosen are residents of the city of Montreal, although each has a separate district. The choice of the Crown is not limited now, neither should it be limited under the new system. It would be quite proper for the government, in its wisdom, if some person of high standing, commercial experience, or social position, or of any other distinction which would qualify a man for the position in this House, such as political experience, was not a resident of the district, to designate him to that district, just as a constituency chooses a man outside of its own boundaries because of some peculiar qualifications; the choice of the crown would not be limited. That is my first proposition.

My second proposition is that we should designate the senatorial districts by some name, indicating their locality. The present designation, as I have already hinted at, is not suitable, in my judgment. It gives dignity and importance to the position of a senator to have it known that he represents a larger area of population than our paper now indicates that a senator does. When senators were elected in the province of Ontario prior to confederation, each senator represented practically two or three counties. For instance, there was the senator for the St. Clair division. That represented Lambton and a portion of Middlesex. Then there was the Malahide division, which represented part of Middlesex and Elgin, and that distribution was general. There a senator was designated by some locality that gave him a standing, and that enabled

him to look to those constituencies as the people in whom he was interested, and perhaps who would call upon him for such services as he might be expected to discharge. A change in the nomenclature of the titles by which senators are known, or the designation by which they are known would certainly be an improvement, if no other change was made.

The next point is to allot the senators of the province of Ontario to the districts so designated. That may be a more difficult task, but I think that a committee could very soon, by personal intercourse with the senators, find out what districts would suit them best. For instance, the city of Toronto might have two or three senators designated to it, as being a large city. Hamilton, a large city, would also have some senator designated to it, and so on, and in the event of the senator for this particularly designated city or locality being deceased or retiring, then the new senator who took his place should be designated to the place so vacated, no matter from what part of the province of Ontario he was appointed. The system would work out automatically, and I am satisfied it would give very satisfactory results. I do not know whether the government would act upon any recommendations we make, although I feel satisfied that the report of a committee would receive due consideration. It does not bind the government, but it would indicate the wish of the Senate as to what might properly be done, and I would have every confidence, from what I know of the mind of some of the members of the government, that any recommendation we might make to this effect would have the desired results. My resolution may appear a little positive in its statement. It is rather to be suggestive than mandatory, and if it is passed by the Senate and a report made and adopted, I am satisfied the result I have in mind would be acceptable to the government, and I think it would have a beneficial effect upon the status of the Senate and upon the influence of senators.

Hon. Mr. McMULLEN—I think the hon. gentleman from Middlesex has done well in bringing this question before the House. For my part I think part of the cause of the unpopularity of the Senate in the province of Ontario is the fact that while we have 24 senators, there is no senator allotted to any particular district. There is no senator that represents any particular district as the senator for the district in which he lives. I have noticed the unfortunate condition of the section of the country to which the hon. senator from Middlesex has referred. That is the whole northwestern section of Ontario. There is not a senator at all from any of those counties that he has named. I think that is a very unfortunate condition of things. This new and important district should be recognized. Senatorial districts are recognized in the province of Quebec, and we should have them recognized in the province of Ontario. When a senatorship becomes vacant, in filling that vacancy I think it is well that a district such as the county of Grey, and Bruce, the Hurons and New Ontario, where for a hundred square miles or more there is not a senator at all, should be recognized. I am not complaining that Toronto and some other populous centres have quite a number of senators. I do not wish at all to challenge the propriety of the appointment of those gentlemen. They are all good men; at the same time I think it would be better if we had them relegated to certain districts so that the people would recognize them as the senators from those particular districts. I can go back, of my own recollection, to the time of the old legislative council. I can well remember when we had the Saugeen district, and when we had the Huron district, and other districts from which we elected senators. At that time, people were disposed to recognize these men as their representatives. They were elected by popular vote at that time. That system has been done away with and senators are now appointed. I should like to see the Senate occupy a better position in the estimation of the people of our province than it does. Of course it may partly be the fault of those who in past years criticized the utility of the Senate, as I acknowledge I did myself. At the same time, the longer we live the more we learn, and I am prepared to argue that the work this Chamber has done from year to year since I have been in it, has, in my

humble opinion, clearly justified its existence, and I notice also that men who have been a long time in parliamentary life have, as a rule, expressed their desire to continue the existence of this Chamber, even if it were in the power of parliament to abolish it. Under our system, this Chamber is part of the constitution, and exists owing to the constitution providing for a Senate. Of course the people are all-powerful. If they rose in their might for the purpose of abolishing this Chamber, I fancy that a united effort on their part might possibly bring about a change. I do not know how it would come; but in order to perpetuate the existence of this Chamber and bring it more in touch with public approval and public estimation I think it would be a most desirable change to bring about the one that has been suggested by the resolution of the hon. gentleman from Middlesex. I should like to see it, and I believe it would make the existence of the Senate more acceptable to the people of the province of Ontario, and would result in good. Therefore, I think it is quite necessary that some change of the kind should take place. I am heartily in accord with it. I do not know what is the system applied to other provinces. We also have the new provinces, and I do not know that any division has been made there. I am not now speaking for any province except Ontario, and my reason for supporting the motion as heartily as I do is because I think it would tend to improve the standing of the Senate, and also its popularity, and it is low enough at the present time, if some such method was carried out as that suggested by the resolution just moved.

Hon. Mr. LOUGHEED—I think it highly undesirable that a resolution should be passed by the House employing language which it must be obvious to every hon. gentleman we would not have power to crystallize either into a rule or a statute. I may be in accord with the hon. gentleman from Middlesex as to the desirability of each member representing a particular district; but we cannot overlook the fact that the British North America Act, in providing for the appointment of senators for the province of Ontario, in fact from all the other provinces with the exception of Quebec, appoints them for that province at large. The only arbitrary division to which senators are allocated will be found in the province of Quebec. It is not necessary under the British North America Act that they should be residents in their particular districts, although they are appointed for a particular district, but a reference to the British North America Act will at once convince my hon. friend from Middlesex that in all the other provinces they are appointed for the province at large. The resolution might be modified, it seems to me, in the shape of expressing a recommendation or a suggestion by this House to the government, that the British North America Act should be amended so as to bring the Act into conformity with, say, the province of Quebec; otherwise if we pass the resolution in the form in which it appears on the order paper at present, it will be open to the criticism that we have no authority whatever to allocate senators to any arbitrary division in any of the other provinces. If my hon. friend will modify his resolution in that shape, I fancy it will not meet with the reception which it may possibly meet in the arbitrary way in which it is draughted.

Hon. Mr. ELLIS—If hon. gentlemen will look at this resolution they will find that it proposes :

1. That a committee of seven members of the Senate to be named by Mr. Speaker, be appointed to divide the province of Ontario into as many Senatorial divisions as there are members of the Senate, from the said province.
2. To designate said divisions by appropriate titles.
3. To allot the senators from the said province to such divisions, having regard as far as possible to the wishes and preference of the senators concerned.

I hold, first, that the Senate itself has no power to do this. Therefore, it cannot delegate the power. The British North America Act expressly provides how the senators shall be appointed. The senators are appointed, as everybody knows, by the government. In Quebec they are appointed for a particular division. They are not appointed in any other province to any particular division, and their powers cannot be limited, and the authority which they

have as senators cannot be circumscribed in any way by designating a senator for this place or that, and while it is customary, as a matter of convenience, to refer to the hon. gentleman from Hastings or the hon. gentleman from Rothesay, yet they are not divisions which these gentlemen represent in the sense in which members of the House of Commons represent them, or which the senators from Quebec represent districts. I do not propose to pursue the matter any further. I was anxious to hear what the hon. gentleman from Middlesex had to say, and while it may be very well to pass a resolution such as he has suggested, declaring the feeling of the House, I make the point of order that we cannot adopt the resolution. It is contrary to the British North America Act, and out of order.

Hon. Mr. McMULLEN—I do not for a moment consider that I am a judge of the constitution or the Act, or that I could attempt to explain it, but in my simplicity I challenge the statement made by the hon. leader of the opposition. The government unquestionably have the right to appoint 24 senators from Ontario. The government have a perfect right to say by that appointment what district these senators shall represent in Ontario. There is nothing in the constitution to lead any person to suppose that they have not the right to exercise that power if they choose to do it. The constitution simply provides that they had the appointment of 24 senators from Ontario, and so many for the other provinces. Does that simple wording prevent the government from saying that these senators shall be representative for certain districts in their province ? It does nothing of the kind. There is no limitation whatever. If you take the constitution, you will find there is no limitation, so that the interpretation suggested by the hon. gentleman from St. John is, in my humble opinion, absurd. The government can undoubtedly do it. Does any hon. gentleman say that if this country should propose a change in the manner of appointment and declare that senators should be elected, there is no power within this House and the other Chamber to make an arrangement of that kind? I do not know. The constitution in that case might have to be altered. But in this case it does not interfere with the appointment. We do not propose to touch the appointment. We retain all that power; but when the Governor in Council do appoint there is nothing in the constitution that deprives them of saying that these senators, when appointed for Ontario, shall represent certain districts.

Hon. Sir MACKENZIE BOWELL—The only object the hon. mover of this resolution has in view is simply to designate by courtesy how a senator shall be addressed in this House. The most of his argument would be in favour of a change in the constitution. There is no doubt in my mind about that. In that respect I should differ from the hon. gentleman in toto. The constitution provides now that whoever is appointed for the province of Ontario represents not the particular district in which he lives, but he is appointed as a senator and legislator for the province of Ontario. It seems to me the only object my hon. friend has in view is the one I first indicated, that you should give to each senator a name by which he should be designated, when he addresses the House. A difficulty arises, however, in this way: the hon. gentleman referred to Essex. That is the extreme southern portion of Ontario. The gentleman appointed to the seat of our late colleague who represented that constituency is a resident of Ottawa, and if the suggestion contained in the resolution which is before the House is carried out, we should have to designate the resident of the city of Ottawa as the hon. gentleman from Essex, or representing Essex. There would be a difficulty that would suggest itself to my mind. The gentleman who would be appointed might live in a different section of the province altogether, as far away in the case I have indicated as you could well imagine. It is very well known that when the old legislative council of Canada, before confederation, was made elective, it mattered not where the candidate lived. He could live in any portion of the province of Ontario and represent the most distant portion of it. Take for instance the district of Saugeen. That was represented in this House by the Hon. Sir David McPherson, whose

residence was in Toronto, and even under our present system a gentleman may be a resident of a district that really has no representative in this House, and after he has been appointed he may move to another section of Ontario. I could give you a number of illustrations. During the time I was in the government, questions were considered of appointing gentlemen living in certain localities, so that they might represent those localities; but after their appointment they moved to other cities. In this way a number of senators came to live in Toronto, having disposed of the properties on which they had been living, or because of some business change. There is no constitutional reason why the hon. gentleman who has raised the point of order should not be designated as the senator from St. John; he is so designated because he happens to live in St. John. Take my own case; I live in the county of Hastings. My old constituency used to be, when the legislative councillors were elected, in the Trent division. It was known as the Trent division for the reason that the Trent river, which is a very important river, runs through the county of Peterboro, North Hastings and Lennox. That part of Ontario constituted a division. Then Belleville, South Hastings and Prince Edward county were designated as the Quinté division, simply because they front on the Bay of Quinté. I have given these as illustrations of what I mean. If I were designated the member for Quinté division, it would then include the whole district through which the Bay of Quinté runs, down as far as Kingston. That is an illustration of what the hon. senator from Middlesex means by his amendment. The constitution has wisely provided that the government have the right to select such men as they think are best fitted to represent the province in which they live and not confining them to any particular locality or district. There are many districts in which there might not be gentlemen whom the government would consider best fitted for seats here, and while the fathers of confederation insisted upon dividing Quebec into districts, they wisely decided not to confine members to those districts, but simply required that they should either reside or have property qualification in the district represented. We know of cases of recent appointments where they were compelled to go and buy their property qualification in the district for which they were appointed, though they lived in the city of Montreal. There is no reason why we should not come to some decision as to how each senator should be designated without violating the provisions of the constitution.

Hon. Mr. SULLIVAN—I thought in seconding this motion that it was a very good idea, because it is difficult now to know what is the nomenclature of the division for which a senator is appointed. I might be called the senator from Cataraqui. That was the title of the district represented by the late Hon. Mr. Hamilton. I do not see any trouble about the constitution in this matter. The hon. gentleman wishes a committee to be named, and that the committee should make a recommendation. Taking a map of the province, they would divide it into different districts and give the districts euphonious names, as far as possible, and send through the Senate a report to the government.

The SPEAKER—The motion of the hon. senator from Middlesex has either for its object an amendment to the constitution or a change in the usages of the House. Of course if the motion tended to alter the constitution, it would be out of order; but as it reads it can be applied as for the use of the House only, and I am bound to take that view of the question. Yet I would suggest if there is no hurry in putting the motion, that it should be amended slightly to show that it is for the domestic use of the Senate only. We have rule 32 which says:

> A senator desiring to speak is to rise in his place uncovered and address himself to the rest of the senators, and is not to refer to any senator by name.

Bourinot states what is the usage in this House at pages 477 and 478:

> It is a rule of parliament that a member addressing the House should not mention another member by name. The Senate have an expressed rule on this point, and it is usual in that House to speak of another senator as the hon. member for Grandville, &c.

This being the rule and practice of the Senate, I see no objection to the Senate itself designating members by the divisions

they come from, or some other mode, and inasmuch as this motion tends to this object I am of opinion that it is in order.

Hon. Mr. ELLIS—I should like to draw attention to the point which I have made, that the motion gives certain powers to a committee of the Senate without requiring further reference to the Senate.

Hon. Mr. ROSS (Middlesex)—I propose making an amendment which practically was to anticipate the remarks made by his Honour the Speaker. I had intended to add a fourth clause to provide 'Such divisions and designations of senatorial districts to be regarded as the designation of senators in the Senate.' That is, we make certain senatorial divisions by which we are to be known in the Senate.

Hon. Mr. BEIQUE—I would suggest another wording, which would be to the effect that the province of Ontario should be divided into as many senatorial divisions as there are members of the Senate from the said province, having regard as far as possible to the wishes and preference of the senators concerned, and to designate in the proceedings of the Senate by such titles.

The SPEAKER—I would suggest that the hon. member adjourn his motion and have it redrafted, after the debate we have had as to the end in view.

Hon. Mr. FERGUSON—We ought to come to some decision on this question to-day, because I think we are discussing the Senate too much. I do not agree with the hon. senator from Wellington that the Governor in Council in calling any hon. gentleman to the Senate can designate him for any division. He can only call him to the Senate for the province he is to represent. Any arrangement made under the motion of my hon. friend could have no possible influence on the government in calling members to the Senate in future. And after they are thrown upon the House it may be found very difficult to allot divisions for them in the House according to any prearrangement. For instance you divide Ontario into twenty-four divisions, and the very first appointment may be of a gentleman living in a division different from the one in which there is a vacancy, and he may not be willing to be put in that position. I apprehend there will be great difficulty in carrying it out. The better way is for the 24 members from Ontario to get together and settle it for themselves. There is no difficulty in my little province; we have one senator for each of the two smaller counties and two senators for the larger counties.

Hon. Mr. JONES—If the House is going to deal with this question, why should we select only the province of Ontario? If this House considers it desirable that Ontario should be divided into divisions, and senators to be designated as representing those divisions, why not deal with the wider question of all the provinces except Quebec, so that the House might deal with the whole matter at one time, rather than be taking it up again and again. If it is a good thing for Ontario, it ought to be equally good for the other provinces, and they also should be divided, and probably hon. members from those provinces would be influenced by this action, and we will have this question coming up again session after session, dealing with one province at a time. Personally, I do not sympathize with the hon. gentleman's motion. It seems to me it might have the effect of creating dissatisfaction in the provinces, unless the House hopes by this change to influence the government to make the appointments from residents of the several divisions. Otherwise it appears to me that it would naturally make the electors in a division feel that they have been neglected. If there is a vacancy in, say, the northeastern part of the province, and a resident of Toronto or Hamilton is appointed, it might embarrass the member and create dissatisfaction in the constituency. Surely if this House is going to deal with the matter it ought to be dealt with in a comprehensive way instead of selecting one province for making a change.

Hon. Mr. FROST—I cannot very well support this resolution, because I feel very much as the hon. senator from St. John feels about it, that it is somewhat unconstitutional. The senators are appointed by the government. We are here by the grace

of the Crown. Therefore if we change the manner of appointment, and undertake to designate certain districts for the Senate, which were never contemplated by confederation, we are derogating to a certain extend from the prerogative of the Crown. In that sense, I think it would be advisable before we vote on this question, that we should take counsel of the Minister of Justice or some other well qualified constitutional lawyer, and see whether such a motion as this is a suitable one to be adopted by this House. I would suggest that the hon. senator from Middlesex withdraw his motion in the meantime, and if it be found in order, draft it so as it will meet with the general approval of the House.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman think it unconstitutional that he should be designated on the diagram as the senator for Leeds and Grenville? If that be not unconstitutional, would it be less constitutional if he were designated the senator from Smith's Falls, with the consent of the Senate? The difficulty in the present system is that names are duplicated; there are five senators from Toronto, and if you are to designate them as senators from Toronto, one must be known as the senior member from Toronto and the others as No. 3, No. 4 or No. 5; or we must give their names, Senator Kerr and Senator Jones, &c.

Hon. Mr. FROST—That diagram to which the hon. gentleman refers is prepared by the clerk.

Hon. Mr. KERR—I do not apprehend that my hon. colleague from Toronto would object to being called the Hon. Mr. Jones. Certainly I have no objection to being known by my own name.

Hon. Sir MACKENZIE BOWELL—My hon. friend forgets that it is contrary to our rules to designate a member by his name.

Hon. Mr. JONES—Would it not be less difficult to change the rules than have the absurd condition that a gentleman from Windsor should be designated a senator from Ottawa. The hon. gentleman who introduced this motion says that Quebec is the only province in which senators represent divisions, yet eleven of the senators from that province live in Montreal. It does not look as if the designation was helping to distribute the representation. While it may not be unconstitutional for us to pass this motion, it ought to be, for it is absurd designating a man as representative of a division in one part of the province when he lives in another part of the province.

Hon. Mr. McMULLEN—When confederation took place, senators represented certain districts, and were appointed by the Crown as senators.

Hon. Mr. KERR—Some of them.

Hon. Mr. McMULLEN—They were recognized as the representatives of the districts for which they were appointed. Hon. D. L. McPherson, who lived in Toronto, was appointed for and represented the Saugeen division. He sat for the Saugeen division before confederation, and at the time of the union was appointed and was the representative of that division, although he lived in Toronto.

Hon. Mr. WILSON—Had he not been elected by the popular vote as the representative of the Saugeen division in the Senate?

Hon. Mr. McMULLEN—He was elected first, and before confederation sat as a member of the Upper House, representing the Saugeen division. At confederation, he was one of those appointed a senator, and was looked upon and recognized as a representative of the Saugeen division, and other Ontario senators were appointed to represent certain divisions in the same way. The fact is that ceasing to name senators as representing in this House specific districts began under the government of Sir John Macdonald. The appointments were made regardless of the district or without allocating them to certain districts. The government quit naming them as senators representing certain sections of the province. The result is that it has gone on ever since, and the condition is just what I have represented—senators have ceased to be acknowledged representatives of specific districts, and it has tended to render the Senate and its members less popular in the province. The change would be a great improvement.

Hon. Mr. BERNIER—There are two phases of this question. If it is intended to make a domestic arrangement within the Senate, there is nothing unconstitutional about the motion. We already have that arrangement; but if it were intended to do anything more it would be unconstitutional. In the case of Quebec, each senator is appointed for one of the electoral divisions in the province of Quebec. When it comes to the other provinces, the constitution does not provide anything like that, and the mere fact that an exception is made in the case of Quebec makes it clear by implication that the other provinces are not subject to that rule. For the other provinces, the senators are appointed for the whole province, and we cannot change that.

Hon. Mr. POWER—I sympathize with the hon. member from Middlesex in his main object, but I would suggest that he accept the hint given by some hon. gentleman, that he should redraft his resolution and get it into a shape in which it would be more likely to find general acceptance. I do not look at the matter in the same way as my hon. friend from Toronto (Hon. Mr. Jones). The only effect of the action which the hon. gentleman proposes, would be that the government in making appointments to the Senate would not be so likely to overlook the interests of outlying portions of the province. There is a great deal of force in what has been said by the hon. gentleman from Toronto to the effect that this rule, if applied to Ontario, should apply to other provinces as well. On the whole, the hon. gentleman from Middlesex would do better to withdraw his motion for the present, and bring the matter up in a slightly different form.

Hon. Mr. ROSS (Middlesex)—The resolution was not intended to bind the government. I was quite well aware that we could not do so. It would be suggestive, however, to the government, of such a division of the province of Ontario as might give to the Senate its most useful representation. That is what I had mainly in view. It is rather an anomaly, to use a mild term, that so large a portion of this province should be unrepresented. I do not blame the government for that; neither the present government nor past government; but the fact is that the province, if divided into senatorial districts, would be a suggestion to the government that, in filling vacancies, those unrepresented districts should become represented. That is as far as we can go. It is not proposed to amend the Act. The Speaker has held that the resolution as far as it goes is in order. I think it certainly is in order for us to make suggestions. Then as to the point raised by the hon. senator from Toronto, there is nothing anomalous in a member representing a district in which he does not reside, or which is very remote from his residence. The same rule prevails in the House of Commons. There is a member living in Ottawa who represents Nipissing district.

Hon. Mr. JONES—In that case, you go to the constituency and they put you in the House of Commons; in the other case the government arbitrarily put you in the Senate.

Hon. Mr. ROSS (Middlesex)—The Crown puts us here. If we have to go to the people we will go and stand our chances and probably have about as good luck as the ordinary candidate for a seat in the House of Commons. By this motion we suggest to the Crown, here are certain senatorial districts which, if recognized and represented, would remove a grievance. If members from the other provinces approve of my view, they could have a similar readjustment for their respective provinces. That is for them to say. I do not wish to interfere with the state of public opinion in the other provinces of which I am not advised. What is a grievance in Ontario may not be a grievance in another province. Take the west: Manitoba has four senators, and each of the other prairie provinces has four senators, and British Columbia has three. A redistribution of those provinces would be easy, and perhaps might be settled without any trouble; but what may not be a grievance there is, to my mind, a grievance here. I need not discuss the constitutional aspect of the question, because that is not before us. A senator represents the whole of his province whether he is designated to

a district or not. The principle of the constitution is that the province should be represented by so many senators. It was to suit local conditions that Quebec was subdivided. There were the French and the English portions of the community, and it was to scatter the representation to a certain extent equally between French and English and for other reasons that the divisions were made. The same principle prevailed in establishing the divisions as to the House of Commons. Conditions there necessitated that feature of the constitution. Similar conditions did not prevail in Ontario, and so we are appointed senators at large, for the province, no matter what district we may live in. That is the case in the United States. A State senator is senator for the State, no matter what part of it he may live in. We are senators in the first place for the province, and secondarily for the Dominion. A member of the House of Commons is first a member for the particular constituency that elected him, and following the rule of the British constitution he is not a delegate but a representative of the constituency, and then a representative of the whole country. We are representatives for the whole of Ontario. Supposing this provision of my resolution were carried out, how would it work out? Our commission would give us a seat in the Senate. There is no provision in the constitution to give us the representation of a particular district; but when we came to the House we would be spoken of and designated as the senator from such and such a district. The courtesy of the House would prevail in that case and the fact would be a warning to the government to give representation to the different districts, and the Senate would be benefitted in the process. I understand the resolution might be somewhat altered to meet the views of the House and under the circumstances I ask permission to withdraw it.

The motion was withdrawn.

THE KINGSTON INVITATION.

Hon. Mr. SULLIVAN—It is with extreme regret that I have to announce that the invitation to hon. senators to visit Kingston is cancelled. I shall take care that the commandant of the military school has a list of the names of those hon. gentlemen who were good enough to signify the acceptance of the invitation.

ADJOURNMENT.

The notice of motion being called :

That when the Senate adjourns on Thursday, the 18th instant, it do stand adjourned until Tuesday, July 7 prox.

Hon. Mr. ELLIS—I placed this motion on the paper in order that it might be discussed to-day, but in the absence of any member of the government except perhaps the hon. gentleman from Halifax—and I am not quite sure of his position—I think I had better not proceed with it to-day. The public business of the country is in such a state that I might have made the adjournment much longer.

Hon. Sir MACKENZIE BOWELL—Perhaps the hon. gentleman from Halifax, who is leading the House, could indicate what the feeling of the government is, and if he could not, perhaps the hon. gentleman who is occupying the seat of the Secretary of State (Hon. Mr. Frost) could give us some information.

Hon. Mr. LOUGHEED—And if he cannot do it, somebody might take the seat usually occupied by the Minister of Trade and Commerce, and he might give it to us.

Hon. Mr. POWER—I am in a position to say that the government do not see their way clear to accepting the resolution of the hon. gentleman from St. John in its present form.

Hon. Sir MACKENZIE BOWELL—I am glad I drew out that information, because I desired to indicate when the motion was made, that before it was put we should ascertain whether the blockade in the lower House had been removed, and in case it has not been removed, I proposed to move an amendment to the hon. gentleman's motion, that the Senate adjourn subject to the call of the Secretary of State or the hon. Speaker, I am not particular which, so that they can communicate to senators, in the different parts of the country and inform them when the blockade is raised and business can proceed.

The notice of motion was allowed to stand.

SHUSWAP AND THOMPSON RIVERS BOOM COMPANY BILL.

CONSIDERATION OF REPORT OF COMMITTEE.

Hon. Mr. GIBSON (in the absence of Hon. Mr. Casgrain) moved concurrence in the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to Bill (49) An Act to incorporate the Shuswap and Thompson Rivers Boom Company.

Hon. Mr. COMEAU—Would it not be in order to have the amendments read at the table ?

Hon. Mr. POWER—That is a very unusual proceeding. The better way would be for the hon. gentleman in charge of the Bill to explain the amendments. It is introducing a new practice, and I should suggest that the hon. gentleman in charge of the Bill explain the amendments.

Hon. Sir MACKENZIE BOWELL—The report of the committee reads as follows :

The Senate, Committee Room No. 8,
Thursday, June 10, 1908.

The Standing Committee on Railways, Telegraphs and Harbours, beg leave to report as follows:

In obedience to the order of your honourable House, made May 21 last, referring back to your committee for further consideration the Bill from the House of Commons, No. 49, 'An Act to incorporate the Shuswap and Thompson Rivers Boom Company,' your committee have reconsidered the said Bill and now beg leave to report the same with the following amendments:

Page 1, line 15.—Insert the following as clause A:

Clause A.

The undertaking of the company is declared to be for the general advantage of Canada.

Page 3, line 13.—After 'in' insert 'The Canada Gazette and.

Page 4, line 22.—Leave out 'and.' After 'Gazette' insert 'and at least one newspaper published in the cities of Kamloops and Revelstoke.'

All which is respectfully submitted.

J. P. B. CASGRAIN,
Chairman.

The undertaking of the company, it will be seen, is declared by this report to be for the general advantage of Canada.

These are all the amendments proposed to the Bill, but the principle of the Bill they do not affect.

Hon. Mr. COMEAU—It will be noticed that, strictly, the only amendment is a clause declaring the undertaking to be for the general advantage of Canada. Before that motion is put, I desire to move that it is inexpedient to declare that the proposed works are for the general advantage of Canada in as much as the legislature of British Columbia have full jurisdiction to incorporate such a company as that which the Bill seeks to incorporate, and to regulate the works and operation of the company in all respects except in so far as they may interfere with the navigable waters, as to which interference full provision is already made by the Dominion statute.

Hon. Mr. BOSTOCK—I raise the point of order that this amendment is out of order, in as much as it does not amend the Bill.

The SPEAKER—The point of order is raised, that this amendment does not amend the Bill. It is not an amendment in proper form, and the hon. gentleman can take nothing by it. I might draw the attention of the hon. gentleman to the fact that there is another notice of amendment by the hon. gentleman from Saskatchewan which would attain the same end. I simply infer that the object which the hon. gentleman has in view is that the Bill should be rejected as being outside of the jurisdiction of this parliament, and that would affect the whole Bill. If that is his intention, he can take advantage of the motion of the hon. gentleman from Saskatchewan, which reads as follows :

That the Bill be not now read a third time, but that it be referred to a Committee of the Whole for further consideration.

Hon. Sir MACKENZIE BOWELL—The suggestion made by the hon. Speaker is quite correct, no doubt; but can that not be arrived at without the House adopting the report of the committee ? In doing that you are concurring in the report of the committee which has made the amendment. I would suggest a shorter mode of attaining the object he has in view, namely a motion that the adoption of the report be considered this day three months.

Hon. Mr. COMEAU—I should like to call attention to the fact that if we wait until

the motion of my hon. friend to have the Bill sent to a Committee of the Whole, is put, we in the meantime affirm the principle declaring this Bill to be for the general advantage of Canada, and that is precisely what I want to avoid, because that motion may be voted down. In the meantime the principle has been affirmed.

Hon. Mr. CHOQUETTE—Move the three months' hoist.

Hon. Mr. COMEAU—If I am in order, I will withdraw my motion, and move that these amendments be taken into consideration this day three months.

The SPEAKER—I have made no ruling on the point of order raised. I thought the motion was contrary to rule 44.

The motion was allowed to be withdrawn.

Hon. Mr. COMEAU—I move in amendment that these amendments be not now concurred in, but that they be considered this day three months.

Hon. Mr. MITCHELL—Is the hon. gentleman amending the motion of the hon. gentleman from Saskatchewan or his own motion ?

The SPEAKER—No, it is his own. The motion is that the report be now concurred in, and the amendment is that this report be not now concurred in; but that it be considered this day three months.

Hon. Mr. COMEAU—As I have already pointed out, if we accept the report of the committee to-day, we shall be debarred hereafter from raising the question as to whether this undertaking is or is not for the general advantage of Canada. I desire to call your attention to the fact that no later than last year, this House put itself on record on this very important question, by passing a series of resolutions, one of which reads, that it will be not only necessary for this House to declare that a Bill is for the general advantage of Canada, but that there must be proof given. This is a very important question, so important, I think, that we should either have an opinion from the Minister of Justice, or at least a pronouncement from the government. We should, at any rate, try to be consistent with ourselves. The works contemplated under this Bill are to be wholly in the province of British Columbia, and the government of British Columbia have protested against the passage of this measure. Now, as there is a conflict of opinion as well as there appears to be a conflict of jurisdiction I think that the government (and I am sorry the hon. leader of the House is not in his place) should make a pronouncement in regard to this matter. We surely are not going to make a lot of children of ourselves here by saying one day that because a Bill, or certain works contemplated under a certain Bill, are to be wholly within the province, that we refuse to insert in that Bill a clause declaring the work to be for the general advantage of Canada, and then perhaps the next day sanction a Bill containing the same provision, and for work which it is not even denied is to be wholly within one province.

Hon. Mr. BOSTOCK—In answer to what my hon. friend has said in moving that this Bill be read this day three months, I would point out that his whole argument is that we should not declare this to be a work for the general advantage of Canada. If he wants to attain that object, he can do so by striking out that first clause ; but he prefers not to do that. He evidently wants to kill the Bill. It is evident he does not simply want the Senate to be consistent, but wants to kill the Bill altogether, because if he moves to strike out that clause, which is the amendment proposed, the Bill would still be one under which the people promoting it could carry on their work. The only object of asking to have this clause inserted describing the work as a work for the general advantage of Canada, was to remove any doubt. We had the expression of lawyers that this Bill, unless that clause was in it, was a Bill that could not be passed by this Chamber. Now the opinions are entirely different about that matter. It is wholly a legal question, and I do not want to take up the time of the House going into legal questions, because those questions are ones that should be left to the courts; but I may point out that in addition to what I have already said in favour of the contention that I make, that

this is the right place to come to get this legislation, that I hold in my hand an opinion given by the Justice Department to the Department of Indian Affairs in connection with the Keremeos Land Company incorporated under the law of British Columbia, and those people applied to do certain work on an Indian reserve. The opinion given by the deputy Minister of Justice, Mr. E. L. Newcombe, on the 28th of April, 1908, reads as follows :

I have the honour to acknowledge receipt of your letter of instant, with reference to the application made by the Keremeos Land Company, incorporated under the law of the province of British Columbia, for permission to cross Indian reserves Nos. 9 and 10 of the Lower Similkameen, British Columbia, the former with a ditch and the latter with a ditch in part and a pipe line, for the purpose of diverting and carrying water from Ashnola creek for agricultural purposes to the lands of the company in the neighbourhood of Keremeos. You state that the Indians are apparently antagonistic to the proposition, and that it would appear to be not possible to obtain their consent, and you ask me to advise as to whether the permission asked for can be granted under the 46th section of the Indian Act, chapter. 81, Revised Statutes of 1906, with the consent of the Governor in Council.

In reply I beg to state that the question here involved has on several occasions been before this department for consideration, and the position heretofore taken by the Department has been in effect that section 46 of the Indian Act does not of itself give any power to take lands in a reserve without the consent of the Indians under section 48, and that it is intended merely to provide for the protection of the Indians where the right to have such consent dispensed with has been obtained aliunde. In such cases the section makes the consent of the Governor in Council essential, and provides for the settlement and disposition of the compensation to be paid to the Indians. It has also been held that power to take without the consent of the Indians can only be obtained from the parliament of Canada, a provincial legislature having no jurisdiction to dispense with the requirements of section 49 of the Indian Act.

I see no reason for departing from this view of the law, and I am to state that I have consulted the Minister of Justice with regard to the matter, and that he concurs in my opinion.

I have the honour to be, sir,
Your obedient servant,
E. L. NEWCOMBE,
Deputy Minister of Justice.

This company would be in the same position as that of the Keremeos Land Company if they went to the provincial legislature for their legislation. The work they propose to do on the North Thompson river will have to be done on an Indian reserve. The booming and all that will have to be done on an Indian reserve.

Hon. Mr. COMEAU—All of it ?

Hon. Mr. BOSTOCK—Part of it. I do not say all of it. They have to deal with the Indian reserve, and the only way they can deal with the Indian reserve is by getting legislation from this parliament. We have, this session, already passed a Bill here called the Saskatchewan Power Bill, assented to only yesterday, and that measure is not as important a Bill for general purposes as this one; but that Bill went through this House without any question being raised, and it was for work wholly within the province of Saskatchewan, and dealing with Dominion Lands exactly as this Bill proposes to deal with them. I cannot see how this House can be consistent if it passes a Bill like the Saskatchewan Power Bill and then throws out a Bill of this nature which is practically on the same lines. I think there is another great question in regard to this matter which hon. gentlemen have probably not considered. Last year there was a question brought up about a combine amongst the lumbermen in British Columbia. Now the Dominion government have laid aside forest reserves for the purpose of protecting the timber and retaining a certain control in their own hands. It is quite possible they might find it very convenient if such a thing as a combine should exist amongst lumbermen, to take some measures with regard to handling the timber on these reserves, and if hon. gentlemen will read this Shushwap and Thompson Rivers Bill, they will see that the last clause of the Bill gives the Dominion government and parliament power to expropriate these works if they think it in the public interest to do so. It gives them power to do that work, and it would put them in a very much better position if in the interest of the provinces of Alberta, Saskatchewan and Manitoba they had to deal with a serious question of a combine amongst the lumbermen in British Columbia if they kept a charter such as this in their own hands, and they could regulate the tolls charged on the logs coming down the river and see that somebody did not get hold

of a charter of this kind, whereby they could lay back and charge a high toll on logs, over which this Dominion government had no control. This whole question has been thoroughly threshed out, and hon. gentlemen are probably getting tired of it; but I wish to point out that owing to the discussion that we had the other day in the committee on this Bill, some hon. gentlemen who were opposed to the measure, when it first came up, are now in favour of it, and I think that anybody who will give it fair consideration will see that this is a Bill which should be passed.

Hon. Mr. BAIRD—A Bill similar to this was passed last year, and it was fully discussed. That Bill was defeated on the ground that it was ultra vires of the Dominion to pass such legislation. It is true the personnel of the committee was different last year from that of the committee this year, but I see no reason why that should change the views of hon. gentlemen of this House. They should take the same view this year as last year, because the Bill is of the same character. I oppose this Bill for the very same reason that I opposed the Bill of last year. I know nothing of the men who formed the company in last year's Bill, nor do I know about this one. I treat it from a public standpoint, and oppose it for the same reason. I see no reason why this Bill should pass in its present form. I would withdraw my opposition to the Bill, providing all the lumbermen who own any limits on these streams and tributaries would be entitled to come in and form part of the company, together with all other lumbermen who may own limits on the river hereafter. This would give every lumberman the same rights and privileges. In our country we do not impose any tax upon the lumber itself by fixing a rate for the cost of rafting, driving or booming. We tax the people who have logs there pro rata. In that way we only pay what it actually costs to do the work and it has worked well for years. Therefore, I think the experience of some fifty years on the St. John river with boom companies should work well on any other river. Another very important clause in this Bill is the right to expropriate lands. I think this is a dangerous power to give to any private company. While we have done it in the past, I think most members will admit it is a wrong principle to adopt in this House or any other House. The only right they require for boom purposes is the right of the shore, to fasten booms or to erect dams by which they might damage some of the lands, and in that new country, I do not think the lands are so valuable that the members of the company could not obtain the rights from the settler or whoever owns the land. I do not think this legislation should pass in this House. Another reason is, I think, it is legislation that is entirely within the jurisdiction of the province of British Columbia, and the sooner we place ourselves upon record the better, even if we have done wrong in the past, that we should leave matters that are entirely within the jurisdiction of the province to be dealt with by the province. The question brought up by the hon. gentleman promoting the Bill in regard to the decision respecting Indian lands, is an entirely different question. We all know that Indian lands belonging to the Dominion government, and legislation must be sought from them to deal with Indian lands. If I understand aright, there is very little, if any, of this river where Indian lands are held, and I am sure most of the works will be carried on at Kamloops, and I am not aware that there are any Indian lands in the immediate vicinity of Kamloops. If there are, I wish to be corrected; but as far as my information goes, where the booms are erected in Kamloops lakes, there are no Indian lands, and for a great many years——

Hon. Mr. BOSTOCK—Does the hon. gentleman say there are no Indian lands at Kamloops?

Hon. Mr. BAIRD—Yes. I asked for information. Are there any Indian lands at Kamloops where the boom is erected?

Hon. Mr. BOSTOCK—Yes, the Indian lands are on the opposite side of the river from the town of Kamloops, and that is where the dam would be erected.

Hon. Mr. BAIRD—I understand that the present boom company have all these rights, and are not molested in any way in fasten-

ing their booms on the shore. I do not know that the Dominion government have interfered in any way with the rights they have there.

Hon. Mr. BOSTOCK—What is the hon. gentleman referring to as the boom company?

Hon. Mr. BAIRD—I am referring to the mill at Kamloops. They have booms erected there for the holding of their logs. That is the only place where they have any improvement, as I understand, and where they will have any improvements for a length of time. The granting of powers to expropriate lands for private purposes is a dangerous precedent to establish in this House. It is well enough to expropriate lands for telegraph and telephone lines and public utilities. It is necessary we should have a provision that lands might be expropriated for such purposes, but in a case of this kind in a matter of a boom company, I think it is a dangerous precedent to establish.

Hon. Mr. DAVID—In view of the position which I have taken many times on the question of provincial rights, I wish to say only a few words. There is no doubt that many Bills of the same character have been passed already by the Senate, and it is true the Saskatchewan Bill was similar to this one; but the difference is this: that in many cases those who, like myself, are so particular about provincial rights, do not want to be extreme, and that when there is no objection made to such Bills by the provincial authorities, we do not think proper sometimes to vote against them, and sometimes pass Bills which we should not permit to be passed. But with regard to the Saskatchewan Bill, when the third reading took place I said, 'On division.' I wanted to reserve my right later on. Now, let us look at this Bill. I am of opinion that having taken such a strong position as the one we have taken as regards provincial rights in many instances, we cannot vote conscientiously against the motion made by the hon. gentleman from Digby. There can be no doubt in this case that the object of the Bill is provincial. Those who have interpreted the constitution are unanimous in saying that when the object of a Bill is provincial as regards territory, as regards idea and as regards legislative powers, which are given to a company, that it comes within the jurisdiction of the provincial legislature, and that the company which requires such power must apply to the provincial legislatures. The provisions of this Bill are such that it was properly rejected by the Railway Committee. The report declared that the preamble had not been proved. Then the promoters of the Bill were convinced that the only way to have it passed was to insert the declaration that the works mentioned in the Bill were in the general interest of Canada. But last year we decided unanimously that it was not sufficient merely to put such a declaration in the Bill, that it was also necessary to show that the declaration was justified by the facts. How can we reverse that decision and say to-day that the declaration inserted in the Bill is in conformity with the fact. I challenge the friends of the Bill to show where and in what way the works mentioned in the Bill are to be considered in the general interests of Canada. They are works on certain rivers in the province of British Columbia, the Shuswap, the Thompson and other rivers. Let us suppose that the promoters of the Bill came before the Senate asking that similar powers be given by this parliament to a company to construct similar works on the Shawinegan and St. Maurice rivers, and in order to comply with the conditions of the constitution, to declare that those works were in the general interests of Canada, is there a senator from Quebec who would not laugh and say: 'We understand why that declaration has been put in the Bill, but it has no foundation in fact.' Now, I say there is no difference between the Bill granting such powers on rivers in British Columbia and a Bill granting such powers on rivers in Quebec. They are as provincial in one case as they are in the other. When the framers of the constitution provided that in certain cases a declaration that certain works are in the general interest of Canada would give this parliament jurisdiction, they did not have in view a sham declaration. They could not have suspected that later on that provision of the constitution would be interpreted in such a way that the declaration could be

made in any case; because if you can make it in this case you can make it in one thousand cases. The views which I am expressing now are in accordance with the resolution passed by the Senate last year, and also in accordance with the resolution of the Senate in the case of the Western Rivers Improvement Company. In that case the report made by the Railway Committee was that the preamble of the Bill had not been proven to the satisfaction of the committee. I call attention to the reasons given by the committee in its report:

> The grounds on which your committee have arrived at such a decision are that it is inexpedient to declare that the proposed works are for the general advantage of Canada inasmuch as the legislature of British Columbia has full jurisdiction to incorporate such a company as that which the Bill seeks to incorporate and to regulate the works and operations of the company in all respects except in so far as they may interfere with navigable waters, as to which provisions are already made by Dominion statute.

In that Western Rivers Improvement Company Bill, which was rejected by this committee unanimously, there was a declaration that the works were in the general interests of Canada, but the Senate was unanimously of opinion that the declaration was not justified by the facts. Where is the difference between the two cases? I ask the promoters of this Bill and those members of the Senate who are in favour of the Bill to show the difference between this case and the case of the Western Rivers Improvement Company's Bill? And that is in accordance also with decisions that have been given. I could cite the case of the Queen against Hodge, where the principle was affirmed that the federal parliament cannot extend its own jurisdiction by a territorial extension of its laws and legislate on subjects that come exclusively within the jurisdiction of a provincial legislature. In accordance with this decision, parliament cannot extend its own jurisdiction by declaring that the powers granted to this private company shall be operative in the whole Dominion. Le Froy, in his work: 'The Legislative Parliament of Canada,' lays down the same principle.

This shows the danger of incorporating such companies when the object is provincial. There is a second point which I do not intend to make now, but which is one of the reasons why I oppose the Bill. Nobody can deny that the provincial legislature has jurisdiction in this matter. What would happen if the federal parliament incorporated such a company and made laws and regulations governing that company? There would be double jurisdiction. If a provincial legislature has a right to legislate in such matters, it has a right to pass regulations governing such works. If you incorporate those companies and make regulations and give them certain powers, there will be conflict between the federal and the provincial legislation, and, according to decisions which have been given, the provincial legislation would be superseded by the federal legislation and the provincial legislation would be null and void and of no effect. For these reasons I shall vote for the amendment.

Hon. Mr. GIBSON—Of all the hon. members who have addressed this august assembly, I am sure there is no stronger advocate of provincial rights than my hon. friend from Mille Isles, but I notice on any occasion when there is a Bill affecting the provincial rights of Quebec, his respect for provincial rights does not crop out so strongly. There may be a great deal of truth in what my hon. friend has said about provincial rights, but sometimes the judgment of hon. members must be influenced by other things in a matter of this kind. As I understand the question, there is a company operating upon this river who own and operate a boom. When this company first appeared before our committee and applied for a charter the Bill was rejected. The subject was discussed and it was sent back to the committee. The committee, after full consideration of the facts of the case presented before them, have made a different report. My hon. friend from New Brunswick said that mistakes had been made in the past with regard to granting charters of this kind. But no mistakes would be made if this charter were granted; a mistake would be made if the charter were refused. When this Bill was first before the committee, the gentleman who was opposing it met myself and others in the corridor of the House, and both parties agreed that a Bill should be drawn up which would be satisfactory. The gentleman went away to

see his colleagues and returned in two or three weeks, and during that time the Bill was held up awaiting his return. He returned and the decision of his partners was to oppose the Bill in toto. The people who are asking for this legislation are men of large means, reputable citizens who are able to carry on large operations in the lumber trade in British Columbia. They bought from these people the limits which they now seek to operate, and expected they would have a right to use their booms. To their surprise they found that the boom did not belong to the company that sold the limits; consequently there was no other resource for them but to apply to parliament for relief. Their Bill is now before the House. No representative of British Columbia opposes the Bill. The opposition nas been raised by members who are not familiar with all the circumstances of the case, and the unfair advantage that has been taken of the gentlemen who purchased these limits. They were under the impression that every opportunity would be given them to use the boom in existence on reasonable terms. That privilege has been denied them. They were willing, and in fact offered to let the other company come in under this Bill and enjoy all the rights this Bill confers. It is not a question of provincial rights so much as a question of justice between two rival companies. I am told by Mr. Whitney, the brother of the premier of Ontario, that the gentlemen interested in this matter are the best lumbermen in British Columbia and amongst the best on the continent. They are not asking parliament to give them exclusive rights; they are willing to give to others the same rights and privileges that this Bill confers on themselves. There is no other place for them to come. It is all very fine to talk about the British Columbia legislature having the power to give them a charter. How many charters have passed through this House every week and month that might well have been obtained from the provincial legislature? The hon. member asks for cases; case after case has come from his own province.

Hon. Mr. DAVID—Cite one case.

Hon. Mr. GIBSON—I cannot cite a case off-hand, but there is no question that there have been many such cases and no question was raised in connection with them at all. This Bill appeals for fair play. Here is a company that has invested a large amount of money in developing the lumber trade in British Columbia. A smaller concern further down the river is compelling them to use their boom and is charging them extortionate tolls. Is this parliament prepared to prevent this important company having the right to boom the river?

Hon. Mr. CHOQUETTE—Why did the hon. gentleman vote last time against the Bill ?

Hon. Mr. GIBSON—I voted against the Bill when it came before the committee and gave my reasons. So far as I was concerned, the whole matter lay between the rival companies. I did my best to bring about a reconciliation on the basis that both companies shall have equal rights, and that being conceded I did not care which company was to do the work. When the other company came back three weeks afterwards and decided that they would have nothing to do with the company, and would obstruct the Bill in all its stages, I decided to support the Bill.

Hon. Mr. FERGUSON—Why do they not go to the legislature of British Columbia for this legislation ?

Hon. Mr. GIBSON—They could do that I suppose if they saw fit, but you have heard petitions from legal gentlemen that in order to get control of Indian lands on which the works are to be erected, they require Dominion legislation.

Hon. Sir MACKENZIE BOWELL—Nothing of the kind.

Hon. Mr. GIBSON—I submit that this is a case that should be treated upon its merits, and that legal technicalities should not be employed for the purpose of destroying, or at all events retarding the progress of British Columbia. This Bill has the approval of the hon. member from Yale (Hon. Mr. Bostock) who understands the whole of the circumstances, and knows whereof he speaks. He says if this Bill does not go through, you will tie the hands of this great company and prevent them doing a work which would redound not only to the bene-

fit of British Columbia, but of Canada generally. I tried to bring the two rival companies together and thought that in acting as a peacemaker I was doing something in the interest of British Columbia. I trust the Bill will pass.

At six o'clock the Speaker left the Chair.

After Recess.

Hon. Mr. BEIQUE—I feel that I should say a word or two to explain the vote which I propose to give, and to answer somewhat the argument of the hon. gentleman from Kamloops. I must say at the outset, that it would be much more agreeable for me to vote in favour of the Bill. I have no doubt, as was stated by the hon. gentleman from Kamloops, that the promoters are men of means, and I have no reason to doubt that on its merits the scheme may be a proper one, which should commend itself to this parliament or to the local legislature. But I cannot hide from myself the fact that there are insufferable objections to my supporting the measure, and I am going to state the reasons very concisely. The first reason is that I am satisfied the provincial legislature has exclusive jurisdiction over the matter, and in addition to that there is the very important fact that last year when the parties who had been opposing the Bill this session came before this parliament with a Bill exactly of the same nature, the present promoters of the Bill obtained the rejection of the Bill on the ground—I do not know that it was urged by them, but as far as this House is concerned, the Bill was rejected on the ground that it was within the exclusive jurisdiction of the local legislature. Now, after having committed ourselves to that extent, and after having again committed ourselves—I am speaking of this honourable House—by the action of the Railway Committee to which this Bill was referred, and which committee reported in favour of rejecting the Bill, on the ground that the preamble of the Bill had not been proved, it seems to me that we cannot with any consistency now come to any other conclusion, unless there are new facts which would justify us in adopting any other conclusion. My mind has been fully open to any new facts, and I must say that not a single fact has been advanced which should have any weight with this honourable House in arriving at a different conclusion. It has been stated by the hon. gentleman from Kamloops as a reason, that these works are to be constructed on Indian lands, and he cited the authority of the Deputy Minister of Justice to the effect that Indian lands could not be appropriated without the sanction of this parliament. To this I readily assent. We do not require the authority of the Deputy Minister of Justice. We have a still better authority; we have the Indian Reserves Law, which is to be found in chapter 81 of the revised statutes and which is to this effect:

Section 46 of chapter 81 provides that:

> No portion of any reserve shall be taken for the purpose of any railway, road or public work without the consent of the Governor in Council.

Now that is the only exception where Indian reserve lands can be expropriated. It must be for the purpose of any railway, road or public work and then it has to be done with the consent of the Governor in Council. Now these works do not fall under section 49. If I refer to section 48 I find that, unless otherwise provided, no portion of a reserve shall be sold or alienated until it has been surrendered to the Crown, and section 49 says that except as otherwise provided no release or surrender of a reserve held for the use of Indians shall be valid or binding unless the release shall be assented to by a majority of the male members of the band at a meeting of council summoned for that purpose, according to the rules of the band, held in the presence of the superintendent or an officer authorized by the government. Then we have a provision setting out how the vote is to be taken, so that we have it embodied in this Act, that Indian reserve lands cannot be expropriated except for railways or public works and then only with the sanction of the Governor in Council. Apart from that, not an inch of reserve land can be leased, appropriated or sold even with the consent of the Governor in Council except with the assent of the majority of the Indians interested in the land. We are told as a reason why this Bill should pass here that the local legislature could not give the company the right of expropriating the lands. I assent to that entirely, but we

are not doing it by this Bill. I am told that the right is given and I admit the right is given to expropriate, but only to expropriate lands that are subject to be expropriated, but not to expropriate lands not subject to be expropriated except for the purposes I have mentioned. And so long as it is not shown that it is for the purpose of a railway or other public work, I say that the right of expropriation cannot be used as far as these lands are concerned, so that this reason cannot weigh in my mind in favour of the Bill. Now, so far as the declaration is concerned, the only way it can bring this Bill within the jurisdiction of this parliament is the declaration which was added by the committee, that it is a work for the general advantage of Canada. I was somewhat puzzled at finding in the last clause of the Bill, power given to His Majesty at any time to assume possession of the property by expropriation, and by paying compensation as set out in clause 17 of this Bill. On looking over the record of the other House, I found how this clause came to be inserted. It was a surprise to me to find it in a private Bill. It was inserted at the request of members of the opposition, and not at the request of the government or of the promoters of the Bill. The Minister of Finance, without objecting to the clause, insisted upon subclause 2 being added. This rider on the clause comes to this: The works cannot be expropriated without the consent of parliament being obtained. The clause is not necessary. When parliament decides to expropriate any works, then the Expropriation Act takes effect, and the Exchequer Court determines what compensation is to be paid, so I fail to see how this clause 17 may be urged as an additional reason. It was not urged in the committee; it comes up to-day for the first time, before this honourable House, and I fail to see what it has to do with the matter. The additional objection to the Bill is this, that not only is it exclusively within the jurisdiction of the local legislature, but we cannot ignore the fact that the local legislature has asserted its right to deal with this matter by a letter which was sent to the Railway Committee by the Attorney General as representing the province. I know that in other Bills the rule has been relaxed, and possibly too much relaxed, but it was, if I am not mistaken, in cases where the province which was concerned was assenting, so to speak, was remaining silent; but when we have the protest of the province that it is a matter which is exclusively within its jurisdiction, it seems to me that we must, and are in duty bound to be very guarded in our action before ignoring a protest of that kind. And this protest has additional weight with me from the very important fact that it is a matter which deals with the placing of booms on the river and the levying of tolls. I am not aware that there is any general legislation in the province of British Columbia on the subject, but there may to-morrow be legislation of that kind, and there should be. I know that there is legislation of that character in other provinces, and especially in Ontario. They have in Ontario most complete legislation on this subject, and the legislature is the authority which is most competent to deal with matters of that kind, because they are local matfers. Suppose that we have a similar Bill to-morrow, on a river situated entirely in Ontario, and that we had the province of Ontario objecting to our interfering with its exclusive jurisdiction in the matter, would we be prepared to ignore that protest and assume a jurisdic tion which I believe we are not justified in assuming? The declaration that it is a work for the general advantage of Canada was added to the Bill without any reason being heard at all why it was a work which should be considered as being for the general advantage of Canada. For my part I cannot assent to that and I propose therefore to vote against the Bill.

Hon. Sir MACKENZIE BOWELL—In referring to the discussion in the Commons, what reasons were given for the adding of the clause which the hon. gentleman has read?

Hon. Mr. BEIQUE—The only reason that I could see was that they added a clause of that kind in the Ottawa and Georgian Bay Canal Company's Bill. They followed the precedent on the suggestion of one of the members of the opposition, I think it was Mr. Lennox, and there was no objection made to the clause, except that the hon. Mr. Fielding, Minister of Finance, objected to the clause, unless this rider was added.

Hon. Mr. McMULLEN—I think it my duty to say a few words in reply to what the hon. gentleman has said. Last year when a Bill dealing with this question was before the House, I then agreed with the contention that he has laid down to-night. I thought that the Bill should not pass, owing to the fact of its being entirely within the jurisdiction of the province of British Columbia. At that time I understood—and I think that I had been correctly informed—that the party that was then applying for the legislation was composed largely of the party that had sold out to the present occupant of the extensive mills and limits that are located there, and who received a very large sum for those limits, and after they had disposed of the limits which the purchasers thought carried all the rights and uses of the booms and the liberties that the sellers enjoyed with regard to floating logs, &c., they came here and asked legislation to place them virtually in a position to exact tolls not only of those to whom they had sold limits, but all others who choose to use the streams and had the use of their boom. I thought that of itself was something that should not be tolerated. My sympathies for the present Bill are based upon this. It is well enough to talk about provincial rights. I quite agree that if we can do so we should come to a distinct understanding how far this house and this parliament should go in legislation that interferes with the rights of the provinces, and that the line of demarkation should be clearly drawn, so that we would distinctly understand how far we can go and no further. I would be quite willing to adhere to the absolute rights of the provinces, conceding to them the privilege and the right of enacting all legislation entirely within their own jurisdiction; but we have been riding rough-shod over that particular privilege. We have granted charters in open violation of provincial rights, even worse than in this case, to companies coming here for the construction of roads and for other purposes. Now if we are going to put a stop to it, let us do it at the close of some session, or at the beginning of some other session. It is unfair to deal with one Bill on the basis of provincial rights, and shut them out, while we permit other Bills to pass through, with the evidence on the face of them that they are clearly within the rights of a province, just as much, perhaps more so than the Bill we are dealing with now. If there is anything in the arguments of the hon. gentleman from De Salaberry at all, in my humble judgment, it proves that we should pass the Bill that is now before us. In the first place, he clearly points out that the only question upon which possibly any argument could be founded is the fact that it has to deal with some Indian reserve property there. He has pointed out that the Crown has no right to devote any portion of that property, or to consent to its alienation except for certain specific purposes. What are they? Either for the purpose of building a railway or public work or public road. When you get outside of those, they have not the right to deal with it. The only other course then is to approach the Indians and get them by vote to consent to terms upon which these works could be built, or else come to parliament and ask parliament to pass a law that will enable them to utilize a certain portion; but they have to settle with the government if they do it, and the government have a right, as a private individual would, to exact the value and place it to the credit of the Indian fund, which no doubt they will do. I think that of itself clearly proves that they had two choices, either go to the Indians and try to get the right from them, or come to parliament and get an Act that will enable them to secure it, and then the government will look after the Indians' interest. Under those circumstances, that justified, to a certain extent, their coming here. There is also the fact that it is dealing with a navigable stream, if that can be used in argument. Then the Attorney General of British Columbia has, over his own signature, said that that province is prepared to deal with the question. The Attorney General that preceded him said over his own signature, 'Ottawa is the proper place to go to get legislation in regard to this matter.' Now, who are we to believe? The previous Attorney General or the present Attorney General? There has evidently been a confusion somewhere, a difference of opinion, and as a result of that difference of opinion these people have

come here. They are prepared to risk the legislation that we may give them, declaring their work to be one for the general advantage of Canada. They are prepared to accept our legislation on these terms, and it is for us to say whether under all the circumstances we shall grant it to them or not. Those people purchased that large limit and paid their money for it in good faith that they would be placed in possession of all the advantages that the sellers enjoy and that they hoped to enjoy by the purchase, and I think it is our duty, if we can possibly, to secure to them the rights that they anticipated that they were getting by that purchase. That is my feeling, and it is promoted by a desire to do what is right, and under these circumstances I have concluded that I shall support the Bill.

Hon. Sir MACKENZIE BOWELL—I have listened with a good deal of attention to the different speeches which have been delivered since this question came under consideration to-day, and I have come to the conclusion that the real point at issue has not been touched by any one of the speakers who have spoken in favour of the passage of this Bill. It is not a question with us as to what took place between the parties who purchased the properties to which the hon. gentleman who has just spoken referred. I desire to have it distinctly understood that so far as the interests of the individuals are concerned, they should be given the right to construct booms which do not interfere with the navigation, in order to protect their property. The only question to which I desire to speak or to consider is the right of this parliament to deal with a question of that kind. All the rights and privileges which it has been urged should be given to this company who are seeking this Act of incorporation can be obtained from the local legislature in the province of British Columbia, and it seems to me that that is the only point that this House should deal with, and not the question of equity as between the purchasers of the property that they now own and those who sold it. Reasons have been given for change of opinion by some gentlemen who took a different course when considering this question in another place, which are, to my mind, not only illusory, but are unworthy of any legislator or any legislature. I hesitate not to say that from my standpoint. Let us consider this simple question; have we the right in this parliament to deprive the local legislatures of that power and authority to deal with questions of this kind under the constitution? An appeal has been made to senators to pass this Bill, not because they can properly do it under the constitution, but because they allege that certain improprieties took place on the part of the company from whom those who are seeking this legislation obtained the property they hold. That argument does not touch the question of provincial rights or justify the interference of the parliament of Canada with a question of this kind. The promoter of the Bill very judiciously declared when he commenced his argument in favour of the passage of the Bill that he ignored the constitutional question. He said he would leave the legal question to lawyers. Now it is the constitutional question with which we should deal, and not with what he terms the equitable side of the question, because the equity can be decided by the local legislature, who have, in my judgment, the exclusive right to deal with this question. The other argument to which the hon. gentleman turned his attention was that of dealing with Indian lands. That has been very successfully answered by the hon. senator from De Salabery. The hon. member from Beamsville made the broad statement that there was no one here from British Columbia opposing this Bill. He forgot to state the fact that the Attorney General of British Columbia had protested against the passage of this Bill as an infringement of the rights of British Columbia. That was answered by the statement that a previous Attorney General had given a different opinion. This only shows that lawyers differ. But there are other eminent lawyers who have given a positive opinion as to the unconstitutionality of legislation of this character by this parliament. It would have been as well had those gentlemen informed the House what the opinion of the law clerk of the Senate was on this question. He gave a written opinion, holding that it was strictly within the legal and constitutional rights of British Columbia

to deal with this matter, and that unless the words that it was for the general benefit of Canada were added to the Bill, we have no right to deal with it. Hence the committee, after many of them had changed their opinions for reasons that, to my mind, are neither conlusive or correct, added that clause to the Bill in order to bring it within the jurisdiction of this parliament. The authorities quoted in another place against the interference by the Dominion parliament with questions which properly belong to the local legislature, must have proved conclusive upon the question of adding these words 'for the general advantage of Canada.' Judges in the past have laid it down as an evasion of the constitution to add those words to Bills which were exclusively local in their character. We had a number of instances and quotations given by gentlemen representing the province of Quebec in another place in dealing with provincial powers. We have a decision also by the late Chief Justice Harrison to the same effect; but it appears no matter what authorities and precedents may be cited, when it becomes a question of what is termed equity, the law and the constitution vanished from the minds of certain senators, and they act entirely upon a principle which is not equitable nor is it justifiable. If hon. gentlemen will consult the leading organ of their party, many of them who have changed their minds on this question—at whose instigation I am not prepared to say—they may take a different view. The Toronto 'Globe' says in an article published on the 27th of March, dealing with this question of interference with provincial rights of this parliament:

> The most outstanding of all objections to the provisions, that the works authorized by the Act are declared to be for the general advantage of Canada, is the very anti-climax of legislative foolery.

I have many extracts from this journal that show very clearly what the opinion of the legal organ of the Liberal party in Ontario is upon that question. In dealing with the interference with powers and authority of the local legislature, both parties in Ontario are one upon that question. I shall not weary the House by reading the resolutions which were proposed by Premier Whitney upon the subject, and the amendments offered by Mr. McKay, the leader of the opposition in the Ontario legislature, which were equally strong and pointed on this question. The whole House, ministerial and opposition, were agreed upon the subject. It is with that we have to deal. I do not know if I spoke for hours that I would change the vote of any one in this House, because I am convinced that the lobbying and canvassing which has been going on—

Hon. Mr. KERR—Order, order.

Hon. Sir MACKENZIE BOWELL—My hon. friend is a lawyer of good standing, and if he will consult the dictionary he will find that 'lobbying' is not an offensive word, although the manner in which it has been used outside of the House may make it appear so. I do not want to be understood as using the word in an improper sense. However, I will use the word canvassing, because that is less objectionable.

Hon. Mr. WILSON—On what authority does the hon. gentleman make the statement that canvassing is going on?

Hon. Sir MACKENZIE BOWELL—I make the general statement. I do not propose to individualize. The hon. senator from Wellington said a few moments ago that until we laid down some principle by which we are to be guided in matters of this kind, we should not stop at this Bill. I was under the impression that the adoption of the resolution moved by the hon. senator from Mille Isles and which was affirmed by this House with but one objector, last year, was affirming the principle which should guide us in the future. No language could have been more direct and pointed than the resolutions which we passed last session. First we laid down the principle that we should not interfere with provincial rights. Then we went further and stated:

> The Senate will not consider the mere insertion of a declaration that a work is for the general advantage of Canada to be in itself sufficient foundation for the exercise of the legislative authority of the parliament of Canada.

Now there is a declaration which is very clear, and in order that the Senate might come to a conclusion as to whether these words 'for the general advantage of Can-

ada,' should be placed in a Bill, the next paragraph reads as follows:

The Senate will not pass any Bill containing a declaration that a local work or undertaking is for the general advantage of Canada or for the advantage of two or more of the provinces, unless the truth of that declaration has been proved.

Now, I should like to ask whether any evidence has been laid before us which would comply with the terms of that resolution? It is true it has been stated that certain parties have purchased property, and they want to protect that property by constructing booms. That is no reason why we should add these words in order to bring the Bill within the purview of this House, when it belongs exclusively to the local authorities who have the right to grant such concessions as are necessary to enable the company to carry on their undertaking. Then the fourth paragraph says:

The Senate will not consider the presence in a Bill of a clause relating to subjects within the legislative authority within the parliament of Canada to be in itself sufficient reason of the enactment of other clauses relating to subjects not within its authority.

Now I should like to ask this House, whether we could have stronger language than is placed in these resolutions, which were affirmed by the Senate, on the very question to which attention has been called? Those resolutions were supported in an admirable and unanswerable speech by the hon. gentleman who moved them. They were sustained by the ex-premier of Ontario in a long and elaborate argument, in which he quoted from the records of the Ontario legislature the affirmation of the same principles which were contained in the resolutions to which I have called the attention of the House. Then when we came to vote upon that question, so unanimous was the feeling of the Senate as to the correctness of the principle involved in the resolutions moved by the hon. gentleman. that it received almost a unanimous vote—the only vote recorded against it being that of my hon. friend from Kingston. There were others, I know, who took the same view that he did on this question; but they relieved themselves of the responsibility of casting a vote by leaving the House. It seems to me that the statement made by the hon. gentleman who moved this motion is strictly correct. We affirm a principle to-day and violate it to-morrow, acting more like children than gentlemen who are occupying the important position of legislators in a branch of parliament intended by the framers of the constitution to protect the rights of the different provinces. Instead of acting in accordance with the doctrine laid down by the fathers of confederation when they drafted the British North America Act, we are constantly violating it. I do not deny that it has been violated in the past, but the records show, as far as I am concerned individually that I have not done so, and on this occasion I shall vote strictly in accordance with my record in the past, affirming the principle laid down in the resolution that I have quoted. Every senator who votes for this Bill will stultify himself so far as his record is concerned in the vote he gave last year. I hope that in future, when we make up our minds on great constitutional questions of this kind, unless ample reasons are given for changing the policy we should adhere to it. No reasons have been given why we should change our views on this particular Bill, and any vote given in opposition to the stand we took before, will be a stultfication of the action taken by the Senate last year on this question of provincial rights.

Hon. Mr. KERR—It has been argued here that this Bill is within the jurisdiction of the province of British Columbia and, therefore, we should not act. On the other hand it is claimed, and I think justly claimed, that whether the province of British Columbia could incorporate and confer any of the powers which are in this Bill, they could not confer all the powers that are provided in this Bill. and whether they could or could not, this parliament at all events has the power to pass it, and under the circumstances of this case, which are exceptional, they should pass it. The argument has been presented by the hon. senator from De Salaberry that this parliament has no power to deal with the Indian lands, and that the fact that some of the lands are Indian lands is no reason why we should intervene by Act of parliament. I say this parliament had not the power to deal with Indian lands. This Bill deals with

Indian lands because the lands situate upon the river are—at all events at certain places on it, and at the places at which the works are to be constructed, as was stated in the evidence—that is the evidence on which we are acting now—are Indian lands and are vested in the Dominion. And the Dominion holding those lands, it was said the Indian Lands Act does not apply, because these lands are Indian lands and there was no power under that Act to deal with them, unless with the consent of the majority of the band of Indians. That would be so under that Act, but it is because the Indian Act does not give power to the government here or to British Columbia to deal with those lands, that it is necessary that it should be done by the only power that can do it, and that is the parliament of Canada.

Hon. Mr. BEIQUE—Under what clause are you doing it ?

Hon. Mr. KERR—The powers of expropriation deal with it, and enable the Dominion government and the Minister of Public Works to approve of the plan under which the work can be done on Indian lands, and it is quite true that, under the Indian Lands Act, before the government can deal with those lands, they must have the consent of a majority of the band, because that is the provision of the Indian Lands Act ; but the parliament which passed that Act can pass this Act and can confer the power to use those lands just as they would under the Indian Lands Act if they had the consent of the Indians, and it is to my mind one of the strongest reasons why this legislation can be justified by this parliament. But there is the larger question, and that is the control of not only the Indian Lands, but of the waters of navigable streams.

Hon. Mr. BEIQUE—Do I understand the hon. gentleman to argue the legal proposition, that an Act which gave the right to expropriate takes effect upon Crown property or Indian lands property which is not subject to expropriation except for certain purposes, public works and railway purposes ?

Hon. Mr. KERR—The Indian Lands Act is limited to public works, but the parliament of Canada might, and the parliament of Canada, if it deemed proper, could say that it could be expropriated or utilized and sold under the conditions they speak of, either for public or private purposes, and so parliament can now say that for this definite purpose, these lands can be taken and used.

Hon. Mr. BEIQUE—Does it say so ?

Hon. Mr. KERR—It is assumed it does, and it is because it assumes that it does, that the Act is being attacked. I assume that it does, and that it does so by sufficient language, and that it is on that ground the attack is made and argued—that there is not that power. Apart from that, as I said before, this Bill is to be justified on the ground that these are navigable waters, and that navigable waters cannot be interfered with without the consent of Canada in some way. It is said : ' Oh, you need not come here. You can incorporate your company in the province of British Columbia, and you can come to parliament under the Public Works Act and get the necessary consent to utilize, and interfere, with the navigable water ; ' but when these people did go to the British Columbia government for the purpose of acquiring that very right and of being incorporated as a company to utilize these waters, they were told that British Columbia could not give them that power by legislation, and that they must come here, and they were told that by the highest authority of the government of the province of British Columbia at the time.

Hon. Mr. COMEAU—Has the hon. gentleman any proof of the fact that these people have really gone to the British Columbia government and been refused a charter ?

Hon. Mr. ROBERTSON—The letters are there.

Hon. Mr. KERR—The person you would go to would be the Attorney General of the province, and that is what they did.

Hon. Mr. COMEAU—He protested against the passing of this Act.

Hon. Mr. KERR—And they were advised by him that the province had no

jurisdiction in the matter of navigable waters, and consequently that the province could not grant the company the necessary authority by order in council or by legis lation.

Hon. Mr. COMEAU—What is the date of that letter ?

Hon. Mr. KERR—I have not the date of it; but let me say also that that is the contention of the Dominion government as set out in the case of British Columbia against the Burrard Power Company, Limited, a company which was incorporated by the British Columbia legislature and which sought to utilize the waters of the Lillooet river, which is a tributary of the Pitt river and the Lillooet lakes, from which it rises, and which are wholly situate within the limits of the railway belt, which, as hon. gen tlemen know, are vested in the Dominion government. The Lillooet is about twelve miles long, and is a public and navigable stream. Now, the lands within the railway belt being Dominion lands as applied to this case, are also, I suppose, to be deemed Dominion lands which we are dealing with here, because they are solely within the railway belt. In the above case, the company is an incorporated company, incorporated by the province of British Columbia. They made the mistake of making their application in British Columbia and getting a consent under the authority of the government there, given under the Water Courses Act of that province. They were proposing to interfere with navigable waters, and the charge was made—the contention was made by the Dominion government—in the litigation which is now pending with reference thereto—that on the public lands forming part of the railway belt and adjoining the Lillooet lakes and rivers, is a large quantity of valuable timber which is entitled to be floated down the river and the said grant and diversion would materially interfere with the said right; that the alleged grant and rights under the Water Courses Act would materially interfere with the rights of the Dominion government on the railway belt; and the alleged grant and proposed diversion thereby authorized will materially interfere with the public navigation in the river. Then the record sets out that the British North America Act, and the Dominion authority under it has the legislative authority over the same, and the Attorney General of the Dominion of Canada claims on behalf of His Majesty the King, a declaration that the record is an interference with the property subject to the exclusive jurisdiction of the Dominion parliament; that it is an interference with the public right of navigation and the right of floating down the timber on the sides of the river which is also under the exclusive authority of the Dominion of Canada, and claims an injunction in that case, and that suit is now in course of litigation. I venture to submit the case, with reference to that, so far as it goes, and only so far as it goes, is a direct authority in favour not only of the proposition claimed by the applicants that this parliament only can confer the power, that it has the power to do so, and it should exercise it in this particular case. Apart from that, if it is not exclusively so, it is one of the cases which it may be urged is undoubtely within the line of what are called by the authorities, the overlapping cases. With reference to that, I do not propose to repeat the authorities cited before. The latest case and highest authority was a decision of the Judicial Committee of the Privy Council, where it was held that there are overlapping cases where there is a provincial jurisdiction and Dominion jurisdiction as well, but apart from that there is a clause in the British North America Act that whereas the work in question may be wholly within the province, yet if the parliament of Canada by Act declares that those works are for the general advantage of Canada, the exclusive right of legislation with reference to them passes immediately to the parliament of Canada. For these reasons, it seems to me that we should pass the Bill.

Hon. Mr. LOUGHEED—Permit me to say, in the first place, that at the last session of parliament we rejected a Bill precisely similar to the one now before us for consideration upon the grounds that it was within the competency of the province of British Columbia to pass the Bill. I need not remind the House that the opponents of that Bill were the promoters of this Bill, and all the justice, be it warm or cold, that

we dealt out to the promoters of the Thompson River Bill of last session certainly should be the measure of justice that we should deal out to the promoters of this Bill this session.

Hon. Mr. DAVID—Were they the same?

Hon. Mr. LOUGHEED—Precisely, all the conditions were the same, so far as territorial considerations are concerned.

Hon. Mr. DAVID—Were the waters as navigable last year as they are this year?

Hon. Mr. LOUGHEED—Yes, precisely—all conditions were precisely similar.

Hon. Mr. KERR—But the reasons which were given for that were not only as stated by my hon. friend, but it was because they were interfering with the people here, and if the legislation——

Hon. Mr. LOUGHEED—No. The considerations which moved this chamber on that occasion are precisely the same considerations which are moving the chamber on this occasion. The only additional force that has been brought to bear upon many hon. gentlemen is what I might term a reenforcement of argument in favour of the present Bill. It goes without saying that the action of the Senate upon any particular Bill, and particularly upon so important a principle as the one involved in this case, is a matter, or should be a matter of deep interest, not only to the Senate itself, but to the people of Canada. The people of Canada look to this chamber to dispassionately and disinterestedly see that the constitution, so far as we understand it, and so far as we can embody it in our legislation, is carried out in its entirety, irrespective of all the influences that may be brought to bear upon senators. This chamber, particularly in dealing with a question of this kind, is looked upon as practically a semi-judicial body, and certainly should be only moved by such considerations upon a very important constitutional question as would move the highest court of justice in the realm, and therefore it is rather humiliating, with all due deference to the action which hon. gentlemen may take upon this Bill, that having deliberately and solemnly taken a position upon precisely the same Bill last session, we should reverse the position we then took and pursue a course directly opposite. If this be the case, if the Senate of Canada is to be moved by outside influences, be they argumentative or otherwise, what confidence will the people of Canada have in the action of this body on important questions such as the one now before us? Permit me to say, hon. gentlemen, that from a very close examination of this Bill, I fail to understand why practically the promoters of this Bill cannot obtain the same relief from the legislature of British Columbia that they are now seeking from this House. If hon. gentlemen will go through this Bill and look at the marginal notes, I challenge any hon. gentlemen to show that the same powers cannot practically be obtained—I will not say that they can be obtained with the same expedition or the same readiness, but can practically be obtained through provincial legislation. The province certainly could incorporate this company, could empower it to enter upon the territorial rights of the province so far as the Thompson river is concerned. I need not point out to the House that the river and the bed of the river are vested in the provincial government, and they have the exclusive right, apart from navigation, to legislate as to the navigable streams within their boundaries.

Hon. Mr. BOSTOCK—Will the hon. gentleman explain why he makes out the bed of the river is in the provinces?

Hon. Mr. LOUGHEED—I say that the title to the river and its bed is vested in the province.

Hon. Mr. BOSTOCK—But that is not just the question, is it?

Hon. Mr. LOUGHEED—And the reason we are urged to pass this legislation is that there is vested in the Dominion government a jurisdiction to permit of works being carried on in the river. I might point out that assuming this charter had been obtained from the province of British Columbia, or assuming that it had been obtained by letters patent, applications could have been made to the Governor in Council under the Navigable Waters Protection Act, which in any event will have to be made practically under this Act, and the power or the authority could have been given by the Governor in Council to a provincial company

to enter upon the Thompson river and carry out precisely the same works that are authorized by this parliament and which hon. gentlemen claim can only be authorized by this parliament. I need not refer hon. gentlemen to the particular Act in question, namely the Act respecting the protection of navigable waters, wherein it is provided by section 4, 'No bridge, boom, dam or reservoir shall be constructed so as to interfere with navigation unless the site therefor has been approved by the Governor in Council or unless it is built and maintained in accordance with plans, &c., approved by the Governor in Council.'

This company could have been incorporated and could have obtained all the powers asked for by this Bill from the provincial government, and they could have come to the Governor General in Council and obtained the necessary authority to make the improvements in the river. I think that position cannot be controverted. Will any hon. gentleman point out to me why the powers are sought for from this parliament and not from the provincial legislature? Dealing with that phase of the question, my hon. friend from Toronto has advanced a proposition that owing to the Indian lands being vested in the Dominion government or in the Crown, no authority could have been given by the provincial legislature to enter upon those lands. I quite endorse what the hon. gentleman from De Salaberry has said, that there is nothing within this Bill to authorize this company to enter upon Indian lands and expropriate them. I might point out to my hon. friend from Toronto for his information, that as wide powers of expropriation could have been given by the provincial legislature as by this parliament. Under their power to deal with property and civil rights, they could have authorized this company to enter upon any land that we can authorize the company to enter upon, and expropriate it. I might also point out for the information of the hon. gentleman from Toronto, that this Bill does not give to this company or purpose to give to this company, powers of expropriation which they can exercise without first applying to the Governor in Council; so wherein has any additional power been given or is proposed to be given by this Act? The Governor in Council has first to be set in motion before a foot of property can be expropriated under this Bill. The same power could have been given by the legislature of British Columbia.

Hon. Mr. POWER—Does the hon. gentleman think that it makes any difference that both the lands that are covered by the river and the lands which are not covered by the river, but which this company is to deal with are owned by the Dominion ?

Hon. Mr. LOUGHEED—I would say to my hon: friend candidly, no.

Hon. Mr. POWER—The hon. gentleman's idea is that the local legislature can give power to expropriate the Dominion Lands. That is not the view the hon. gentleman took with reference to the Saskatchewan Power Company Bill.

Hon. Mr. LOUGHEED—My contention is this, as evidenced by the brief of the Attorney General of Canada which my hon. friend from Toronto has just read. The litigation pending before the Exchequer Court in that particular case, in which I understand the Burrard Company are respondents, is based upon this proposition: The Dominion government, not as the Dominion government, but practically as an individual are proceeding for relief. They take the same position as an individual. They say : 'We have certain lands in the province of British Columbia, and the Burrard Power Company, under a provincial charter, and without obtaining the necessary power under the Navigable Waters Protection Act for the making of improvements upon a navigable river, have under that legislation which would not empower them to make the improvements upon the river, entered upon the river, and have themselves injured the lands in question; consequently the Dominion government take no higher position in that particular case than an individual would do.

Hon. Mr. KERR—The contention goes a good deal further than that. The claim which is made there is also that under section 91 of the British North America Act, 1867, the exclusive legislative authority of

the parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated: 'The public debt and property,' 'Navigation and shipping, &c.' and it sets out all these subjects.

Hon. Mr. LOUGHEED—Yes, precisely. As to navigation, an individual could have set in motion the same machinery on the ground of a provincial company not having been authorized under the Dominion Act to make the necessary improvements upon a navigable stream. The Dominion government simply states that navigation being vested in the federal authority has to be first applied to before navigation can be interfered with. Reverting again to what the hon. gentleman from Halifax has said upon this question: if the provincial legislature had granted the right of expropriation to this company, I apprehend that so far as Crown Lands are concerned, the Crown would have been quite as willing to observe the mandate of the provincial legislature as this parliament, so far as those lands are concerned, because the company, under this legislation, cannot expropriate the lands in question; they must first set the Governor in Council in motion before they can expropriate.

Again, as to the action of the province in refusing this legislation, while I carefully followed the proceedings of the committee and all the evidence that was submitted to the committee with reference to the act of the provincial government, I am aware of any evidence having been adduced which would be construed for a moment to indicate any hostility on the part of the British Columbia government to refuse this legislation. On the contrary, we had not the letter referred to by the hon. senator from Toronto, before the committee, but we had a letter from the Attorney General of British Columbia directed to the Attorney General of Canada pointing out that this legislation was peculiarly within the competency of the provincial legislature, and protesting in the most vigorous terms against this parliament enacting this Bill. That being the case we are in duty bound to give due weight and a measure of courtesy to the protest of the provincial government as disclosed in the letter of the Attorney General of British Columbia. Under these circumstances, no injustice would have been done to this company if we had pursued the same course as we did with reference to their opponents of last session and refused to grant legislation upon the ground of its being peculiarly within the competency of the provincial legislature. In conclusion, may I be permitted to point out as to the insertion of the clause that this is 'a work for the general advantage of Canada,' that under the British North America Act it was never contemplated that we should recklessly insert these words bringing legislation of a purely provincial character within the jurisdiction of the federal parliament. If hon. gentlemen will look at paragraph (c) of section 92 of the British North America Act, it will be seen what the intention of the imperial parliament was when this Act was passed:

> 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 province.

Now, hon. gentlemen must see from this language that there must necessarily be evidence that that work must not be for the advantage peculiarly of the province in which it is situated, but must have some manifest bearing or influence upon a province outside of that particular province, and if there is no evidence of that fact that it affects an adjoining province, or provinces, how can we possibly interpret the British North America Act to say that we can promiscuously put in a clause of this kind and claim federal jurisdiction for a purely provincial work? It is doing manifest violence to one of the most important constitutional principles laid down in the British North America Act. If the jurisdiction of the provinces can be taken away by the insertion of these words, entirely irrespective of their bearing upon the adjoining province or the Dominion as a whole, then no reliability can be placed upon the provinces enjoying the exclusive rights which have been given them under the constitution. If hon. gentlemen will look at subclause 11 of section 92 it will be seen that they have not only the right, but the exclusive right to make

laws as to the incorporation of companies with provincial objects, and we in this parliament cannot incorporate a company with a provincial object except it comes within the exception (c) which I claim this Bill does not. Under these circumstances, I, with all due deference to the adverse opinions expressed by hon. gentlemen opposite, believe that they are doing violence to the constitution and injustice to the responsibility cast on us as a Senate if we pass this Bill.

Hon. Mr. WILSON—If I had any doubts prior to the speech made by the leader of the opposition, all those doubts would have been removed by his remarks. He has stated emphatically that were this Bill passed by the local legislature, to have full force and effect the company would have to appeal to the Dominion parliament and that the Dominion parliament or the Governor in Council would concede that which the incorporation in British Columbia failed to accomplish. If that is so, it shows a joint jurisdiction between the local and federal authorities. He proved to my satisfaction that it is absolutely necessary that the Dominion government should either directly or indirectly endorse the action of the British Columbia government. That being the case, why should we not incorporate this company under a Dominion charter and give it the jurisdiction that it is asking for ? The ex-leader of the opposition stakes his whole case on the jurisdiction of the local legislature, claiming that they alone have the power; while my hon. friend from Calgary says it is partly the Dominion and partly the local. I would advise the two gentlemen to harmonize their views on this subject before asserting in such strong terms the rights of the provinces as against the jurisdiction of the Dominion of Canada. The hon. ex-leader of the opposition is not to-day where he was many years ago when his leader, Sir Charles Tupper, encroached upon the provincial charters in Ontario and other provinces, by declaring that certain works were for the general advantage of Canada. He says that members of this House should not stultify themselves. Where is he ? He was with Sir Charles Tupper when his government brought all the local railways of Ontario, on which millions of dollars had been expended, under the jurisdiction of the Dominion. and yet my hon. friend swallowed the dose without making a wry face. But to-day, when his leader does not agree with him, but declares that this is partly a local and partly a Dominion matter, he does not repudiate the view of his leader. Which of them are we to follow ? If I were a follower of one or the other, and under the circumstances I am grateful that I am not a follower of either in this chamber, I would hardly know what position to take on this question. Is this Bill purely local or is it partially under the jurisdiction of the province and partly that of the Dominion ? If it be the latter, a Dominion charter is an absolute necessity. The hon. senator from De Salaberry refers to the matter of the Indian lands. He knows that these lands are under the jurisdiction of the Dominion government, who are the guardians of the Indian wards. Would he deprive the Indians of their just rights? It appears he would do so if he could throw this Bill out. I have always understood that the guardian had greater care over the property of a ward than even if he owned the property himself. Therefore it would seem to me that Indian lands being involved would furnish ample reason why we should pass this Bill. The question which arises is, whether it is right and proper that we should grant a charter to this company. No one will deny that navigable waters come under the jurisdiction of the Dominion, and this company would either have to get the Governor in Council or the Dominion parliament to give them rights in connection with them. The hon. gentleman asks why did they not do so and so. They were the best judges of the means to accomplish the object they have in view. They come here and ask for justice at the hands of the Senate, and I shall therefore have very much pleasure in voting for the Bill.

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

CONTENTS:

The Honourable Messeurs

Béique,	Dessaulles,
Boucherville, de.	Ellis,
Bowell	Legris,
(Sir Mackenzie),	McKay (Truro),
Comeau,	Montplaisir.—9.

NON-CONTENTS:

The Honourable Messeurs

Beith,	Mitchell,
Bostock,	Power,
Campbell,	Riley,
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Fiset,	Ross (Moosejaw),
Gibson,	Ross (Halifax),
Jones,	Talbot,
Kerr,	Watson,
McLaren,	Wilson,
McMillan,	Yeo,
McMullen,	Young.—23.
McSweeney,	

The following gentlemen announced that they had paired :

Hon. Mr. David with Hon. Mr. Frost.

Hon. Mr. Lougheed with Hon. Mr. Scott.

Hon. Mr. Baird with Hon. Mr. Domville.

The motion was agreed to on the same division reversed.

BILLS INTRODUCED.

Bill (148) An Act to amend the Inspection and Sale Act.—(Hon. Mr. Scott.)

Bill (150) An Act to amend the Yukon Placer Mining Act.—(Hon. Mr. Scott).

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

THE SENATE.

OTTAWA, Thursday, June 18, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ACCUSATIONS AGAINST MR. McGOVERN.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is it true that the government has ordered an inquiry into the conduct of Mr. J. McGovern, foreman of the Intercolonial Railway between Lévis and Rivière du Loup?
2. Has this inquiry been ordered as the result of grave accusations of peculation brought against this employee?
3. What is the precise nature of the accusations the truth of which the commissioner holding the inquiry has been ordered to find out?
4. Who has been appointed commissioner to hold the inquiry? Is it Mr. T. C. Burpee, of Moncton? If not, who?
5. When was the appointment made, and when is the inquiry to commence?

Hon Mr. WILSON.

Hon. Mr. SCOTT—The answer sent me is that the information is being obtained and will be given to the Senate later. It appears they are sending abroad for the information so that the inquiry will have to stand.

Hon. Mr. LANDRY—Will it take long to obtain the information ?

Hon. Mr. SCOTT—It should not take long. It is to be obtained from Quebec and Rivière du Loup.

The motion was allowed to stand until Tuesday next.

TONNAGE ENTERED AT ST. JOHN, N.B. AND HALIFAX, N.S.

MOTION.

Hon. Mr. DOMVILLE moved :

That an order of the Senate do issue for a return showing the tonnage entered at St. John, New Brunswick, and Halifax, Nova Scotia, for the years 1905, 1906 and 1907. Also, the value of imports for the same years at St. John, New Brunswick, and Halifax, Nova Scotia, and also, the value of exports for the same years from St. John, New Brunswick, and Halifax, Nova Scotia.

He said : My hon. friend from Halifax has something to say in regard to this matter.

Hon. Mr. POWER—As my hon. friend has taken notice of a sotto voce remark, I may say that I feel that the motion of the hon. gentleman is an abuse of the powers and rights of the House. All the information the hon. gentleman asks for is to be found in the blue-books—the Trade Returns for the last three years. The clerks in the various departments are busily engaged in getting answers to orders from both Houses where the material is much less accessible. I do not say that the Senate has not the right to give the order; but I think it is an abuse of our rights to call for a thing which any hon. gentleman can find in the space of half an hour, and I do not see why, under these circumstances, the order should issue.

Hon. Mr. DOMVILLE—My hon. friend, the dual leader of the government, finds fault with the motion. Perhaps I should not have taken notice of what he said, but this is a very important question, and

a small array of figures will enable us to debate the question in the House. Supposing I had some remarks to make on it, how could I move a vote of want of confidence without the figures? What steps should I take to bring it before the House? I would say to my hon. friend that there is a grave rumour—I do not say that it is correct or well-founded, but there is a rumour that Halifax is pushing to take away the steamers from St. John, and that the Canadian Pacific Railway are to have running rights over the Intercolonial Railway to Halifax. I would like to be in a position to show the House and the country at large, if I were able, that the volume of trade from St. John, as compared with the volume of trade from Halifax, would not warrant such a movement being made. I represent St. John, as my hon. friend represents Halifax. I have been there 42 years. They look to me to stand up for their rights or at any rate to say a kind and pleasant word, and to use any information which I might be able to obtain as a set-off to the representations of the Board of Trade in Halifax. It will take a very few minutes to obtain the information, and I think the hon. gentleman's objection is not well founded. The other House and this House are not using up all the department's time, and surely this simple little matter would not take long. Naturally there is jealousy between Halifax and St. John, but St. John is a very progressive place. Halifax is more 'tony.' In the past, it had a fleet and an army, and it wants some compensation for losing them. I do not see why those two cities should not conduct their own business, and if St. John is doing the business it should not be taken away merely to gratify the hon. gentleman from Halifax. I do not see why anybody should object to this motion.

Hon. Mr. SCOTT—I have no objection to this motion going, but at the same time my hon. friend could have secured the object he has in view by perusing the blue books and putting a notice on the paper that he proposed calling attention to the figures and the trade of the two cities.

Hon. Mr. DOMVILLE—I did not want to take the time of the House.

The motion was agreed to.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. The government, in 1903, having concluded with the Quebec Bridge and Railway Company, a financial arrangement in which one of the obligations of the contract was additional shares to the amount of $200,000, who are the parties that subscribed the additional amount?
2. How many shares have been subscribed by or allotted to each shareholder?
3. Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 per cent?

Hon. Mr. SCOTT—I have no answer to that question.

The SPEAKER—It stands to what date?

Hon. Mr. SCOTT—I have already informed my hon. friend that the department says all the information they can supply is before the House. I am not in a position to investigate it myself; of course I cannot be expected to do so. In the first place, it was unqualifiedly stated by me, and I assume the responsibility of it because I got it from a member of the government, that the $200,000 had been paid—I will not say regularly paid, but it had been paid. It was not mentioned to me how it was paid, but it had been paid and appears credited on the books. I was asked if I could not produce correspondence, showing how and by whom it had been paid. The answer to that is, we have already furnished that to the Senate and it is in the papers laid on the table two or three weeks ago. My hon. friend says he has searched through those papers and does not find it. I am not responsible for the omission.

Hon. Mr. LANDRY—When the hon. member states to the House that he obtained such and such information, the House readily believes him; but when he

says that the information given to this House comes from Mr. Ross, and when a member of this House denies what Mr. Ross says, I do not see why the minister should take Mr. Ross' assertion against the member's assertion.

Hon. Mr. SCOTT—I am not taking it.

Hon. Mr. LANDRY—The hon. member is taking it.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—This is the third time the hon. gentleman comes here and tells me that the information ordered by this House has been furnished. I say it has not yet been given.

Some hon. GENTLEMEN—Order, order.

Hon. Mr. LANDRY—Am I expected to tell a lie to be in order? I say this information has not yet been given. I have been asking for this information, and shall continue to ask for it every day until the end of the session, and we shall see if I do not get it. I asked if the $200,000 was subscribed. That information has been furnished. The hon. Secretary of State says it was subscribed, and I know that it took five years to pay one of the notes; then I asked for the names of the parties who had subscribed, and papers are produced and I am told that the names are there. Mr. Ross asserts the names have been given—where are they?

Hon. Mr. SCOTT—I have simply stated what was told me. I assume no responsibility myself. Does the hon. gentleman expect me to look into the books of the Finance Department in order to verify the statements furnished to me by the department? I simply gave the information that I got. Surely the hon. gentleman does not hold me responsible for the answers that I give here? I cannot be expected to go further than to ask the official whose duty it is to give the information. Mr. Fielding states that he gave orders that the information be furnished, and that if I applied to the department I could get it. I did apply, and they said they had included the information in the papers given me to lay before the Senate. I can only repeat what I have been told.

Hon. Mr. LANDRY—I repeat what I have already said; I do not hold my hon. friend responsible; but when I ask for the names of the subscribers of the $200,000 additional shares I want to get those names; I have a right to get them; why should they not be given me? Is it to please Mr. Ross or so-and-so, to keep them in the dark? I want those names put before the public, and so long as the hon. minister says that the information has been given when it has not been given, I will say that it has not been given. The minister refers to correspondence that was laid on the table the other day. What was that correspondence? It was the estimates week by week or month by month of work in connection with the Phœnix Bridge Company and the Quebec Bridge Company. They inscribed on the cover of the return my motion and the order of the House, and thought that by putting that endorsement on the cover I would find it in the documents furnished what I had asked for. That was for the purpose of deceiving the House. I do not say the deception was practiced by the hon. minister; but they had his name put on the papers, and assured him, I suppose, that the return contained the information that I have asked for, although it does not. I want this question answered. If I have a right to put the question, I have a right to get the answer, unless the minister says there are no names, nothing has been done, shares have not been taken to that amount, &c., but if the shareholders are there, I want their names. There is a responsibility imposed on them by the law of this country and I want to know if the law has been obeyed and to what extent. I shall leave the motion on the order paper, and I ask the hon. gentleman not to take for granted what Mr. Ross says, when I come here and assert the contrary, and I do assert the contrary on my responsibility as a senator. Mr. Ross deceives the hon. gentleman when he says the names are furnished in the correspondence placed on the table.

THE ANNUNCIATOR SYSTEM.

MOTION.

Hon. Mr. FROST moved:

That a committee composed of His Honour the Speaker and the Honourable Messieurs

Ferguson and the mover, be appointed to inquire into the advisability of introducing into the Senate Chamber the 'Annunciator System,' as in vogue in the United States Congress, for the purpose of assisting senators to overcome the defective acoustic properties of this chamber.

He said: I did not bring up this motion because I feel there is any very great degree of defective hearing amongst the senators; but we all know that the proportions of this chamber are very large, and that the height of this chamber very materially affects the sound waves, and many members at a distance from the member addressing the House, fail to catch the exact words that are being spoken. Even our hon. Speaker finds himself very frequently at a loss to catch remarks coming from a long distance down the chamber. We know that our Speaker is not deaf in any sense. His faculties are all of the brightest and he is constantly alert. We have often seen evidence of the defective acoustic properties of this chamber. Members are frequently seen with their hands behind their ears trying to catch the words of speakers, not because they are suffering to any great extent from dullness of hearing, but simply because the distance is so far away and owing to our seats being placed longitudinally with the chamber. We cannot all sit on the front seats. If we could do so, we could all hear very comfortably. Many of our members on the back row are not able to hear the members in front of them, so that if there is any way of overcoming this defect it would be well to try it. In the United States, they have an apparatus used in Congress, which any member who may be sitting at a long distance from the speaker can utilize for the purpose of improving his hearing. It is not intended that every member should use it, but simply those members who are a long distance away from where the speaking is going on, and who may be, perhaps, a little dull of hearing. As the result of a little discussion we had which came up incidentally with regard to hearing in this chamber, remembering having seen an apparatus of this kind in the House of Representatives in Washington, upon inquiry I found it was intended to be used by those simply who felt they could not hear very well. In the Roman Senate, in olden times, senators spoke from the rostrum, and the other senators, gathered around the rostrum. If they had been placed as we are here in the old Roman forum, the senators would have had the same difficulty that we experience here. We can obviate that difficulty by the use of this apparatus. I know it is being installed in several legislatures in the United States, and in several churches, concert houses and theatres in Canada, where it can be easily adapted and does not look unsightly or unseemly. I ask for the committee, simply for the purpose of making an investigation and reporting later on, and then it will be for the Senate to say whether it is desirable to instal this apparatus or not.

Hon. Mr. BELCOURT—Would the hon. gentleman describe to us what this apparatus is?

Mr. FROST—It is pretty hard to describe. What I understand, and what I saw myself was this: I saw a small receiver on the platform near the Speaker in the House of Representatives, and others here and there through the House, and if any one found his hearing was not very good, he could lift the receiver to his ear, and I am told by members of Congress that by means of this instrument they could hear perfectly.

Hon. Mr. SULLIVAN—The chamber must be charged with electricity, because the telephone is worked by electricity.

Mr. FROST—I expect it is something similar to the telephone. The Senate can deal with the resolution as they see fit. If it is supposed that it might reflect upon us in any way, we need not take it up; but it is being used in the United States House of Representatives, where they have 420 members. They sit in a semi-circular form there, instead of our way of placing the seats. Of course they are in that way nearer to the centre, and are able to hear much better in a chamber of that kind than we are in this chamber. If the motion is carried, the committee will do their best to make a report that will give a full description of the apparatus and everything in connection with it.

The SPEAKER—I suppose if this committee is appointed it implies the right of the members to go to Washington.

The motion was agreed to.

QUEBEC BRIDGE COMMISSION REPORT.

Hon. Mr. LANDRY—Is there any news of the printing of the report on the Quebec bridge disaster?

Hon. Mr. SCOTT—I think part of it has been printed.

Hon. Mr. LANDRY—Three weeks ago, I think, the hon. minister had that same feeling.

Hon. Mr. SCOTT—I understood that a portion of the report—it may not be the same—some papers were printed and distributed in connection with the bridge accident.

Hon. Mr. LANDRY—Not in the Senate.

Hon. Mr. SCOTT—I will make inquiry, but I was under that impression.

Hon. Mr. LANDRY—I am under a contrary impression.

SHUSWAP AND THOMPSON RIVERS BOOM COMPANY.

THIRD READING.

Hon. Mr. BOSTOCK moved the third reading of Bill (49) An Act to incorporate the Shuswap and Thompson River Boom Company.

Hon. Mr. LANDRY—I move in amendment that the said Bill be not now read the third time, but that it be referred to the judges of the Supreme Court of Canada for their opinion whether it is not a measure which falls within the classes of subjects exclusively allotted to the provincial legislature under section 92, subsection 11, of the British North America Act, 1867, relating to the incorporation of companies with provincial objects.

Hon. Mr. POWER—The hon. gentleman has failed to give any notice of this amendment.

Hon. Mr. LANDRY—It is not an amendment to the Bill. It is an amendment to the motion. If the hon. gentleman can show that it is an amendment to the Bill, all right; but if he cannot show that, I do not see how he can raise the point.

Hon. Mr. GIBSON—It is an amendment to the motion.

Hon. Mr. LANDRY—I have a right to move an amendment to a motion without giving notice.

Hon. Mr. BEIQUE—It is an amendment to the motion.

Hon. Mr. LANDRY—Yes. It is not an amendment to the Bill. Does the hon. gentleman understand the difference between the two?

Hon. Mr. BEIQUE—Let the hon. gentleman take another tone in addressing the House.

Hon. Mr. LANDRY—I will take the tone I like. It is my property. It does not belong to my hon. friend. When he says I am out of order because I did not give a notice of motion, I say he is wrong, and I have a right to say he is wrong, because I believe he is wrong. He may have a contrary opinion. I give him the benefit of his opinion, but I have a right to move an amendment to any motion made here. I do not ask to amend the Bill, but I beg to move in amendment to the motion that the Bill be referred to the Supreme Court, as I have a perfect right to do, the same as I could move without notice on the motion for third reading that the Bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. BEIQUE—I think the hon. gentleman is very wrong in his tone; but I think he is right in his motion.

Hon. Mr. KERR—I venture to submit he is not right in his motion, and I call attention to the rules. Rule 23 says:

> Two days' notice must be given of a motion for any of the following purposes:

Rule 25 prescribes that notice is required for any of the following motions, and they are defined, and this is not one of them. Rule 24 provides that one day's notice must be given of any of the following motions—and subsection J reads as follows:

> For any purpose to which neither the next preceding nor the next succeeding rule applies.

This is one of them. Under Rule 23, two days' notice must be given for any of the following purposes, and it defines what they are, but this is not one of them.

Hon. Mr. LANDRY—Read the first line.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman contend that if an hon. member desires to move the three months' hoist of a Bill at the third reading, that it is necessary to give a day's notice before he can move it? This is a motion of a similar character, that the Bill be not now read a third time, but that it be referred to the Supreme Court for an opinion which is tantamount to deferring the third reading of the Bill until the question has been decided.

Hon. Mr. POWER—I think I brought up the question of order, and I am sorry now that I did, because I find that I was in error. I think the hon. gentleman from Stadacona is within his right, and if the hon gentleman from Toronto will look at rule 4, he will see that the question is defined as a motion moved, and proposed from the Chair, so that this is an amendment to the question, and I think the hon. gentleman is quite within his rights? Of course the House can vote the motion down if they wish. I might be allowed to say with respect to the motion, that it probably means the defeat of the Bill, because the Supreme Court have adjourned. Some of the judges have left the city. The judges on various occasions have declined to give opinions on questions of this kind, and the probabilities are that we shall not have the opinion at any rate during the present session, and as the constitutional question has been discussed very fully, we ought to be able to judge for ourselves.

Hon. Mr. LANDRY—We are in the face of two judgments on the constitutional question. We are in the face of the report that declared the preamble not proven because it was unconstitutional, and in the face of another decision which says that the preamble is proved, because it is constitutional and in the interests of Canada. It is precisely because we do not know whether it is constitutional or not that we ask that the matter be referred to the Supreme Court to have the opinion of the judges on the question of constitutionality. That was the procedure followed with respect to a Bill in 1876. I took a precedent that was given in our journals, when a similar question had been brought before this House, and when this House unanimously accepted the motion that the question be referred to the Supreme Court, and the judges of the Supreme Court gave their decision. The judges may be now absent; that is not our fault. When the question came to this House the first time, it was decided by the Standing Committee on Railways, and there was no need to appeal to the judges of the Supreme Court, because the committee decided there was no Bill at all, the Bill having been refused. It came up again in the committee, and it is before this House, and according to our laws, we have a right to propose to refer it to the Supreme Court to have the advice of the judges on its constitutionality.

Hon. Mr. BEIQUE—I cannot, for my part, support this amendment, because I think it is too elementary a question to be referred to the Supreme Court judges or anybody else. If the Bill were as it was in its original shape, then I would join the hon. member in the demand that he is making; but with the declaration as made in the Bill and reported to this House, that it is a work for the general advantage of Canada, the question is concluded under section 92 of the British North America Act, paragraph C, which says:

> Such works, 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.

This declaration being in the Bill, the question is precluded, and it has been held over and over again by the courts that nobody can go behind a declaration of this parliament. Now the declaration appearing in the Bill, to my mind, it would be perfectly useless to refer the Bill to the Supreme Court.

Hon. Mr. LANDRY—If this House should declare that this square table is a round table, would it be round?

Hon. Mr. BEIQUE—I may tell the hon. gentleman that I appeared before the Court of Queen's Bench to argue a case which was an extreme case, and to argue against the declaration. It was that of the Quebec Light and Power Company, incorporated by the provincial legislature for the purpose of manufacturing electric light in the city of Quebec, and for the purpose of selling electric current in the city of Quebec. The company, after being incorporated by the provincial legislature, came before this parliament and obtained an Act declaring that the work was for the general advantage of Canada. I tried to argue that on the face of it it was a declaration which was rebutted by the very facts of the case. It appeared from the incorporation of the company itself that the declaration was not made in good faith, and I was prevented from proceeding with my argument. The judges were unanimous in saying that it was not open to the court to inquire into a declaration as made by parliament. The declaration was made by parliament, and it was conclusive, and I think that they could not take any other view. I refer to that case especially, but I know of other cases, even in the Privy Council, where this doctrine was asserted and was maintained. If it were not so, then it would be always open to anybody to inquire into the bad faith or good faith of the declaration as made by parliament. The constitution says that this parliament takes jurisdiction on any local works the moment that the declaration is made. Now, the declaration being embodied in the Bill, it seems to me to be idle to refer that question to the judges of the Supreme Court.

Hon. Sir MACKENZIE BOWELL—What court did the hon. gentleman refer to?

Hon. Mr. BEIQUE—Court of Queen's Bench, court of Appeal.

Hon. Mr. LANDRY—Not the Supreme Court?

Hon. Mr. BEIQUE—No.

Hon. Mr. DeBOUCHERVILLE—Although I am not a lawyer, I do not think the case cited by the hon. member applies to the question before us to-day. In that case there was a law passed. The matter had not merely been dealt with by the House of Commons and the Senate, but it had been sanctioned by the Governor, and although the law might be erroneous, it was the law; but in this case there is no law yet. If the notice had been given, for example, to strike out the words, 'for the general advantage of Canada,' it would be different. I think the hon. gentleman is mistaken when he compares the case he referred to with the present case.

Hon. Mr. CLORAN—I am not going to discuss the merits of the Bill, but I should like to take up the declaration made by the hon. gentleman from De Salaberry. I think it is almost destructive of the British North America Act. I think it is a wrong principle to lay down before this honourable House and before the country, because any promoter may come before parliament with a Bill containing the words 'for the general advantage of Canada,' before parliament has accepted it. The hon. gentleman from De Salaberry has put the cart before the horse. Parliament has as yet made no declaration in regard to the principles of this Bill, whether it is for the general advantage of Canada or not, and to have the House accept the theory that because the promoters of a Bill, men who are pushing a scheme through, have inserted in their Bill that it is a work for the general advantage of Canada, parliament has to take it for granted, would be subversive of our most elementary rights, and subversive of all rights between the federal and local powers. I contend that the hon. gentleman should not ask the country to accept that as sound constitutional doctrine. I am not talking for or against the Bill, but with regard to the principle laid down. I, as a legislator of Canada would object, either on behalf of the Dominion or of the province I represent, to accept such a theory, that because the declaration put in a Bill, 'for the general advantage of Canada,' it is therefore to be accepted as one coming within federal purview or federal jurisdiction. I am quite in accord on these grounds with the demand made by the hon. gentleman from Stadacona that it be referred to the Supreme Court as a matter of right and principle, and I cannot agree

with the hon. gentleman from De Salaberry that the demand is on a false ground or on a false basis. Under those circumstances, I would have to vote, if there is no stronger argument put before this honourable House, to defeat the purpose of the measure. I believe the measure is one that is going to develop the resources of British Columbia; but if it is not within our jurisdiction, and within our inherent right under the British North America Act, I am not prepared to violate the fundamental principles of our government for the sake of any government or any interest. That is the position I take. If there is any solid argument to put before parliament that this Bill is within our jurisdiction, and we have the right to legislate on it under the British North America Act, I am prepared to stand by the Bill; but arguments have been advanced against that stand, and I believe the Bill comes nearly altogether within the purview and the jurisdiction of the local legislature. There might be one or two items, like the Indian reserve question, which may come within the federal power, but is that sufficient to take the rights from the provinces and put them in the hands of the federal government? That is a question that can be easily determined in the Supreme Court. I am not prepared to say it should be done. I am not familiar with the local conditions which this measure is supposed to ameliorate or improve; but there has been so much said one one side or the other that I would not be against a reference to the courts of the country to find out really if it were within the jurisdiction of this parliament to deal with the matter, or within the power or the jurisdiction of the local legislature. I am in a quandary. I have not been able to attend the sittings of the Railway Committee which discussed these matters, and where this question came up again. We have to vote on questions of which we have practically no knowledge. It is another argument in favour of referring all Bills to a Committee of the Whole House, where every one, whether a member of the Railway Committee or not, may have an opportunity to take part in the discussion. Under the circumstances, I fail to see that there is anything in the declaration made by the hon. senator from De Salaberry, that this motion is not one that should appeal to the House.

Hon. Mr. BELCOURT—There is evidently a misconception of the nature of the amendment. As I understand it, the hon. member proposed by the amendment to ask the Supreme Court to give us an opinion whether we should declare this particular work to be a work for the general advantage of Canada.

Hon. Mr. BEIQUE—Whether the Bill as it stands is constitutional.

Hon. Mr. BELCOURT—That is the same thing. The effect of the amendment is to request the Supreme Court to say whether this is an undertaking which we may or may not declare to be for the general advantage of Canada.

Hon. Mr. POWER—Certainly.

Hon. Mr. BELCOURT—In other words, it is asking the Supreme Court to give its opinion as to what we should do in this matter, by deciding affirmatively or negatively whether this is a work for the general advantage of Canada. I say that under the British North America Act, parliament alone is to pass on that matter, and if we refer the Bill to the Supreme Court they will tell us they have no opinion to give, that it is for parliament to decide.

Hon. Mr. LANDRY—They have already given an opinion under such circumstances.

Hon. Mr. BELCOURT—The declaration whether the particular undertaking is or is not for the general advantage of Canada, is a matter which comes under the exclusive jurisdiction of this parliament. The Supreme Court has never given an opinion on that. We are the judges of the matter. It is for us to decide whether in a particular case an undertaking is or is not for the general advantage of Canada. There can be absolutely no question of that. I repeat: if we ask the Supreme Court to tell us what to do in the matter, they will likely tell us: 'That is a matter for you and not for us to say.' The power of parliament to declare a work for the general advantage of Canada is without limit. It is left entirely to the discretion of parliament and to nobody else. I submit, the

amendment is asking the Supreme Court to do something which manifestly the Supreme Court has no power to do and which we alone have power to decide.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not paid close attention to the authorities which have been quoted on the very question we are discussing. It must be borne in mind that we had the authorities given in another place when the question was under discussion. Chief Justice Harrison, some time ago, gave an opinion precisely to the contrary of that enunciated by my hon. friend from Ottawa. The question is, if the Supreme Court should confirm the opinion given by the judge to whom the hon. gentleman from De Salaberry referred, it will be an end, in the future, of any doubt as to the insertion of these words in any Bill we please. If parliament decides that the incorporation of a canning factory be for the general advantage of Canada, and parliament has the right under the constitution to add those words, then there is no small corporation that might not ask to be incorporated here. That is the position my hon. friends take. I should like the question to be referred to the Supreme Court for the very reason that there have been conflicts of opinion on this very question between different judges, one in Quebec and another in the province of Ontario. My hon. friend shakes his head; I am sorry I have not the authorities before me. I expect to have authorities that were cited in the committee when we were discussing this question, in order that I may have them under my hand should this question arise again. In view of the conflict of opinion on this subject I should like to have the opinion of the Supreme Court. I should like to know whether under the constitution of the country this parliament has the power to declare any Bill, no matter what its character may be, whether exclusively private or affecting one or more provinces, a work for the general advantage of Canada, and whether that declaration brings it within the purview of this parliament. If we had the opinion of the Supreme Court, it would save us a good deal of time and discussion in the future. If the judges decide that any Bill in which these words are inserted is within our jurisdiction, then we shall know what position we occupy. That is the object the hon. senator from Stadacona has in view. I do not think that under our constitution we have the right to insert that declaration in a Bill which is purely local in its character.

Hon. Mr. BELCOURT—Does my hon. friend go to the extent of arguing that if we declared any particular work to be for the general advantage of Canada, the Supreme Court could decide to the contrary?

Hon. Sir MACKENZIE BOWELL—Yes, I think so. I do not see why the Supreme Court, the highest court in the country, could not give an opinion on that question just as well as a judge of King's Bench.

Hon. Mr. BELCOURT—The Supreme Court is not the highest court in Canada. This parliament is the highest court.

Hon. Sir MACKENZIE BOWELL—Parliament is governed by the constitution, and the Supreme Court has to decide according to the law and constitution.

Hon. Mr. LANDRY—Our rule No. 116 provides that:

> At any time before the final passing of any private Bill, the same may, if the Senate thinks fit, be referred to the Supreme Court for examination and report as to any point or matter in connection with such Bill expressed in the order of reference.

I quote this to meet the objection of the hon. gentleman from Ottawa, that we cannot submit this Bill to the Supreme Court for its opinion. On April 4, 1876, the order of the day being read for the consideration of the Bill entituled: 'An Act to incorporate the Brothers of the Christian Schools in Canada,' as proposed to be amended by the Committee on Standing Orders and Private Bills, the Hon. Mr. Bellerose moved, seconded by the Hon. Mr. Armand, that the amendments of the said committee be now concurred in. The Hon. Mr. Odell moved in amendment:

> That the question be not now put, but that the Bill be referred to the judges of the Supreme Court for their opinion, whether it is not a measure which falls within the class of subjects exclusively allotted to provincial legislatures, under section 92, subsection 11, of the British North America Act, 1867, relating to the incorporation of companies with pro-

vincial objects, and section 93, relating to education.

The motion was agreed to on a division, and the question being put on the main motion as amended it also was resolved in the affirmative. The answer came on April 11, and the Speaker presented to the House the opinion of the Supreme Court as follows:

In pursuance of the order of reference of your hon. House of the 4th day of April, 1876, we have considered the Bill entitled 'An Act to incorporate the Brothers of the Christion Schools in Canada,' and we are of the opinion that it is a measure which falls within the class of subjects exclusively allotted to provincial legislatures under section 93 of the British North America Act, 1867.

There is a case where a Bill was referred to the Supreme Court for its opinion, and an opinion was given. Now, that is all we want to do in this case—to submit the Bill to the Supreme Court for their opinion and get an answer.

Hon. Mr. BEIQUE—I would support the amendment if the declaration was not in the Bill.

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

Contents:

The Honouable Messieurs

Bolduc,	McDonald (C.B.),
Boucherville, de,	McKay (Truro),
Bowell	Merner,
(Sir Mackenzie),	Montplaisir,
Cloran,	Ross (Middlesex)—10.
Landry,	

Non-Contents:

The Honouable Messieurs

Béique,	McMullen,
Belcourt,	Mitchell,
Bostock,	Owens,
Campbell,	Power,
Derbyshire,	Riley,
Domville,	Robertson,
Douglas,	Ross (Moosejaw),
Ellis,	Ross (Halifax),
Fiset,	Roy,
Frost,	Talbot,
Gibson,	Watson,
Jones,	Wilson,
Kerr,	Yeo,
McGregor,	Young.—29.
McHugh,	

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

ASSURANCE FUND UNDER LAND TITLES ACT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (168) An Act to authorize the payment to the provinces of Saskatchewan and Alberta of part of the assurance fund under the Land Titles Act, 1894.

He said: In the year 1886 the Torrens system was introduced into the Northwest. Hon. gentleman are probably aware that that was a system under which the government undertook to guarantee the title of lands. A fund was established by the government of the day, and it accumulated year by year as the lands were sold. When the territories of Alberta and Saskatchewan became provinces they adopted the Torrens system, and the proposition of this Bill is for the federal government now to divest itself of the system. The provinces having introduced it, as a matter of course, the fund which has accumulated must be handed over to the provinces. Differences may arise as to the proper amount to be transferred, and the Bill provides that if there are any differences of opinion between the Minister of Finance and the government of either of the provinces, the question shall be referred to arbitration. The provinces, of course, are entitled to the money now, having introduced the Torrens system. The last clause makes provision, so far as the federal power is concerned, that a certain guarantee must be given them that they will not hereafter be subject to any demand in connection with the Torrens system.

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

Hon. Mr. SCOTT moved that the Bill be committed to a Committee of the Whole House on Tuesday next.

Hon. Mr. LANDRY—The Bill is not printed in French as it should be. We have rights here which must be respected.

Hon. Sir MACKENZIE BOWELL—Has the English edition of the Bill been distributed?

Hon. Mr. LANDRY—I am just receiving the English edition of it now. I protest

against the Bill being passed without having it properly before us. I will stand up for our rights that no Bill shall be permitted to pass unless it is printed in French.

Hon. Mr. POWER—I would suggest to the hon. member for Stadacona that in this House and in the other House the rights of the province of Quebec are generally dealt with very tenderly, and that it is not judicious, if I may venture to say that to the hon. gentleman, to raise this question of privilege continually. The second reading of this Bill has been carried. The principle of the Bill is a very simple thing; no one can have any objection to it, and the hon. minister proposes that it shall be sent to a Committee of the Whole House next week when the French edition will have been printed and distributed. Surely it is not worth while interrupting business by raising this question now.

Hon. Sir MACKENZIE BOWELL—I have not seen the Bill, and was hunting for it when I presume the second reading was carried, but there is no question about this, and particularly at this period of the session we have Bills thrown before us of a most important character, of which we really know nothing. We have not even had an opportunity of looking at them and we are asked to suspend the rules to enable the government to put them through. I like to know what I am doing before I cast my vote. I am not going to object to referring this Bill to a Committee of the Whole, because I take it for granted that my hon. friend will put it off long enough.

The SPEAKER—I waited some seconds before declaring the second reading carried. I may add, I was surprised that no one rose to discuss the Bill.

The motion was agreed to.

RAILWAY ACT AMENDMENT BILL.

COMMITTEE STAGE POSTPONED.

The order of the day being called: the House again in Committee of the Whole on Bill (PP) An Act to amend the Railway Act as regards the preferential charge created by the issue of securities.

Hon. Mr. SCOTT—My hon. friend who has charge of this Bill asked me to write to the Minister of Justice for his opinion about it. I did so but I have not received an answer yet. It is a question purely of policy; is it wise and proper, in our judgment, that the property and assets of a railway shall not be subject to the charges of running expenses and other charges that are usually a first charge on the road? There is nothing that the Department of Justice could give us. We would not be governed by Mr. Aylesworth's opinion, whether it is equitable or proper or not. Every hon. gentleman can form his own opinion on it.

Hon. Mr. YOUNG—In the absence of the hon. gentleman who has charge of the Bill, perhaps it would be better that the order be discharged and placed on the orders for Tuesday next.

Hon. Sir MACKENZIE BOWELL—I should like to call the attention of the hon. senator from De Salaberry to the notice which he has given as an amendment to this Bill. I notice that it provides for securing the interest to the parties from whom property has been purchased for railway purposes, but he makes no provision for the payment of the principal. Whether that is intended or not, I do not know.

Hon. Mr. BEIQUE—That can be settled when the matter comes up.

The motion was agreed to.

MARKING OF GOLD AND SILVER PLATED WARE BILL.

IN COMMITTEE.

The House resolved itself in Committee of the Whole on Bill (AAA) An Act respecting the Sale and Marking of Manufactures of Gold and Silver, and Gold and Silver Plated Ware.

(In the Committee.)

Hon. Mr. SCOTT—It may be well to say a word in reference to this Bill. Two or three years ago a similar measure was introduced in this Chamber, and I think it was before the Committee on Banking and Commerce for six or eight weeks. Evidence was offered by parties pro and con. There was a divided opinion upon it on several points. There were conflicting interests. I presume there are about three different in-

terests. There are the manufactures of gold and silver plated ware in Canada, who have a very high standard, who want to preserve that high standard of the precious metal, whether it is worked up into watches or any other article. There are then the retail dealers whose interests do not altogether coincide with the interests of the large manufacturer. Then there are companies like the American Watch Company, who are favourable to practically as free trade as can be obtained, because they buy their goods in Switzerland, Germany and the United States, wherever they can get them. People buying goods of that kind imported into Canada, are very apt to be deceived. We had evidence of that on a former occasion when this measure was before the committee. Gentlemen who were opposing that particular view of it, said that, very often, goods, that is chains or rings, or anything made of gold or silver ware, that were guaranteed to stand for fifteen years, only kept ten years. It was shown by indisputable evidence that those certificates and that assurance were entirely unworthy of credit. The goods were assured to last ten years, although the gold plating would be worn off in five or six years, or perhaps less, and if hon. gentlemen will refresh their memories they will recollect there were gentlemen in the trade who produced chains which had only been in use four or five years and they could see the gold was worn off. The interests were very conflicting. We at that time passed the best Bill we thought we could frame. In it we made provision that the standard should be ten carat. That is known as one of the hall-marks of the trade in the city of London, in relation to pure gold as eighteen stands to 24. That is 24 would represent absolutely pure gold, but there always is some foreign element in it, and the highest, as a rule, which we have generally spoken of is 18 carats. That would be as high as the pure gold is really made up. The alloy represents the additional percentage. However, on that occasion the advocates for the legalizing of 9 carat standard presented very many reasons why it would be better in the interests, at all events of the retail dealers and of those who dealt largely in the articles, to allow nine carats to be sold. We, however, came to the conclusion that we should stand for the ten carat standard. Either last session or the session before, my hon. friend from Lincoln introduced a Bill amending that Act. I may say that the Act did not go into operation at that time, because it was subject to a clause that provided it should go into operation on proclamation by the Governor General. We thought it was only fair that time should be allowed after the Bill was put through parliament, before we proclaimed it. On the following session, the hon. gentleman from Lincoln introduced a Bill amending it, the main feature of which was reducing the standard to nine carats. There was a difference of opinion in the trade. Those who bought largely from the foreign countries, United States, Switzerland and Germany, thought it was going to curtail their business, as they were bound by a ten carat standard, because there was considerable difference in the price, and they argued that people in Canada were buying nine carat gold ornaments, and there was no justification in making a higher standard, particularly as a large trade was done in the nine carat; that if a man wanted a higher standard he could easily get it—he could obtain ten or eleven carats. Of course the hall-mark marked the goods according to the standard, and the hall-mark is the guide. The lowest hall-mark, as a rule, in England, is nine carat, but it runs up, nine, ten, twelve, fourteen, sixteen, and the highest is eighteen. On the representations made by the hon. senator from Hamilton, who was advised by people who were very largely interested in the trade, that it would be far better and more in the interests of the people who were in the habit of buying ornaments, to allow a standard of nine carats, and an amendment was carried, reducing the standard to nine. The Act still continued, but the government did not put it in force, and legislation was introduced in the early part of this session that it should not go into force until the first day of the following session, hoping that in the meantime some understanding would be come to between the various interests, the Canadian manufacturers, the purchasers of jewelry from

abroad and the retail dealers who deal in all kinds of ornaments, some gold and some not gold. Various conferences were held, but it is said that a large number had come to an agreement on this Bill. They prepared a draft Bill which I have in my hand, but they could not agree on the question of the nine or ten carats, and they said, 'It is important we should have some Bill, because we are liable, now that there is a trade depression in the United States, to have a great deal of inferior jewelry dumped into Canada to the very serious detriment of those who stocked up in the trade, because we know people are captured by cheaper prices, and nothing can be more deceptive than gold or silver ornaments, because no man, unless he has had experience in the trade could say whether the article had a sufficient amount of gold in it, or whether the proportion of gold and alloy was sufficient to allow the ornament to be preserved for 5, 6, 7, 8 or 9 years. So they came to a conclusion. They said 'We want the Bill, and we will allow you to fix the standard.' As I have given a good deal of attention to it, perhaps a good deal more than my colleagues, I thought parliament had at the last session, when the subject was discussed, come to the conclusion to allow the 9 carat standard; that that would seem to please a larger number—perhaps not the largest in capital—and that it was open to a person purchasing an article to say 'Well, I am not satisfied with the 9 carat, you can give me that in 10 or 14,' and would have a right to do so. No doubt the goldsmiths are quite able to furnish articles of a higher value than the 9 carat. The clauses are extremely technical and difficult of explanation, unless one is thoroughly familiar with the subject. I have had the law clerk put the Bill in proper shape, and I think the Justice Department have also pronounced upon it. In their agreeing to the various clauses, one can quite understand the people interested were not professional men, but from their own view, they came to an agreement in regard to several of the clauses, and in submitting those clauses to the Justice Department, they thought the Bill ought to be re-cast to carry out legally and fairly the views that the trade had decided on. They left it, of course, to the professionals to put in proper form the conclusions which they had reached. In addition to the action of the Department of Justice, I asked our law clerk, Mr. Creighton, to go over it carefully, as he had a good deal to do with the Bill on a former occasion, and he has prepared the draft Bill that has been circulated, with very few changes in it.

Hon. Sir MACKENZIE BOWELL—Is that draft of the Bill which the hon. minister has in his hand different from the one which has been circulated?

Hon. Mr. SCOTT—Not materially. They sent several drafts down, and one was given to the Justice Department and one to Mr. Creighton, asking them to conform as nearly as possible to the views expressed in the rough draft which was prepared. Even after the draft was prepared and our Bill had been sent out, I sent to one of the leading firms in Toronto, who sent a communication to me that they were not satisfied with some particular clauses. Then I sent to the gentleman who was chairman of the Joint Committee to see the Ellis firm, to ascertain whether they could not meet each other's views, in the hope that absolute unanimity would be obtained. Mr. Roden of Roden Brs., was the gentleman who presided at the joint conference, and this is the last letter I have on June 12, addressed to myself. I telephoned up to say I had received a communication from the firm of Ellis & Company objecting to certain clauses in the Bill, and that Mr. Roden and Mr. McNaught, who attended here, who had an interest in the trade, should call on me with Mr. Ellis and see whether they could not harmonize their views. The letter reads:

> Have seen Mr. Ellis as suggested re nine caret clause and have agreed to the following changes which are purely clerical and not affecting the principle of the Bill, but I think it is making the principle more clear, &c.

I gave this letter to Mr. Creighton, and asked him to introduce the changes as suggested in the letter from Mr. Roden, which he tells me he has done. I feel constrained to make these observations, because there is so much that is technical in the Bill, that in reading it over it is very difficult for any one who is not familiar with the methods in the trade to comprehend

what the object in view is. I may say that in the Bill we passed some years ago, the main difference was the question of the 9 or 10 carats. Some gentlemen opposed the 10 carats, and the Bill allows a hallmark as low as 9 carats.

Hon. Sir MACKENZIE BOWELL—Is Mr. Roden a manufacturer or an importer?

Hon. Mr. KERR—He is both.

Hon. Mr. SCOTT—The title of his company is: 'Designers and Manufacturers of sterling silver.'

Hon. Mr. GIBSON—I am sorry the hon. Secretary of State in asking for information in regard to this marking did not extend the same courtesy to manufacturers in the city of Hamilton who are as large, if not larger, manufacturers of gold and silver than either of these gentlemen in Toronto.

Hon. Mr. SCOTT—I did not hear any protest from Hamilton.

Hon. Mr. GIBSON—The protest came from Hamilton.

Hon. Mr. SCOTT—The gentleman from Hamilton who advocated the nine carats called on me with reference to it.

Hon. Mr. GIBSON—I desire to place before the House the facts of the case and show where the trouble began. I have no doubt the hon. Secretary of State acted in good faith towards these Toronto gentlemen, but the Toronto gentlemen have not acted in good faith towards the Hamilton people who were manufacturers alike with themselves. It is evident that what had been originally placed in the draft Bill submitted to them has been altered in the Bill that is now laid before the House, and I may say that one gentleman connected with this firm is a lawyer of some standing, a brother of a member of the company. On June 4, I received a letter from him stating that he had received a copy of the Gold and Silver Marking Act, as introduced in the Senate. His letter read as follows:

Hamilton, Ontario, June 4, 1908.

Hon. Wm. Gibson,
The Senate, Ottawa, Ontario.

Dear Sir,—I have just received a copy of the Gold and Silver Marking Act as introduced in the Senate, and the Act as introduced is not quite in accordance with the understanding arrived at between us and the rest of the manufacturers. The understanding was that the 9 karat hall marked goods should be admitted. Subsection 2 of section 9 reads as follows:

2. The provisions of subsection 1 of this section shall not apply, as respects such hall mark or other government mark, to any article of gold or of silver, of any alloy of gold or of silver, to which is applied (a) any hallmark lawfully applied according to the laws of the United Kingdom of Great Britain and Ireland; or (b) any mark indicating the quality of the gold or of the silver, of of the alloy of gold or silver, and applied by the government of any foreign country; if with respect to such article all the other provisions of this Act are complied with.

The words 'as respects such hall mark or other government mark' seem to have been inserted in the Act as introduced. I do not know what the introduction of these words means. They should certainly be left out of the subsection, as they render the meaning doubtful.

The understanding between all parties was that the Act should come into force on October 1, 1908.

I am sorry to trouble you about this matter again, but I am a little doubtful about the good faith of the people interested in putting the Act through.

Thanking you, believe me,
Yours very truly,
G. H. LEVY.

These people were and are not only manufacturers but large importers of gold and silver wares, and by the first Bill that came down here it was shown to the committee at all events, or it was stated to the satisfaction of the committee, myself amongst the number, that it was the general desire of the whole of the trade of Canada, that the lowest standard of hall-marked gold should be ten carats. This was exactly opposite to the arrangements that were entered into between the members of the trade themselves, and this alteration was made for a special purpose by those interested in the manufacture of watch-cases in the city of Toronto. By this raising the standard to ten carat gold, you practically confiscate every article of gold that is manufactured in the United Kingdom or anywhere else and imported under the original Bill as it first came into the House. These people were in England, had their goods ordered, with the assurance of course, and under the belief that the people who were in the trade were playing a square game with them, and would not be unfair to them

in their absence. On inquiry being made, they found the standard was to be ten carat gold. It was not what was agreed upon among themselves, because of the fact that there is no such a thing as ten carat gold ware in England, and we were told that if England did not care to raise the standard to ten carat they would have to. Now what is good enough for Great Britain should be good enough for Canada. In other words, if any one went to buy nine carat goods, made either in Canada or United States or in England, as far as that is concerned, they have a perfect right to do so; but under the original conditions of this Bill it became prohibitory and the goods could have been seized and would have been seized. Then, on the advice of the Minister of Justice, a clause was put into the Bill to lower the standard to the British standard of nine carats, and it went through this House. The Bill went down to the Commons and was threshed out there, and so much attention was given to the question, that the government at that time deferred the bringing of the Act into operation and gave some nine months for its consideration. That nine months was increased to another year, and early this session the Minister of Trade and Commerce brought in a short Bill providing that this Act should not go into operation for twelve months. When these men get together and agree upon a certain arrangement in the trade, why should one party to the arrangement be asked for their opinion and the other party left out? My hon. friend points out—and I trust that the matter is not a serious one—that the Secretary of State will allow these words to be added:

The provisions of the subsection of this Act shall not apply as respects such hall marks or government marks.

Hon. gentlemen would like an explanation of what is meant by that?

Hon. Mr. SCOTT—There must be some misconception. This measure is based on nine carats.

Hon. Mr. GIBSON—These words were not in the Bill when it was sent to them.

Hon. Mr. SCOTT—The hon. gentleman is speaking of the Bill of three years ago. This Bill reduces it to nine carats, and that was really the only important question on which there was a difference in the trade.

Hon. Mr. GIBSON—I want to ask the Secretary of State the reason these words were inserted in the draft Bill that was agreed upon by trade in the city of Toronto? The Toronto and Hamilton people got together. What new light did these people who drafted the Bill receive which induced them to put in these words, making the meaning very obscure? The gentleman who writes me is not only a member of the firm but a lawyer, and a distinguished member of a law firm in Hamilton, who writes on behalf of his brother:

The words 'as respects such hall mark or other government mark' seem to have been inserted in the Act as introduced. I do not know what the introduction of these words means.

That is subsection 9 of section 2.

Hon. Mr. BAIRD—We have not reached that yet.

Hon. Mr. GIBSON—No, but the Secretary of State has been discussing the Bill, and I want to say that I have heard from these people, and that is the only objection they make to it; I simply lay the matter before the House and ask the Secretary of State how those words come to be there?

Hon. Mr. BAIRD—Better proceed with the Bill.

Hon. Sir MACKENZIE BOWELL—I know that the rules governing discussions in Committee of the Whole confine the discussion to the clause under consideration, unless it be understood when the second reading takes place without discussing the merits of the Bill, that you have permission to discuss the principles of the Bill when it is in committee.

Hon. Mr. FERGUSON—That was understood.

Hon. Sir MACKENZIE BOWELL—I wish to ask the Secretary of State, is there any material change in the Bill now before the Senate from that which was proposed a number of years ago, with the exception of the gold standard adopted? The hon. gentleman remembers very well that the great difference of opinion at that time was between the manufacturers in Canada

and the importers from Germany, United States and England, and at that time the arguments were strong in favour of the 10 carat gold watches and jewelry, and I know of no member of that committee or of the Senate who took stronger grounds in favour of the higher grade of jewelry than my hon. friend who is advocating now so strongly the 9 carat standard. It was agreed at that time that a 9 carat piece of jewelry would not last the length of time that those who sold it would guarantee it should last. I remember distinctly that was the argument, and the answer to it was that if you buy a gold watch with a stamp of 9 carat gold with the guarantee of the seller, that ought to be sufficient. The answer was, and I think a very conclusive one—that when one buys a watch from a jeweler and it has a 10-years' guarantee, the difficulty is to know where to find the jeweler or the man who sold the watch, at the end of 10 years, and that consequently the guarantee did not amount to anything. It was contended on the part of the manufacturers of Canada that no piece of jewelry or watch case could be manufactured, having any lasting qualities, unless it was of 10 carat strength, if I may use that word. The uninitiated could not tell the difference between two watches of different standard when placed before them, but after wearing them a while they would find the difference. I understand the hon. Secretary of State to say that the government, after full consideration, have come to the conclusion to adopt in this Bill the 9 carat standard.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—That will meet the views of the importers from England, and the purchaser takes the risk, if he buys, of the quality. Is there a provision made in the Bill that the manufacturer either in Germany or the United States or England shall stamp the article he sells signifying that it is of nine carats and giving the place of manufacture?

Hon. Mr. SCOTT—The general principle of the Bill is this: that a man need not put on the mark, but if he puts it on it must be a true mark.

Hon. Sir MACKENZIE BOWELL—Then he can sell it without any guarantee as to its character.

Hon. Mr. GIBSON—In England the custom is entirely different. All manufactures of gold and silver are sent to Goldsmith's Hall in London, where they receive the goldsmith's stamp, and that is the guarantee, because the government is behind Goldsmith's Hall in England. It was held by some members of the trade that even the nine carat hall marked goods in England were equal to hall marked goods of 10 carats in Canada, for this reason. If there was the slightest particle of alloy more than was necessary to manufacture the goods, they were destroyed. The consequence of that is that with the soldering and other necessary alloy, the English manufacturer made a standard quality of his goods sent up for hall marking of about nine and a half carats. That is what I understand from those closely associated with the trade.

Hon. Mr. FERGUSON—I find by comparing the Bill before us with the Act which was passed two years ago, that the form of the Bill is very materially changed, and that it will be most difficult for hon. members to make comparison and learn what changes are involved in the Act passed two years ago. On that occasion, the Bill was referred to the Banking and Commerce Committee and both sides came before us, and after a very long discussion it was settled that the form of the Bill was not satisfactory. The Law Clerk of this House then prepared a Bill on consultation with the parties on both sides, which Bill was passed after a great deal of discussion. It is an extremely technical subject. As the result of a good deal of very hard work, I came to understand a little about it when we had it before us in 1896; but now I find that the Bill is turned upside down and inside out, and if it reaches nearly the same conclusion, there is a different way of getting at it, because it is hardly possible to compare the two clause by clause, and know where we are departing from the legislation of two years ago. I submit it would be perfectly unreasonable to ex-

pect the leader of the House to give technical explanations of a Bill like this, and we must all, I think, plead to be as deficient in information as he is.

Hon. Mr. SCOTT—I am quite willing that the Bill should go to the Committee on Banking and Commerce. The manufacturer referred to by the hon. senator from Hamilton can be examined. A gentleman from Hamilton, who represented himself as the largest jeweller in Canada, called on me and expressed his satisfaction with the Bill.

Hon. Mr. GIBSON—He says some changes have been made since.

Hon. Mr. SCOTT—The hon. member from Hamilton admits that Mr. Levy did call on me and express satisfaction, but now he says that two or three words in clause 9 have been changed: They do not read as they did. I am not quite able to discover in what particular they changed the Bill. The Law Clerk of this House, who was present on the former occasion, and who remembers a good deal of what then occurred, in conjunction with an official of the Justice Department, endeavoured to make the Act confirm as far as possible with the draft agreement sent by the Association.

Hon. Mr. FERGUSON—This year ?

Hon. Mr. SCOTT—Yes. And I have a number of letters from various members of the trade expressing their entire satisfaction with it, except they say you know my views with regard to ten carats. I would prefer the ten carats. But I find the larger number, among them this particular trader in Hamilton referred to by my hon. friend and at whose instance the hall mark was changed to nine, is having his way. They are giving way to him practically, because the larger number of the jewelers in Toronto, including Mr. McNaught, who is a pretty large dealer, would have preferred to adhere to ten carats, but they said : 'We want the Bill and we will not quarrel whether it is nine carats or ten carats.'

Hon .Mr. FERGUSON—As far as the question of carats is concerned, that proposition is easily understood. I remember the argument that was addressed to us from both sides. The Canadian manufactures insisted very strongly that ten carats was as low as you could make it and get a really good serviceable article. The importers contended that as nine carts was admissible in England it would shut out British goods and restrict the trade very much. If they have come together with reasonable unanimity as to the question, we might accept that and go on, but I am afraid there are a good many other changes proposed more important and drastic than that. I am not sure, however. I notice there is this change: In the Act as it stands on the statute-books, it applies to all persons importing into the country; I find it is made now to apply only to dealers. I can understand the effect of that if any person is importing for his own purpose he is not governed by the Act but the dealers are bound by it.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Owing to the great difficulty of making comparison, the Bill being in such a different form from the Act, I have not been able to understand it clearly. We took care in passing the Act now on the statute-book that in plated goods there should be a distinct marking indicating their quality. If that is preserved as it was before, I should hope that all the other changes in the form of the Bill do not make any material difference; at the same time I must confess that we have to take it very much on trust if we go through it in this way without a reference to the committee and hearing experts.

Hon. Mr. SCOTT—The instructions given to the Department of Justice and the Law Clerk of the Senate was to conform as closely as possible to the views that were expressed in the draft supplied to us. We had a number of drafts, and one copy was given to Mr. Creighton and one to the Department of Justice. I have received a good many letters stating that the parties have agreed to this Bill as it now stands, that is assuming that in the recasting of it our Law Clerk and the clerk of the Department of Justice put it in proper form. The parties did not say : 'You must adopt

our language.' They said: 'Give us the objects set forth in the draft.'

Hon. Mr. FERGUSON—Have the two sides to this controversy about the nine and ten carats agreed to compromise? It is really a contest between our own manufacturers and the importers? The importers wanted to be free to import nine carat goods and our manufacturers wanted to keep the standard at ten, with the main object, I suppose, of getting all the protection they could.

Hon. Mr. SCOTT—In this Bill the standard is nine carats. We have given way to the large dealer in Hamilton. A Bill went through this Chamber last year reducing the standard to nine carats and we have followed that.

Hon. Mr. FERGUSON—But it did not become law.

Hon. Sir MACKENZIE BOWELL—If I understand the circular issued by the parties, it stated that they had agreed upon nearly all the points except that one as to the standard quality of gold. That was left open for the government to decide.

Hon. Mr. GIBSON—This letter distinctly states that the understanding between all parties was that nine carat hall-marked goods should be admitted. As the hon. senator from Marshfield says, if there is nothing else put into the Bill except what was agreed to, there would be no trouble; but if there is something else introduced into the Bill, both sides should be heard.

Hon. Mr. KERR—May I ask the Secretary of State whether the draft of this Bill has been submitted to any other interest in the trade but the manufacturers?

Hon. Mr. SCOTT—We have nothing to do with the draft. The draft was prepared by people outside.

Hon. Mr. KERR—But we have to do with it now.

Hon. Mr. SCOTT—A copy of the draft was handed to the Law Clerk.

Hon. Mr. KERR—The manufacturers are not the only people interested in this business. There are large importers. Have the importers had an opportunity of passing judgment on this Bill? It will be borne in mind when the Bill was introduced before, the importers had very scant notice of what the manufacturers had been months in preparing. The Bill was introduced here without anybody being consulted representing the importers, and when they did appear they had a very scant hearing, and the Bill was pressed through. It was of vast importance that the Bill should be passed at once, because notice would have to be given of its coming into operation, and so important was it that it was pressed through without giving the importers the adjournment they asked for, for the purpose of being heard.

Hon. Mr. SCOTT—Where was that?

Hon. Mr. KERR—At the committee.

Hon. Mr. SCOTT—What committee?

Hon. Mr. KERR—The committee of this House.

Hon. Mr. SCOTT—The Bill was before the committee for six weeks, and they appeared there and stated their case. They appeared again before the House of Commons, because Mr. Fielding was chairman, and I was asked to go down with Mr. Fielding to the Banking Committee of the House of Commons to hear it all over again.

Hon. Mr. KERR—The hon. gentleman has forgotten something about this Bill. The Bill that was introduced was not the Bill that was considered by the committee, and although a Bill had been introduced six weeks before, an entirely new Bill in form and substance was presented to the committee only three days before it was heard.

Hon. Mr. SCOTT—Is the hon. gentleman speaking of the Bill of two years ago?

Hon. Mr. KERR—Yes.

Hon. Mr. SCOTT—There was no change made, except what was made in the committee.

Hon. Mr. KERR—The representative of the importers had very scant hearing or opportunity of considering the Bill. The importing trade was practically not represented at that time. The Bill had to be

passed in great haste, and what was the sequel? It was not put in force. Again, this year, it is not in force; and now a Bill is presented and there is some dispute whether the manufacturers are themselves agreed about it. What I want to know is, have the public, have the importers had an opportunity of knowing about this Bill?

Hon. Mr. SCOTT—Yes.

Hon. Mr. KERR—What opportunity?

Hon. Mr. SCOTT—Copies of the Bill were circulated.

Hon. Mr. KERR—The manufacturers looked after their own interests, but their interests may not be identical with the interests of the importers. What opportunity have the importers had of seeing this Bill? I have taken a good deal of trouble to go over the Bill, and, except in two or three particulars, it is substantially the old Bill, but in an absolutely different form of expression and construction. I am glad to find that it is so, because when this Bill was before the committee some members of the committee were almost indignant with me for saying that it was a badly drawn Bill, and people could not understand its operation. I am glad to find that this is a much better Bill, and in better form. It is absolutely reversed in its construction and is now in a form that it can be considered; but I think the trade generally ought to know about it and not merely the manufacturers. We ought to have an opportunity of knowing what their views are. I approve of the suggestion to send it to the Committee on Banking and Commerce, where the trade generally will have an opportunity of pressing their views, and I am glad the hon. Secretary of State has suggested it.

Hon. Sir MACKENZIE BOWELL—I do not know to what period the hon. gentleman refers when he says that no opportunity was given to the importers to ascertain what the Bill really contained. This I do know, that the importers and the manufacturers had ample opportunity two years ago to consider the question. I know they discussed it for hours and hours, and day after day, and so diverse were the opinions expressed that the government, in passing the Bill, inserted a clause that it should not come into force except by proclamation, and so it has remained until now. At present both parties are very anxious to have some definite law on the statute-book in order to enable them to carry on their business under the law; but that the manufacturers and importers had ample opportunity to consider and discuss the Bill two years ago is beyond question.

Hon. Mr. POWER—I cannot, as a member of the committee, approve of the suggestion that this Bill should be referred to the Committee on Banking and Commerce. The whole matter, as has been stated, was discussed at very great length and very thoroughly before the committee. The members of that committee are here sound in mind and body, most of them, and have not forgotten what took place. And further, if it is understood that the committee is to meet and listen to all the parties who wish to be heard, the reference of the Bill to the committee is equivalent to saying that it shall not pass this year. This Bill has not been before the other House, and if it is to go through there it has to be passed here in a very short time. The businesslike method is to take up the Bill now. We are in committee and the rule is to take up the Bill clause by clause, and when we reach clause 9 the hon. senator from Beamsville can make his objections; but this discussing of clause 9 before the first clause is disposed of, is very irregular.

Hon. Mr. FERGUSON—That discussion has, in a manner, been forced upon us, because nobody was prepared to explain the Bill at the second reading. For that reason, I think the preliminary canter is perhaps supplying what was short in the discussion at the second reading. As it is near six o'clock, it would be well to postpone further consideration of the Bill until to-morrow or next day of meeting, when we could take it up and compare it with the Act upon the statute-book.

Hon. Mr. SCOTT—Some hon. gentlemen will know who John Wanless & Co. are. I have a letter from them in which they say: 'The substitution of nine carats for

ten carats in section 10 is acceptable to us and the other clauses are on the whole satisfactory.' Then I have a letter from the American Watch Case Company, practically to the same effect. There are also communications from Mr. Trower and others all in the same line. Among them are Ryrie Bros., Limited, Kent, The Goldsmiths' Stock Company, T. H. Law, Sons & Co., Limited, Levy Bros.—so there is a good deal of unanimity.

Hon. Mr. KERR—Are there any other changes than appear now on the face of the Bill, because if there are any amendments to be proposed, it would be important to have them before us ?

Hon. Mr. SCOTT—As I understand, there is nothing affecting the principle, but there are changes to make the Bill clearer.

Hon. Mr. KERR—I wish to know whether this is to be the Bill, or whether it is to be amended ? If it is to be added to, it is very important that we should know what the suggested amendments are and be in a position to get information.

Hon. Mr. GIBSON—Whatever changes the hon. Secretary of State has to make should be in the hands of the committee.

Hon. Mr. SCOTT—These changes are made by the Law Clerk with a view to carrying out what he thought was not properly expressed ; it is not a suggestion of any outsider.

Hon. Mr. KERR—It would remove a good deal of criticism if they were put in the Bill before it is taken up again.

Hon. Mr. SCOTT—The proposed amendments will be printed in the Minutes of Proceedings before this Bill comes up again.

The first clause was adopted.

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

BILLS INTRODUCED.

Bill (119) An Act to encourage the construction of Dry Locks.—(Hon. Mr. Scott.)

Bill (162) An Act to amend the Post Office Act.—(Hon. Mr. Scott.)

GOVERNMENT GUARANTEED BONDS OF THE GRAND TRUNK PACIFIC RAILWAY COMPANY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (171) An Act respecting Government Guaranteed Bonds of the Grand Trunk Railway Company.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Wednesday next.

Hon. Sir MACKENZIE BOWELL—Might I ask if this Bill increases the liabilities of the country ?

Hon. Mr. SCOTT—No. It is to meet some modifications the company have asked for.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Friday, June 19, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE COMPANY.

INQUIRY POSTPONED.

The order of the day being called:

By the Hon. Mr. Landry—

1. The government, in 1903, having concluded with the Quebec Bridge and Railway Company, a financial arrangement in which one of the obligations of the contract was the immediate subscription of additional shares to the amount of $200,000, who are the parties that subscribed the additional amount?

2. How many shares have been subscribed by or alloted to each shareholder?

3. Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $472,000, that is to say, at a discount of 40 per cent?

Hon. Mr. LANDRY—I suppose this inquiry can stand, if the hon. minister has not the answer?

Hon. Mr. SCOTT—All I could do was to send a copy of the debate to Mr. Ross, and I showed a copy of it to Mr. Fielding, and he informed me that Mr. Ross was out of the city attending the funeral of some relative.

The inquiry was allowed to stand.

RAILWAY ACT AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The order of the day being called:

Committee of the Whole House on (Bill 112) An Act to amend the Railway Act as respects the constitution of the Board of Railway Commissioners.—Hon. Mr. Scott.

Hon. Mr. SCOTT—I move that this order be discharged, and that it be placed on the Orders of the Day for Thursday next.

Hon. Mr. LOUGHEED—May I ask the object of postponing a Bill which originated in the House of Commons, and has been passed by that House?

Hon. Mr. SCOTT—Several suggestions of important amendments have been made in this Chamber, and I have not had an opportunity of discussing the matter with the Minister of Railways. I did correspond with the Minister of Justice, but with the pressure of work just now, he has not been able to attend to it.

SECOND READING.

Bill (EEE) An Act to incorporate the Hamilton, Waterloo and Guelph Railway Company.—(Hon. Mr. Gibson.)

BELLEVILLE, PRINCE EDWARD BRIDGE COMPANY BILL.

SECOND READING.

Hon. Mr. ROSS (Middlesex) moved the second reading of Bill (20) An Act respecting the Belleville, Prince Edward Bridge Company.

He said: This Bill has been placed in my hands as it came from the House of Commons. The proposal in the Bill is to increase slightly the tolls on the Belleville and Prince Edward Bridge. This company was incorporated in 1899, and took over another incorporation in that year. It was authorized by Act of this parliament to levy certain tolls, and I understand the rates are so low as to make it impossible for the company to pay expenses. This bridge connects the county of Hastings at or near Belleville with Prince Edward county. There is a slight increase in the tolls which might, I think, be more properly discussed in the Committee of Railways than it could be at the second reading. The increases are not very great. I might just briefly refer to them by way of comparison. For instance, it is proposed to charge the rate of 10 cents on automobiles. There is no such charge under the old tariff. The charge on each person crossing the bridge remains unchanged, 5 cents per capita. It was proposed also to add to the tariff of tolls a fee of 10 cents for a bicycle and rider. No increase in the charge on a single horse. A reduction in the charge for a two-horse carriage from 20 cents to 15 cents. There is an increase on the charge for horses and cattle crossing the bridge, and so on. There is also a toll for threshing mills, for other mills and for farm implements drawn on their own wheels. There is some addition to the charges, and on the whole it would mean an increase to the owners or proprietors of the bridge. The Committee on Railways and Transportation should discuss this matter in detail and see whether the charges are reasonable. The only thing that commends it at this moment is that this matter has been discussed by, I suppose, the proper committee in the House of Commons and has been handed to me on behalf of Mr. Porter, who had charge of the Bill there, to see if I would not do him the courtesy of asking this House to consider it in the various phases through which it ought to pass.

Hon. Mr. DERBYSHIRE—Is this not a provincial matter?

Hon. Mr. LANDRY—Is this a Dominion Bridge?

Hon. Mr. LOUGHEED—It is a company incorporated under a Dominion Act.

Hon. Mr. ROSS (Middlesex)—I do not know whether it is or is not. I assume it is. In the first place, I assume that this House can do no wrong. This House passed the Act of 1899, and therefore I have the imprimatur of the House as to its being a proper Bill to pass. I do not

know whether my hon. friend was a member of the House then.

Hon. Mr. LANDRY—No, I am not guilty.

Hon. Mr. ROSS—My hon. friend has committed sins enough since that time——

Hon. Mr. LANDRY—And before.

Hon. Mr. ROSS—To make him worthy of censure, if it were worth while to censure him.

Hon. Mr. DERBYSHIRE—It is not even a provincial matter; it is a matter affecting the county of Prince Edward and the county of Hastings, and why the county council should not manage these matters is a wonder to me. It is not even a provincial matter.

Hon. Mr. ROSS—Clause 10 of the Act, says :

> The said bridge shall be and continue to be provided with a draw or swing so constructed as to have not less than 100 feet space for the free passage of vessels, steamboats, rafts and other water craft, which draw or swing, shall at all times be worked at the expense of the company so as not to hinder or delay unnecessarily the passage of any such vessels, steamboats, rafts or water craft.

I do not know the bridge, I have not seen it, but from that clause I would assume the bridge was constructed over a part of the Bay of Quinté which was navigable, and for that reason the authority was given to the company to construct the bridge, and having given authority to construct the bridge, some provision had to be made for the maintenance of the bridge, and it was to be maintained by tolls. That is all I know about it.

Hon. Mr. LANDRY—It is a swing bridge.

Hon. Mr. ROSS—It is a long bridge, from a quarter to half a mile long, and there is a swing in the bridge indicating that it is a navigable section of the Bay of Quinte. If that be so, it is properly within the functions of this House. That is a matter that might be discussed before the Railway Committee when it came up for discussion.

Hon. Mr. DERBYSHIRE—The county of Leeds and Grenville and Lanark have just such a bridge over the Rideau Canal, connecting the two counties, and these two counties have done the work and built the bridge. Why should not Hastings and Prince Edward have the same power ?

Hon. Mr. ROSS—We are not asked to build the bridge.

Hon. Mr. WILSON—I think we should have a fuller description of the requirements of this bridge. Certainly it strikes me, as my hon. friend from Brockville says, that it is not a provincial matter, but that it is a municipal matter. It is a matter that comes under the jurisdiction of the county, and why should we find provincial righters quietly submitting, forgetting what they did yesterday and now trying to do something else. It appears to me that they are unreasonable, and we ought to have a decision on this question of jurisdiction. Perhaps my hon. friend who moved in the matter yesterday might move to-day that this Bill be referred to the Supreme Court to ascertain whether it comes under the local or Dominion jurisdiction. That would be a proper course for him to pursue in order to decide this matter; I am sure that his ex-leader and his leader will vote with him on a motion of this kind, as they did on the occasion before. The Bill authorizes the bridge company to levy tolls on automobiles. It requires us to make a boy or girl riding on a bicycle going over this bridge pay five cents or ten cents. Why is there a charge of this kind ? Ten cents for going over a municipal bridge, a little bridge built for what purpose ? Talk about steamboats and piers and navigation making it a subject for legislation by parliament. It was originally built for the purpose of a sawmill. We know who is behind it and why it is being brought here. There is no justification in saying this was originally passed by parliament. If parliament did wrong in the past, is it right that we should continue doing wrong and do again that which parliament before ought not to have done? Is the House anxious to pass retroactive legislation of this kind ? Does my hon. friend from Hastings think this is a proper thing? He knows the whole locality. He knows what the bridge is for, and he knows full well whether it is a Dominion or a municipal enterprise. The company was formed, it is true, under the Act of this parlia-

ment, but why should they charge the tolls they are charging? I do not happen to be a member of the Railway Committee, and I would not have an opportunity of expressing an opinion there. If I tried to do so, I would be told I had no right to vote or speak there; therefore I assert my right to speak here. I ask hon. gentlemen of this House to carefully consider this Bill and to ask whether the promoter of it has given any just reason why it should be passed. He stated it came from the Commons. Who brought it from the Commons, or why was it introduced into the Commons? He has given no just reason why this Bill should be brought here, and why it ought not to continue, as all these bridges continue to be, under municipal jurisdiction. They certainly should not be taken out of the municipal jurisdiction and placed here. I therefore am opposed to the second reading of this Bill.

Hon. Mr. ROSS—I want to disclaim entire responsibility for the Bill as being within or without provincial rights, and I do not suppose the hon. gentleman from St. Thomas is in a position to lecture me or any other hon. gentleman of the House who has so far championed provincial rights with some degree of sincerity. I had the honour of voting on the opposite side from my hon. friend yesterday, simply upon that ground—he who with so much humility and urbanity and condescension joined what I would call an honourable procession I am sure, for every member of this House is honourable, in favour of sacrificing what I would call provincial rights, to-day rises in his place with calmness and deliberation, not to say effrontery and lectures the humble minority in this House who had the courage to stand up for a well-defined and clear-cut principle of provincial rights. This is the relative position of the hon. gentleman from St. Thomas and myself. I am not promoting this Bill. It is not necessary this House should affirm whether it is for or against provincial rights, I do not think that question necessarily arises. If it is really a question of provincial rights, I would be prepared to withdraw the Bill, if that could be done, but I do not think that question arises at all. The only thing this House is asked to do is to say whether the tolls charged under an Act of this parliament are such tolls as might be charged on a public bridge, the company building the same having been organized by this House.

Hon. Mr. WILSON—Is it a public Bill?

Hon. Mr. ROSS—It is a private Bill, but a public road and public bridge authorized by this House to be built. If this House can by any ingenuity that I do not see at the present moment, get behind the simple proposition and raise the question of provincial rights, we will let that be argued and see where it stands. I am not raising it. I do not think it is legitimately to the front in this Bill at all. All we are asked to do is to re-consider the question of tolls on the bridge, to which the House has given its sanction. If the committee to which it is referred say, 'We shall make no change,' that is an end of the matter. They are dealing with tolls and tolls only, and if they think it would be a proper thing to reject the Bill in this House, nothing is gained. The old Act stands, so that you do not accomplish anything by your cry for provincial rights. The old Bill is operating unfairly to the proprietors of the bridge. If my hon. friend, who was so warm a friend of provincial rights, and so indifferent a friend last evening, thinks to accomplish anything in regard to provincial rights in rejecting this Bill, well and good; but he cannot accomplish anything. The original Act remains. The wrong has been done. I do not know whether my hon. friend was a party to it, but it has been done anyhow.

Hon. Mr. WILSON—I stated distinctly that it was a municipal and not a provincial matter, and I hope the hon. gentleman will not put words in my mouth which I did not use.

Hon. Mr. ROSS—This House thought it was a Dominion matter and not a municipal, and if the Bill is read a second time, I shall move that it be referred to the committee for consideration.

Hon. Mr. POIRIER—This Bill having been passed by this House, and the powers therein contained, having been given by parliament, I have no doubt this is the proper place to propose any amendments to the Act; but I must confess that any

Bill that provides for the levying of tolls on a bridge by a private corporation strikes me as if it were a sound from past ages something that happened in medieval times. The question of tolls is one that should not be favourably regarded by this House. It is old time legislation. Down with us in the maritime provinces it may be we are more advanced than the provinces in the west. We long ago abolished everything that sounds like tolls. I find it strange that we should be called upon here to sanction an increase of tolls by an amendment to an Act which was, unfortunately, passed by parliament some years ago. If it comes to a vote for the cancelling of this charter, if no harm be done to the stockholders of the company, I shall favour it. If they can work out their own destinies, as I understand they can, by virtue of their original Act, we should not be a party to any Bill calling for additional tolls or for any tolls at all. In the Private Bills Committee, I shall take that attitude more boldly than I do here, and if a vote is taken in this House on the question of whether bicyclists shall be charged 10 cents toll, I shall certainly cast my vote against legislation which brings us back to the barbarous ages.

Hon. Mr. POWER—I was very glad to hear the hon. gentleman from Middlesex disclaim any responsibility for this Bill. I understood from him that he simply introduced it as an Act of courtesy to the hon. gentleman in the other Chamber who had it in charge, and that he did not himself assume any responsibility for the measure. I did not understand the hon. gentleman from St. Thomas, or the hon. gentleman from Brockville to express themselves as being specially in favour of provincial rights in this matter but rather to express their surprise that an hon. gentleman who had been so distinguished an advocate of provincial rights was proposing a measure which was certainly not in the direction of supporting that principle. This is much more a provincial measure than the Bill which was dealt with yesterday afternoon. The Bill which we passed yesterday dealt with several miles of navigable water, while this Bill simply deals with a single bridge across an arm of Lake Ontario, and if the arguments used against the Bill which was before the House yesterday were good, they should have prevented any gentleman who voted in the minority from supporting a measure of this kind. I have a good deal of sympathy with the opinions expressed by the hon. senator from Acadie (Hon. Mr. Poirier) with respect to the increase of tolls, and I hope that the committee to which this Bill is to be referred will pay particular attention to the question of tolls. Everyone knows that there is no vehicle so injurious to a road as an automobile, and I find that this proposed list of tolls charges an automobile only ten cents while a bicycle rider is charged the same amount. That certainly requires readjustment. It is absurd to charge a man who happens to use a bicycle ten cents, while the automobile which rips up the whole surface of the road, if it is used often, is charged the same amount. I am not feeling as strongly on the subject of provincial rights as the hon. senator from Middlesex, and I do not propose to oppose the second reading of the Bill.

Hon. Mr. DAVIS—I am glad to see that there are a few provincial righters in the House yet. I hope our friends who stood up for provincial rights yesterday will come to the rescue now. As we have opened the door to legislation of this kind, we need not be surprised at anything, but any one who reads this Bill and finds that we are asked to establish tolls on a local bridge, must feel that this is going too far. Here is a list of the tolls to be authorized :

For each person passing on or over the bridge or that portion of the approach lying between the bridge and Zwick's island	5
Children under six years of age accompanied by parent or guardian	Free
Automobiles	10
Bicycle and rider	10
For every horse and single carriage, waggon, cart, or other vehicle and driver	10
For each carriage, waggon, cart or other vehicle drawn by two horses, driver and horses included	20
For horses and cattle on foot, each	5
For calves, sheep, goats, and swine, on foot, each	5
For every threshing mill, clover mill or separator	10
For every mule	5
For every colt	5
Farming implements drawn on their own wheels	5

(In no case shall any traction or other engine, or any load or waggon exceeding three tons pass over the said bridge without the permission of the company.)
The tolls hereby fixed are for passage either way.

My hon. friend says that this is not a provincial matter; it is a municipal matter and ought to be settled by the municipal council. I do not think it is a proper matter to be brought before this House, and I therefore move that this Bill be not now read a second time, but that it be read a second time this day six months.

Hon. Mr. POWER—I hope the hon. gentleman will not persist in that motion.

Hon. Mr. KERR—It appears to me that there has been about enough said on the subject of this Bill. It is a measure to amend an Act of this parliament and is entitled to consideration. This parliament chose to pass an Act some years ago which is now in force, and this is simply amending that Act and being a Dominion Act there is no other jurisdiction could deal with it. It is, at all events, entitled to the fair consideration which any Bill coming before this House should receive. The principle of the Bill is not adopted by the second reading, it being a private Bill. The tolls charged will be subject to discussion before the Private Bills Committee, and we ought, therefore, without further delay, give the Bill the second reading.

Hon. Mr. PERLEY—I had the pleasure the other day of travelling over that bridge and had to pay 30 cents, a much larger fee than is charged in this Bill. I understand the bridge was built by private enterprise and bonused by the counties of Hastings and Prince Edward. It is not a matter of provincial rights; it is a matter of personal rights. The bridge is a mile long, a very expensive iron structure and the tolls are altogether too low. They are not high enough to give a reasonable return on the investment. In establishing these low tolls, we are legislating against the rights of private individuals.

Hon. Mr. WILSON—I have been charged by the hon. senator from Middlesex with having taken a certain course yesterday and taking a different course to-day. Does the hon. gentleman for a moment compare this Bill with the one which was before the House yesterday? The hon. gentleman said yesterday that on account of provincial rights he would not support the Bill then under consideration without having an opinion from the Supreme Court. If he considered that necessary then, how does he justify his support of this Bill? I have seconded the motion for the six months' hoist and feel that I am justified in doing so. This company possesses all the rights conferred by the Act of incorporation, and can collect toll. Now they come to this parliament for legislation to increase the burdens of the people who have to use this bridge. They have sought this legislation without properly advertising their intention to increase the toll. It is not enough to tell us that this Bill has passed the House of Commons and therefore we should adopt it. My hon. friend from Middlesex has evidently adopted a child without knowing its parentage. My hon. friend from Toronto comes to the rescue, and gives a reason why this matter should be taken out of the hands of the municipality and dealt with by the Dominion. If the adoption of the amendment would in any way injure the position the company occupies to-day, I would hesitate to vote against the Bill; but if the six months' hoist carries, they will be left in the enjoyment of all the rights they possess under the existing law, and we would prevent this company from increasing the burdens on the people of that locality.

Hon. Mr. CLORAN—I have the statute of 1899 in my hands, and I should like a little explanation from experts in regard to this matter. I should like to know how clause 10 happens to be in this Act if it is altogether a municipal or provincial matter? Clause 10 provides that the bridge shall be provided with a draw or swing so constructed as to have not less than 100 feet space for the passage of steamboats and other craft, which draw shall at all times be worked by the company so as not to delay unnecessarily the passage of such steamers and craft, and shall maintain lights on the bridge. That bridge could not be built without reference to the fede-

ral authorities. The company would have to submit their plans to the Public Works Department and Marine and Fisheries Department here. Although it is essentially a local matter, it interferes with federal rights. The bridge crosses a navigable water and can only be constructed with the sanction of the federal government. Is that sufficient to bring it under the jurisdiction of the Dominion parliament? We are asked to reject the Bill on the ground that it is purely a municipal and provincial matter. If that can be established, I shall vote as I did yesterday; this parliament should not interfere with local rights. But this is simply an amendment to a federal Act, and surely we should extend to the hon. member who introduced the Bill the courtesy of allowing it to be read the second time and be referred to the Private Bills Committee, where it can be thoroughly considered.

Hon. Mr. POIRIER—If this company desire any amendment to the Bill it must come to this House and therefore it is following the proper course. The original Bill was apparently passed under Dominion jurisdiction on account of the fact that the bridge is over navigable water. Those people are rightly before us now, and I find no fault with them; but I doubt very much that the people who live in that locality and who are interested know of this attempt to impose what I consider unduly increased tolls. I believe we should not sanction such tolls; but I also believe in being fair to people who are rightly before us. The proper and legitimate way to deal with this Bill is to refer it to the committee. I shall therefore, without compromising my attitude, vote against the six months' hoist, reserving to myself the privilege of dealing with the Bill without gloves when it comes before the committee.

Hon. Mr. DAVIS—I take issue with my hon. friend who thinks this is a Dominion matter. The original Act should never have been passed by this parliament. The hon. gentleman says that the fact that the bridge crosses navigable water brings it under our jurisdiction. Any one who will tell me that the collection of tolls on a local bridge is a proper subject to be dealt with by this parliament, tells me something which I regard as an absurdity. However, in courtesy to my hon. friend who has charge of the Bill (and I am sorry that he has) and with the consent of the seconder, I withdraw my motion.

Hon. Mr. WILSON—As it is the desire of the mover of the amendment to withdraw it, and I do not desire to do any injustice to my hon. friend from Middlesex, and as I fully appreciate the awkward position he is placed in, feeling a deep consideration for him, I consent to the withdrawal of the motion.

Hon. Mr. ROSS (Middlesex)—I am greatly indebted to my hon. friends for their extreme condescension and courtesy. It makes me feel that my position in the Senate is higher and nobler than I ever thought it was before. Such courtesy, hon. gentlemen, marks an era in my life. Reference was made to the circumstance of this Bill not being advertised, and, consequently, its provisions may not have been known in the locality. As a private Bill, it is necessarily advertised for a number of weeks in a local journal and that would probably be in a newspaper published in the city of Belleville, or in the county of Prince Edward, so I think there can be no doubt that it was properly advertised. However, the Bill will go before the proper committee and we shall know more of its fate thereafter. Personally, as I said before, I am acting as a matter of courtesy to a gentleman in the other House and I am glad my hon. colleagues appreciate what may be called the courtesies of parliament in this matter.

The amendment was withdrawn.

The Bill was then read the second time.

PRISONS AND REFORMATORIES (N.S.) ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. POWER moved concurrence in the amendments made by the House of Commons to Bill (KK) An Act to amend the Prisons and Reformatories in so far as the same affects the province of Nova Scotia. He said: The first amendment is

to leave out clause 1. Without the clause, part 1 of the Prisons and Reformatories Act applies to all Canada and this clause was inserted in order that the ordinary readers of the measure would understand that fact. But it was not necessary as a matter of law, so that there can be no particular objection to accepting that amendment.

Hon. Mr. DeBOUCHERVILLE—Does the amendment concern subclause (c) of clause 1 ?

Hon. Mr. POWER—The first clause in the Bill was not necessary. It was simply intended for the information of persons not familiar with the Revised Statutes. In chapter 148 of the Revised Statutes there are a number of clauses under the general heading 'Part 1, General.' All the sections under the heading 'General' apply to the whole of Canada. Then there are certain other parts of the Act which apply to the several provinces, so that the original clause was not necessary and the amendment made by the Commons does not alter the effect of the Bill. The other amendments are purely formal.

The motion was agreed to.

INSPECTION AND SALE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (148) An Act to amend the Inspection and Sale Act.

He said: The Bill before us refers chiefly to the changes in the Act with regard to dairy products, fruits and fruit marks. The effect is to exercise greater care, seeing that marks indicating the quality are not removed, and increasing the penalty. It is a matter purely of detail, and I shall be glad to give full information when the Bill goes into committee. There is no new principle involved in the Bill, simply mere details made from time to time from experience in the department.

Hon. Mr. LOUGHEED—May I ask my hon. friend if the passage of those numerous amendments is calculated to induce the department to enforce this Act to any greater extent than it has enforced it in the past? The passivity of the department with reference to the enforcement of the law has been a matter of criticism for several years. One can scarcely take up an English newspaper without finding very severe criticism upon the laxity of the Canadian government with reference to inspecting the various exports which are sent to England from time to time, and which certainly should be enforced most strictly under the Act. If the Canadian market is suffering from one thing more than another, it is the indifference of the government in exercising the authority which is vested in them as to the inspection of exports such as those enumerated. May I ask my hon. friend if his attention has been directed to the causes which I have mentioned, and the bearing upon our exports, particularly to the English market?

Hon. Mr. SCOTT—It must be in the immediate recollection of everybody that those products are the result of the industry of hundreds of thousands of people, and it is very difficult indeed to follow the articles of butter, cheese and apples and the other things, unless you appoint an additional number of inspectors. However, the importance of proper inspection is apparent. My hon. friend is quite right in referring to the criticism in the British press on the defective fruit, cheese and butter, and other products of the farm. This Bill authorizes the Minister of Agriculture to increase the number of inspectors. That is one of the provisions of it.

Hon. Mr. LOUGHEED—What are the present inspectors doing?

Hon. Mr. SCOTT—They do not seem to follow every case and barrel. I am somewhat of a critique in regard to fruit, and I find barrels marked XX and No. 1, and I find a large amount of scrubby fruit in them, but I recognize the difficulty. It is unfortunate that the producers in Canada do not comprehend the value of giving an increased importance to the inspection of their food products that they send abroad. They could send twice the amount. Take apples as an illustration. Apples could just as well command a higher price on the London market, by exercising greater care in packing. Of course producers are stand-

ing in their own light in not keeping up the standard. Inspectors are constantly calling attention to the matter of not properly curing cheese. It is hoped that some improvement will arise in consequence of this Bill. One of the advantages is taking power to increase the number of inspectors.

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

YUKON PLACER MINING ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (150) An Act to amend the Yukon Placer Mining Act.

He said: In the early history of the Yukon country, the personal management of the mines was purely by the agents there, and under Orders in Council, no doubt very many mistakes were made, as was natural, and from time to time those Orders in Council were amended and changed. A year or two ago I think they were crystallized into the form of Acts of parliament, and now they find in the experience of last year, that it is necessary to make a variety of changes. Hon. gentlemen will note the changes, if they take the Bill as introduced in the House of Commons. They can follow the matter out by reference to that Bill when the House goes into committee. They are all matters of detail, and are not establishing a new precedent.

Hon. Mr. KERR—The Bill, as originally introduced in the Commons, is in parallel columns.

Hon. Mr. SCOTT—They reprinted the Bill and dropped out the explanatory observations, and I suggest, therefore, that copies should be obtained by hon. gentlemen, and the matter can be discussed in committee.

Hon. Mr. LOUGHEED—Might I ask my hon. friend why, in the first paragraph, a very important exception is made by which the operation of the Act does not extend to streams which may be considered rivers in the provision of the dredging regulations: that is streams having an average width of 150 feet. Without having looked very carefully into it, inferentially, I should say that this class of stream was included in the former Act, and the reason I make the observation is this: there has been a great deal of public criticism and very deep-seated feeling, particularly in the Yukon, with reference to the policy of the government in practically vesting in a large mining corporation known as the Guggenheims, most of the placer mining in that country. It is said that this firm, a foreign corporation, without practically any interest in the Dominion of Canada, controls nearly the whole of the placer mining of substantial value in the Yukon Territory. Without professing to be very familiar with the operation of this Act upon their interests, it would look to me that possibly the exception of this particular class of streams may have arisen owing to the interest and the influence of that company. Can my hon. friend say anything upon the subject?

Hon. Mr. SCOTT—No, I really could not. I notice that in the amendment the size of the stream is considerably reduced. It reads in the Act:

> Creek means and includes all natural water-courses, whether usually containing water or not.

The amendment restricts that to:

> A water-course not exceeding 150 feet in width.

So that it is quite clear it is in the nature of a reduction. I will be glad to make some inquiry as to whether it bears on the Guggenheim claims. I understand, but I cannot speak authoritatively, that they have purchased individual rights in a large number of cases.

Hon. Mr. LOUGHEED—May I ask my hon. friend, so that we can more intelligently discuss this in committee, to ascertain—and the information will be within reach of my hon. friend if he asks for it—as to what the interests of the Guggenheims are in the Yukon Territory, in the placer mining, and as to their hydraulic interests. It seems to me that consideration might have a very important bearing upon the Bill.

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

ISSUE OF DOMINION NOTES BILL.

FIRST READING.

A message was received from the House of Commons with Bill (159) An Act respecting the issue of Dominion notes.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Tuesday next.

He said : This Bill confirms the action of the government last autumn in making an advance for the purpose of moving the grain from the Northwest.

The motion was agreed to.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, June 23, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PAYMENTS TO ALEXANDRE TASCHEREAU.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Have the commissioners of the Transcontinental railway ever paid a sum of $29.20 for judicial expenses to Mr. Alexandre Taschereau, of Quebec, advocate, an ex-alderman of the city of Quebec?
2. What is the nature of those expenses?
3. Were they not incurred to aid the swearing in of a certain number of constables?
4. For what object and for what purpose were these constables sworn?
5. Where did they serve?
6. What was their number?
7. Was Mr. Taschereau paid a uniform price for the swearing in of each of them, and what is that price?
8. Multiplying that individual price by the number of constables sworn in and deducting from the sum total paid the product thus obtained. for what was the difference which remained utilized?

Hon. Mr. SCOTT—The answers given me are as follows :

1 and 2. The commissioners reimbursed Alexandre Taschereau, K.C., of Quebec, advocate, the sum of $29.20 for cash disbursements paid by him to police court incurred in connection with the arrest of Monaco and Lacoste for offences committed on the line of the Transcontinental Railway.

Hon. Mr. LANDRY—Were those expenses incurred to pay for the swearing in of a certain number of constables?

Hon. Mr. SCOTT—I can only read the answer as it is furnished to me, and I think the rule is that a member is obliged to accept the answer offered.

Hon. Mr. LANDRY—Is that answer given by Mr. Ryan?

Hon. Mr. SCOTT—No, it is by the secretary of the Department of Railways. I suppose he got it from the commissioner.

Hon. Mr. LANDRY—I will see what he has submitted, and will give notice again for the remaining questions.

Hon. Mr. POWER—The disbursements connected with the prosecution would include constable's fees.

Hon. Mr. LANDRY—Perhaps the hon. gentleman from Halifax is better posted than the minister.

Hon. Mr. POWER—I was only suggesting that the expenses connected with the prosecution of those men would include constable's fees.

Hon. Mr. LANDRY—Why does the minister not say so ?

Hon. Mr. SCOTT—Perhaps they have not the information.

Hon. Mr. LANDRY—Why do they not insert it in the Auditor General's Report?

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY POSTPONED.

The order of the day being called :

Hon. Mr. LANDRY inquired :

1. The government, in 1903, having concluded with the Quebec Bridge and Railway Company, a financial arrangement in which one of the obligations of the contract was the immediate subscription of additional shares to the amount of $200,000, who are the parties that subscribed the additional amount?
2. How many shares have been subscribed by or alloted to each shareholder?
3. Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to

wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 per cent?

Hon. Mr. SCOTT—I have not the answer to that question.

The SPEAKER—It will stand.

CONDUCT OF INTERCOLONIAL FOREMAN.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is it true that the government has ordered an inquiry into the conduct of Mr. J. McGovern, foreman of the Intercolonial Railway between Lévis and Rivière du Loup?
2. Has this inquiry been ordered as the result of grave accusations of speculation brought against this employee.
3. What is the precise nature of the accusations the truth of which the commissioner holding the inquiry has been ordered to find out?
4. Who has been appointed commissioner to hold the inquiry? Is it Mr. T. C. Burpee, of Moncton? If not, who?
5. When was the appointment made, and when is the inquiry to commence?

Hon. Mr. SCOTT—They tell me they have wired for an answer. I do not know why they have not had an answer. They should have it before this. The last reply was that they were expecting it. It will probably come in a day or two.

Hon. Mr. LANDRY—I suppose the wires are cut ?

Hon. Mr. SCOTT—I do not know.

PAYMENTS TO ALEXANDRE TASCHEREAU.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. How much has Mr. Alexandre Taschereau, of Quebec, received each year from the Federal treasury during the years 1905-6, 1906-7 and 1907-8?
2. On what date was each amount paid?
3. For what services in the public interest, and how much for each service, was paid to him each time?

Hon. Mr. SCOTT—That, of course, cannot be answered in the form in which it appears, because it would involve getting answers from all the departments. The hon. gentleman had better move for a return, and then it will be sent to all the departments.

Hon. Mr. LANDRY—With the permission of the House, I will change my inquiry into a motion for a return.

Hon. Mr. SCOTT—I have no objection.

The motion was agreed to.

THE EXCHEQUER COURT JUDGE.

Hon. Mr. FERGUSON—Before the orders of the day are called, I want to ask my hon. friend the leader of the House whether an ad hoc judge has been appointed to take up the work of the Exchequer Court? I am led to ask this question from the fact that when adjourning a few days ago, the inquiry into the Marine Department which Judge Cassels is making, he is reported in the papers to have said that adequate provision had not been made in the law to enable a judge to be appointed to take his place, and consequently he was obliged to adjourn the investigation until September. He added that the provision that was made in the law was not broad enough to enable his assistant to undertake the court work. I should like to know how the matter stands. Is it true that no ad hoc judge has been appointed, and that, in consequence, Judge Cassels has been obliged to adjourn this inquiry into the Marine Department until September, and if it is true, is it due to a defect in the Act? My hon. friend will remember that when it was passing through this House I pointed out that in my judgment the provision of the law was not broad enough to permit the appointment of an ad hoc judge to take the place of Judge Cassels when he would go away, and that the Marine inquiry was not of the character that would admit of an ad hoc appointment. It was not really judicial work. I called attention to that point, and thought it was worthy of consideration. Perhaps my hon. friend will be able to tell us all about it, and if an ad hoc judge has not been appointed, why?

Hon. Mr. SCOTT—Speaking subject to correction, I do not think an ad hoc judge has been appointed. I have not heard the subject brought up when I was in council.

When the Bill was before the House, my attention was drawn to this point by the hon. senator from De Salaberry and probably by my hon. friend and other gentlemen, and I think the Bill was held over for a day or two in order to get the opinion of the Minister of Justice. I saw him and he expressed the opinion that the words in the Bill were quite large enough to admit of an ad hoc judge being appointed in the place of the present judge. That is the only explanation I can give. I was not aware that Judge Cassels had given that opinion, though he may have done so without my attention having been called to it. I think when Judge Cassels was first appointed he took the ground that he would not do any work during what is called the vacation. Judges are rather tenacious of having holidays during July and August, and I think at no time did he say he would carry on the investigation during those months. That is my recollection of what occurred soon after his appointment.

Hon. Mr. FERGUSON—Of course I do not know what may have taken place privately between the hon. gentleman and his supporters; but the hon. senator from De Salaberry was not heard from in the House on that point when the Bill was before us. I raised the point, and my hon. friend the leader of the House said that the Minister of Justice had been consulted about it, and that he particularly prided himself upon his skill in drafting measures of that kind. My mind turned at once to the subsidies address of last year, which he had drafted and which took a good deal of trouble to put it right. However, we have nothing to do with that just now. The statement was made in the press last week, headed 'a bungle,' that the Bill that was passed by this House was not broad enough to admit of the registrar being appointed to act as a judge. All it did was to permit him to do chamber work. While there was one clause in the Bill which provided for that, there was another clause in the Bill that permitted as a permanent statute that an ad hoc judge be admitted when the judge was away on judicial work, and it was held there was a great demand for the immediate passing of that Bill. Now I think we have a right to know, when the newspapers know all about it, and the statement was made by Judge Cassels, what is the matter with the law that the government has not been able to make the appointment?

Hon. Mr. CLORAN—Hear, hear. The law is all right.

Hon. Mr. FERGUSON—The law is not all right.

FRENCH TRANSLATION OF CIVIL SERVICE REPORT.

Hon. Mr. LANDRY—May I be allowed to ask the hon. leader of the House if he has any information to give us concerning the French translation of the report of the Civil Service Commission? The English version of that report was laid on the table of the House long ago, and I suppose we might ask where has the French edition got to?

Hon. Mr. SCOTT—I had a report on that matter in my desk for several days, thinking the question might be put, and I cannot lay my hand on it just now; but, speaking from memory, the information I had was that only about a fourth or a third of the translation had been sent to the Bureau. I am speaking subject to correction. That is simply from memory. I made inquiry when the hon. gentleman first brought up the question, and it seems to me that that is the answer I got, that the translation had not been completed. I will make further inquiry and let the hon gentleman know to-morrow.

Hon. Mr. LANDRY—We feel that it has not been completed.

Hon. Mr. SCOTT—It is not the fault of the Bureau.

Hon. Mr. LANDRY—We know it is not the fault of the hon. gentleman.

Hon. Mr. SCOTT—It say it is not the fault of the Bureau.

Hon. Mr. LANDRY—The hon. gentleman will procure the information for us?

Hon. Mr. SCOTT—Yes. When the Bureau has been charged with delay, on making inquiry, I have invariably found that the fault was elsewhere.

YUKON ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (169) An Act to amend the Yukon Act.

He said: As time wore on, greater privileges in the administration of the Yukon country have naturally been demanded by the people, and this Bill now before us, proposes to make a number of changes: among others, the council will be all elective. At present, as hon. gentlemen know, one-half of them are appointed. Then the commissioner in council may prescribe the qualifications. At present there are none. The life of the council is extended now for three years instead of two, as at present. Imitating the provincial constitution to some extent, when a money grant is to be voted by council, it has to be recommended by the administrator, the commissioner. Then there is a provision made for the auditing of the accounts.

Hon. Mr. LOUGHEED—I should like to obtain some information from my hon. friend as to what has led the government to adopt what I might term a hybrid or experimental system of government for the Yukon, particularly in view of the fact that we have upon our statute-book or within our constitution the most complete system of machinery for the government of provinces that can very well be devised. I would point out to my hon. friend the rather strange anomaly of giving representative government to this territory without adopting the same machinery which obtains in the rest of the provinces. It might be pointed out that the Bill which we are now considering is very careful to elude, so to speak, the appointment of a lieutenant governor and a cabinet which would be responsible to an elective House. Why the power of a commissioner in council should remain, and why that commissioner should be vested with all the powers of a lieutenant governor without being regarded as a lieutenant governor, and, in fact, without being appointed as a lieutenant governor, I cannot very well understand. I apprehend the object that the government had in view in the preparation of this Bill was such a council as governed the affairs of the Northwest Territories in the early days. The evolution to which my hon. friend refers, of course, is a very pleasing one: that is in the way of departing from the nominative council that formerly governed the Yukon Territory to that of an elective assembly; but it must be remembered that even in the early days of the Northwest Territories, when there was less opportunity for the machinery of government to work more smoothly than in the Yukon Territories, there was a lieutenant governor appointed, and he was vested with all the functions of a lieutenant governor under the constitution, even at a time when there was not an elective council, when the council was entirely nominative. This Bill, however, does not propose to incorporate into the government of the Yukon Territory a representative of the sovereign known as the lieutenant governor, but a commissioner in council vested with all the powers, so far as I can observe, and so far as the statute can give, of a lieutenant governor. Why there should be an absence of the provision to which I have alluded, I cannot understand nor appreciate. It seems to me that if the people of the Yukon Territory are entitled to an elective system of government, if they are entitled to have the nominative system wiped out and elect their representatives who will meet in council, there is no reason why the machinery of government which we had in the early days provided for the Northwest Territories, and which to-day obtains in the whole of the Dominion of Canada, with the exception of the Yukon Territory, and the unorganized districts, should not obtain there. There is a strange anomaly about this Bill to which I would direct my hon. friend's attention, and that is, it requires the whole of the elected members to constitute the council. They apparently sit as a legislative assembly, and they also sit in the capacity practically of a provincial cabinet. Why that should be so I am unaware. We very well know the struggles through which the old provinces of Canada passed before there was a cabinet responsible to the elective House, and it seems to me that the present machinery is going to result in a clash be

tween the commissioner and the commissioner in council. The commissioner has full authority to dissolve the House at any time. Let us assume for the moment that the commissioner is regarded as the representative of the federal government, as he undoubtedly is, and the federal House will vote certain supplies for the administration of the government in the Yukon Territory, and the elective council sitting with the commissioner in council should not be able to agree with the commissioner as to the expenditure of those supplies, what would be the result? The result will be that there is no body such as a cabinet responsible to the assembly itself, because the members who are elected to represent the entire territory will naturally maintain whatever policy they may decide upon, even against the commissioner. The commissioner is then vested with authority to at once dissolve the assembly, and to bring on another election. This, I contend, is a hybrid system of government, is experimental, is a serious departure from the well established form of responsible government which we have in the other parts of the Dominion, and there is no good reason whatever why the government should introduce a system of this kind. The people of the Yukon Territory, in my judgment, are entitled to have the same institutions of representative government, once you accord to them the right of an elective assembly that the other portions of the Dominion enjoy. Can my hon. friend give the Chamber any information as to why the government stopped short in adopting the same system of government which we have in the other provinces of Canada?

Hon. Mr. SCOTT—For the very good reason that there is not really a permanent population in the Yukon Territory. People come and go. It would be rather a farce—perhaps that is too strong a word—to invest a community of that kind with the powers given to a province. The population of the whole territory is less than 10,000. Surely it would be making a toy of a government if you were to give all the ceremonial incident to constituting a province or community of that number. I am told that in Dawson the population is only in the neighbourhood of 2,500. It has fallen off, and therefore the Bill, in my judgment, is giving them increased representation, gradually extending to them all the features of responsible government; but to go any further would really make the thing ridiculous. Less than 10,000 people scattered over a thousand miles of territory—to say that they shall have a similar government——

Hon. Mr. LOUGHEED—Without desiring to interrupt my hon. friend, I would ask wherein it falls short of any of the broader principles of representative government. The assembly is elective and has a right to sit with the commissioner in council and vote supplies. They have a right to sit with the commissioner in council and vote indemnity to themselves, and in this way, I submit, the machinery is practically as broad, so far as administering the more important principles of government as that we have in the other provinces. If the hon. gentleman will point out wherein it is different——

Hon. Mr. SCOTT—For instance we appoint the Auditor General. That is one thing. I think when we go into committee, my hon. friend will find ample proof that the power of the commissioner is much more limited than that of the lieutenant governor.

Hon. Mr. PERLEY—Would it not be an advisable policy to annex the Yukon Territory to British Columbia?

Hon. Mr. SCOTT—That would not be a bad idea. It will come to that some day.

Hon. Mr. BEIQUE—I draw the attention of the hon. gentleman from Calgary to the fact that the question of quorum for the council it settled by the Interpretation Act.

Hon. Mr. LOUGHEED—I did not say anything about that.

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

TOWNSEND DIVORCE BILL.

REPORT OF COMMITTEE ADOPTED.

The order of the day being called:

Consideration of the tenth report of the Standing committee on divorce, to whom was referred the petition of Arthur James Townsend, together with evidence.

Hon. Mr. McMULLEN moved that the report be adopted. He said: I presume that the evidence has been carefully looked over by every member of the House. It was circulated some days ago. Any one who has read it must have come to the conclusion that the petitioner is justly entitled to relief. A more forgiving husband I never heard of. That must be the conclusion of every one who has read the evidence. He tried in every way he could to have his wife come back to her home, but failed.

Hon. Mr. CLORAN rose to move in amendment:

That the said report and Bill be amended by providing that the guilty party in said divorce, to wit, the said Cora Leffler Townsend, shall not have the right to remarry, and if such party remarries, she shall be considered a bigamist under the Criminal Code of Canada.

He said: I most heartily and conscientiously agree with the temporary chairman of the committee, in what he has said about this case. If a man ever suffered from a woman's conduct it is the petitioner; but I would wish that an old father of the country like the hon. senator from Wellington had not placed on my shoulders the duty of protecting society. He says that the husband is entitled to a divorce. I am with him, but what does he say about the prostitute wife? Why did he not recommend to this honourable House and to parliament, that she should not have the right to remarry? I go the whole road with him; but he stops short. He tells us that this man is entitled to a divorce because the wife became a noted public prostitute three weeks after her marriage. My amendment is not against his proposition, but is to prevent this woman from having the right to enter some respectable family in Canada. I do not intend to make any sermon, as my Dutch friend from the west (Hon. Mr. Kirchhoffer), said the other day. It is not honest for the parliament of Canada to grant the guilty party the right to remarry and repeat her wrongdoing. I know there are several members of the Divorce Committee who share my view on this point. Under the circumstances, it would be degrading parliament to give the guilty party the right to remarry within our borders; or if she should remarry outside of our borders, to recognize her in Canada as an honest woman. If the hon. senators of this country think that a common prostitute should have the right to remarry, let them vote against my amendment. I find I have no seconder for my motion. The hon. senator from Wolseley (Hon. Mr. Perley) and the hon. senator from Rothesay (Hon. Mr. Domville) are absent. If they were present either one of them would have seconded the motion.

Hon. Mr. POWER—In order to relieve the hon. gentleman of his difficulty, I am willing to second the amendment.

Hon. Mr. LOUGHEED—I rise to a point of order. This resolution proposes to amend the report of the committee. I submit that the report cannot be amended in this way. The motion should be to amend the Bill, and not the report. The committee could only report on the evidence, and the report cannot be amended beyond what the committee could have reported upon.

The SPEAKER—I intended to draw the hon. gentleman's attention to the fact that the amendment was irregular, and should be moved at the second reading of the Bill.

Hon. Mr. CLORAN—I give the same notice, and I hope somebody will be able to second it by the time the Bill comes before the House.

The motion was agreed to, and the report was adopted on a division.

LAND TITLES ACT ASSURANCE FUND BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (168) An Act to authorize the payment to the provinces of Saskatchewan and Alberta of part of the Assurance Fund under the Land Titles Act, 1894.

(In the Committee).

Hon. Mr. SCOTT—This is very much of a formal measure. It is to complete the autonomy, practically, of the two new provinces, Alberta and Saskatchewan, inasmuch as they have now an Act and have

legislated. This Bill is for the purpose of transferring the money. As the money was received generally before the two provinces were called into existence, there may be a question as to the proportion which each should receive, and therefore, provision is made that in case differences should arise, the matter may be settled by arbitration.

Hon. Mr. LOUGHEED—How much does this fund amount to?

Hon. Mr. SCOTT—Between $150,000 and $160,000.

Hon. Mr. LOUGHEED—Can my hon. friend say how much the government has been called upon to pay out of this fund?

Hon. Mr. SCOTT—I am not aware that any has been paid. Of course I speak subject to correction.

Hon. Mr. BELCOURT—I suppose the trust is to be continued in the same way?

Hon. Mr. SCOTT—No, we hand over the money to the two provinces and they give us security against any claims of that kind in the future.

Hon. Mr. BELCOURT—But the money is to be used for the same purpose?

Hon. Mr. SCOTT—The indemnity is provided for in clause 3 as follows:

3. No part of the amount so agreed upon or determined as payable to either of the said provinces shall be paid until undemnity, satisfactory to the Governor in Council, has been given by the Lieutenant Governor in Council of that province to the government of Canada against any claim upon the said assurance fund with respect to transactions relating to lands now within that province, and against any costs, charges or expenses with respect to any such claim.

The hon. gentleman will see that we are completely indemnified.

Hon. Mr. YOUNG from the committee reported the Bill without amendment.

RAILWAY ACT AMENDMENT BILL.

COMMITTEE STAGE POSTPONED.

The order of the day being called:

House again in committee of the Whole on (Bill PP) An Act to amend the Railway Act as regards the preferential charge created by the issue or securities.—(Hon. Mr. Casgrain.)

Hon. Mr. POWER (in the absence of Hon. Mr. Casgrain) moved that the order be discharged and that it be fixed for Tuesday next.

Hon. Mr. LOUGHEED—What object has the hon. gentleman in view? May I ask also of the leader of the House if he has directed the attention of the government to this Bill, and whether the government is prepared to assume the responsibility of passing it?

Hon. Mr. SCOTT—I wrote the following letter to Mr. Aylesworth:

Dear Mr. Aylesworth,—There is a Bill before the Senate (PP), promoted by Senator Casgrain and supported by Senator Béique and others, striking out the words 'property and assets' in the fifth line of section 138 of the Railway Act, Chapter 37, Revised Statutes.

The argument used is that the words 'property and assets' were inadvertently added to 'rents and revenues,' as no explanation can be be obtained as to how the two words came to be inserted. The law clerk of the Railway Department who drafted the Bill has no recollection of having inserted them in the Bill of 1903. If 'property and assets' are to be made subject to all the items of working expenditure as defined in the interpretation clause it will seriously affect the interests of the bondholders, as instances can be given where the amount would run into the hundreds of thousands of dollars.

I inclose you a memo. giving the points—having been asked by the Senate to obtain your views.

Yours truly,

The Hon. A. B. Aylesworth,
Minister of Justice.

To this letter I received the following reply:

Ottawa, June 20, 1908.

Dear Mr. Scott,—I am duly in receipt of your letter of the 15th instant referring to the Bill (PP), now before the Senate, to strike out the words 'property and assets' in the 5th line of section 138 of the Railway Act, chapter 37 Revised Statutes, and you state that you have been asked by the Senate to obtain my views in the matter.

I think the question whether these words should or should not remain in the statute is entirely one of policy, and, therefore, one upon which I am not competent to advise parliament, except to the extent to which as a member of the House of Commons, I might venture to express in the House any opinion I might entertain.

I am quite unable to offer any suggestion as to what may have been intended by parliament when these words were inserted in the section in question in 1903. I should think it probable they were repeated in the proviso of the section because they appeared in the enumeration of the property of the company which might be made the subject of the mortgage deed.

The legal effect of the presence in the proviso of these words is, of course, as you state, that

the penalties mentioned in the clause, as well as the working expenditure of the railway are made a charge upon all of the mortgaged property, prior to the mortgage encumbrance. Whether or no parliament in 1903 appreciated and intended to produce this effect I am unable to say.

I remain,
Yours faithfully,
A. B. AYLESWORTH.

The Honourable R. W. Scott,
Secretary of State.

The memorandum attached to the correspondence is as follows:

RE MORTGAGE ON RAILWAYS.

By section 94 of the Railway Act, 1888, the mortgage deed was security upon the whole of the property, assets, rents and revenues of the company present or future, or both as describer in the said deed, but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed and annexed to the payment of the working expenditure of the railway.

By section 112 of the Act of 1903, providing for the creation of mortgages which may embrace the whole of the property, assets, rents and revenues of the company, present or future or both as described therein, but such property, assets, rents and revenues shall be subject to the payment of any penalty and to the payment of the working expenditure of the railway.

It is alleged that the words 'property and assets' were inserted by mistake, as it does not appear that any reference was made to the clause in either the Senate or House of Commons. It is considered that the including of 'property and assets' weakens the value of the mortgage very seriously.

The motion was agreed to.

SALE AND MARKING OF GOLD, SILVER AND PLATED WARE BILL.

IN COMMITTEE.

The House resolved into a Committee of the Whole on Bill (AA) An Act respecting the sale and marking of manufactures of gold and silver, and gold and silver plated ware.

(In the Committeeo)

Hon. Mr. LOUGHEED—Are the proposed amendments of my hon. friend, the leader of the House, amendments to the draft Bill or to the Act on the statute-book?

Hon. Mr. SCOTT—The amendments that I propose are those that are circulated and are to the Bill that we are now considering.

On the third clause, subclause (b),

(b) 'mark' includes any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word, figure, or other means whatsoever of indicating, or of purporting to indicate, quality, quantity, or weight of gold, or of silver, or of any alloy of gold or of silver, or quality of gold or silver plate.

Hon. Mr. SCOTT—This is the interpretation clause. I move that the 15th line be amended by striking out the word 'quality' and inserting 'kind.'

Hon. Mr. GIBSON—'Kind' might describe Australian, United States or Canadian gold, but it might be of any quality. You would have to described where the gold came from.

Hon. Mr. SCOTT—We can put in both words.

Hon. Mr. GIBSON—That would be better, because quality is the essence of the Bill. I should be sorry to see the word quality erased from the Bill.

The clause was amended and adopted.

Hon. Mr. SCOTT—I want to change the word 'imported,' substituting for it the words 'brought in.' The expression is larger.

Hon. Mr. GIBSON—Any one might bring in a gold article without paying duty; this would be encouraging smuggling.

Hon. Mr. SCOTT—But the Act is intended to apply to dealers.

Hon. Mr. GIBSON—Then it seems to me we could not bring in the goods without importing them.

Hon. Mr. LOUGHEED—This is restricted to goods imported into Canada before the passage of this Act.

Hon. Mr. GIBSON—That may be so, but we had better be very careful that this is not made use of after the passing of the Act. It would be better to use the expression imported or brought into the country.

Hon. Mr. SCOTT—I have no objection to add the word imported.

Hon. Mr. KERR—I think the expression brought in is better. This clause says that the Act shall not apply to any article brought into Canada before the passage of the Act.

Hon. Mr. GIBSON—As the Act will not come into force until next October, it would

allow people to bring goods into the country to a great extent.

The clause was amended and adopted.

Hon. Mr. FERGUSON—A list of proposed amendments has been distributed. My first impression was that it was intended to show the difference between the Bill as read the second time and the Act on the statute-book. I was in hopes that this list would have helped us to arrive at an understanding of the difference between the Bill and the Act. Now we are losing sight of all changes which this Bill makes from the law as it stands. Our attention is altogether carried away to a string of amendments and the draft. That is about what it is.

Hon. Mr. SCOTT—It is impossible to meet every particular case. All I can say is that the changes are comparatively few. The important clause we have to consider is the ninth. If hon. gentlemen will read the corresponding clause in the draft and in the old Bill, they will find that there is not any serious difference. It is only making it clearer. You must recollect there were some hundreds of gentlemen who had views on this subject, and it has been found exceedingly difficult to reconcile them all.

Hon. Mr. FERGUSON—The old Bill on the statute-books and the new Bill may not differ very much; but the form is turned upside down, and you cannot make any comparisons. Now we have thirty or forty amendments proposed in committee. The only assurance we can have is that the people in the trade have been properly and fairly consulted, and if that has been done, we have a right to take it on trust. That is, if all the interests have been fairly heard and are reasonably satisfied. If that has been done, all right. If not, I must say we have been going very much in the dark.

The clause was adopted.

On clause 7,

This Act shall not apply to such parts of articles, manufactured of silver or any alloy of silver, as require adaptation to the use of the trade, for example, springs, winding bars, sleeves, crown cores, joint pins, screws, rivets, dust bands, movement, rings, brooch pins joints, catches, scarf pin stems, and hatpin stems, or to such other like articles as by regulation made by the Governor in Council under the authority of this Act are exempted from the application thereof.

Hon. Mr. KERR—Why are there different articles mentioned in this section and in the prior section?

Hon. Mr. SCOTT—One section applies to gold and the other to silver.

Hon. Mr. KERR—Why are there some things mentioned in one as applying to silver are not mentioned in the other as applying to gold?

Hon. Mr. SCOTT—There are technical matters in that.

Hon. Mr. KERR—I fancy there must be some design in it. Why should they not both be in the one section? Some person in the trade alone can tell us about that. However, I want to guard myself about it, because I do not understand it. Originally the one section covered the exemption.

Hon. Mr. SCOTT—You will find the articles are very much more numerous in these sections than they were originally.

The clause was adopted.

On clause 9,

Marking.

9. It shall not be lawful for a dealer to make or sell, or to import or attempt to import into Canada, any article composed either in whole or in part of gold or silver, or of any alloy of gold or of silver, except the articles mentioned in sections 13 and 14 of this Act, if to such article there is applied any mark other than—

(a) trade marks registered in accordance with the Trade Mark and Design Act;

(b) marks truly and correctly indicating, in the manner required by this Act, the quality of the gold or silver, or alloy of gold or of silver, in the article;

(c) numerals intended to indicate pattern, such numerals not being incorporated with any mark indicating the quality of the gold or silver or alloy of gold or of silver of which the article is composed;

(d) the name or initials of a dealer, which last mentioned mark may be applied only if the article bears also a registered trade mark in accordance with the Trade Mark and Design Act.

2. The provisions of subsection one of this section shall not apply, as respects such hall-mark or other government mark, to any article of gold, or of silver, or of any alloy of gold or of silver, to which is applied—

(a) any hall-mark lawfully applied according to the laws of the United Kingdom of Great Britain and Ireland; or

(b) any mark indicating the quality of the gold or of the silver, or of the alloy of gold

or silver, and applied by the government of any foreign conutry;
if with respect to such article all the other provisions of this Act are complied with.

Hon. Mr. SCOTT—The amendments laid on the table will now be considered. This is really the important clause. The title of it will be 'Gold and Silver' instead of 'Marking.'

Hon. Mr. FERGUSON—It conforms to the Act on the statute-book in that respect.

Hon. Mr. SCOTT—Yes.

Hon. Mr. POWER—If my hon. friend will look, he will see that clause 9 applies to both gold and silver. Then the next clause and the one following, apply only to gold. The 12th clause applies only to silver; and the amendment is a desirable one, I think.

Hon. Mr. GIBSON—With all due respect to my hon. friend, he will notice the word 'Silver' is not touched at all, just the word 'Marking.' Then on page 3 we have the word 'Gold.' As it deals with gold and silver in section 9, why not mark it so, and then come specifically to the gold in section 10 and define what the quality of the gold shall be? You describe in detail the marks to be put on the various articles.

Hon. Mr. SCOTT—'Marking' is too large a word.

Hon. Mr. GIBSON—You are dealing with the marking, and the very fact of the word 'Marking' would of itself be of sufficient importance to direct the attention of the dealer to where the marking takes effect; if you strike out the word 'Marking' he might go all through the Bill.

Hon. Mr. SCOTT—But clause 9 refers to other matters besides the marking. The names and initials are referred to. It was after a good deal of consideration that I thought the heading 'Gold and Silver' would be better.

Hon. Mr. POWER—The headings do not affect the meaning of the clauses; and clauses 11 and 12 of the Bill deal with marking just as much as clause 9; but 11 deals with gold, and 12 with silver. The clause we are now considering deals with both.

Hon. Mr. GIBSON—Why not have gold and silver under the first head of 'Marking?' The whole thing is connected with the marking entirely.

Hon. Mr. SCOTT—"Silver" is mentioned in the subsection in 9. 'Marking' was struck out designedly in order to make it more clear and less misleading.

The amendment was adopted.

Hon. Mr. SCOTT—Clause 9 is struck out of the Bill before us down to line 29, and the amendments which have been printed are substituted. It reads more clearly in the way the amendments are framed. I move the adoption of the first amendment.

Hon. Mr. KERR—The principle of the Bill is embodied in this clause, and, for one, I desire to protest against the whole measure. It seems to me that it is the most drastic of protective legislation ever introduced in the parliament of Canada. It seems to me that it is an absolutely new departure in legislation. If this Bill is passed, it is absolutely prohibitive of the importation of certain things which are prescribed and come within the four walls of this Act; and it is not like the system known as the national policy, which provides for a preference in such a way that it affords a measure of protection by the imposition of a higher tariff, still permitting the importation of goods in competition with the home manufacture, but at such a higher price that it gives the advantage to the home manufactured article.

The CHAIRMAN—The principle of the Bill can hardly be discussed at this stage.

Hon. Mr. KERR—I am discussing this clause, and I think in doing so I have a right to discuss the whole Bill. I think parliament should pause before it adopts any such principle. It should have a better reason for it than has been adduced by anything submitted to parliament at this time. Why should the trade in this business be handed over exclusively to those who choose to manufacture in Canada, instead of there being a freedom of trade to any extent whatever, even under a protective tariff or otherwise? I know of no reason why we should adopt such a principle as that. I have heard of none in

support of this Bill, either when the matter was discussed before, or to-day, and I would like to know if there is some reason for it. It is said that the trade are a unit on it. Half a dozen manufacturers in this country, half a dozen men who are making a fortune out of the manufacture of jewellery, are going to shut out articles which come in competition by reason of their being cheaper articles of trade, because they are manufactured elsewhere, or because they are not manufactured by them. As far as I can understand this Bill, if they choose to manufacture a cheap article they cannot sell it without a certain designative mark. Under these circumstances, I think the government ought to consider and re-consider whether they are going the whole way, as this will be doing, by closing the market against wares of foreign manufacture. Of course if a cheap article such as is spoken of has no mark on it at all, it can be imported into Canada. This Bill does not prohibit that; but if it has any mark whatever on it, other than those which are prescribed here, it cannot be imported into Canada. I say that is a monstrous prohibition. It is an interference with trade. It is a fact which is not understood by the great Canadian public. Do they understand this is a blow struck at the importation or dealing in cheap articles? Why should not cheap jewellery be sold, if people know what they are buying, and there is no fraud about it? Why should it not be imported and sold in competition, no matter what marks there are on it, if they are not misleading as to quality? If they are misleading as to quality, the law to-day reaches the case, because it would be a fraud. Under these circumstances, I say, I am opposed entirely to the Bill. I think that we are making a great mistake to encourage any such close corporation as this. It is true the English hall-mark is referred to in the Bill, and there they graciously permit goods marked with the English hall-mark to be brought into Canada. Let me say they have no prohibition in England against the importation of any articles as they have here. They have no such retroactive legislation as this Bill. On the contrary, the hall-mark is not a compulsory mark. Manufacturers are not obliged to have a hall-mark on their wares, but it is a standard which is known and recognized. It is understood the hall-mark stands for quality definitely, and, therefore, hall-marked goods are appreciated by the purchasing public; but there is no prohibition against the importation of anything. In England poor people and rich people all alike can buy a poor article, or an imitation article if they choose to buy it; but this Bill will not permit it, because it will not be manufactured in this country or imported, and unless it is manufactured with the particular marks which is designated here, how can it be brought in to the country? I call the attention of the leader of the House to the fact that this is a very drastic measure and one which goes further than any Bill we have ever had introduced in parliament.

Hon. Mr. SCOTT—I am afraid my hon. friend has not given much thought or attention to this Bill, or he would not speak in the manner he does. This Bill is in the defence of honesty and fair dealing. It is in the interests of the people of Canada and equally in the interests of the trade. Any one can bring in jewellery of any description, no matter whether the gold is merely on the surface, provided there is no attempt to deceive by placing a mark on it to indicate it is a higher class article than it really is. The Bill is demanded not alone by the manufacturers of Canada, but by the trade generally.

Hon. Mr. McSWEENEY—Were they consulted?

Hon. Mr. SCOTT—I may go back to what took place here two years ago. We had a committee of the Senate sitting on this Bill about six or eight weeks, and had evidence from all parts of Canada, demanding the Bill for the reason that there was no protection for the honest buyer or honest manufacturer; that this country was being inundated with sham jewellery from the United States, particularly, and to-day —and I say this with full knowledge of the statement I am making—you can buy in the United States from jewellers who have a good standing in New York and other cities, an article of gold or silver, which they will warrant to last 15 or 20 years,

knowing that the gold or the silver will be worn off by ordinary usage within five years. Still they are quite prepared to guarantee the article believing that it would sell, but the man who buys it is deceived.

Hon. Mr. KERR—Does the Criminal Code not cover that case?

Hon. Mr. SCOTT—It is better to have it in this law. You can, under this Bill, buy jewellery from Switzerland, where it is cheap, or the United States or any other country, provided the manufacturer puts no mark whatever on it.

Hon. Mr. KERR—The same as any other article.

Hon. Mr. SCOTT—But if you place a mark on the article, it must be an honest mark. Surely my hon. friend must feel that it is not the true policy for any government, having the interest of the people at heart, to enact a law that will permit deception and fraud? If a retail merchant in Canada chooses to buy flim-flam jewellery, he can buy it, but he cannot import it if it has any mark indicating that it has a value higher than its real worth. It is simply a provision in the direction of honest dealing. Now, as to the parties who ask for this legislation, and the reason they ask for it, I happen to pick up the Montreal 'Witness' of yesterday, and I read an article on this Bill dealing with inferior jewellery brought into Canada from the United States. The article reads as follows:

> In this aspect the matter is simply one of protection, so far as it would prevent the British nine-carat article from passing as gold in this country. Of recent years, the cheap jewellery manufacturers of Attleboro and other New England districts have driven out to a very large extent the British product of every degree. Thus the jewellery imported into Canada from Britain in 1904 only amounted to $67,017, in 1905 to $47,966, and in 1906 to $85,758, compared with $383,386 and $429,451 imported in the several years from the United States.

That was inferior jewellery sold under false marks.

Hon. Mr. KERR—Does the hon. gentleman not know that there is more cheap jewellery made in Birmingham, England, than there is in any other place in the world?

Hon. Mr. SCOTT—I have not looked them up, but I presume the statistics are taken from the Trade and Navigation Returns, showing the large amount of cheap stuff palmed off on the people of Canada, that will not wear: that either has no mark or bears a fraudulent mark, because the evidence was undoubted that it was a common practice in the United States to sell an article marked and guaranteed to last for 15 or 20 years, when in reality it would not last for five. Hon. gentlemen within the sound of my voice who were on that committee, will remember what the people in the trade said that the statement would be made, 'This chain was guaranteed to last 10 years, and it has only been used five years, and now see the colour of it.' There is the further fact that our country is being undated with flashy jewellery, of no value, from the United States.

Hon. Mr. McSWEENEY—What about the inundation from Great Britain?

Hon. Mr. SCOTT—There is not one-fourth of the amount from Great Britain. There is the Canadian manufacturer, there is the Canadian importer, and the retail merchant who sells to the public, and apart from the names I have before me, we had numerous petitions on the former occasion when the Bill was before this House. In the country stores the sale is not confined to cheap jewellery. These stores keep rings and trinkets of gold and silver. I have numerous letters here beginning in February last. There is one from a retail manufacturing jeweller in Montreal.

Hon. Mr. GIBSON—I would point out to the hon. Secretary of State that these gentlemen who have given him their assent to the Bill have never been consulted with regard to the amendments which have been proposed, because the letter I have is as late as the 4th June, when they had received the Gold and Silver Marking Bill as introduced in the Senate. The Bill as introduced is not in accordance with the understanding arrived at between us and the rest of the manufacturers, the understanding being that nine carat hall-marked goods should be admitted, and so on. This Bill introduced by the Secretary of State received its first reading on May 20th, second

reading May 22nd, and within a month, we are presented with a couple of dozen amendments to the Bill, which was agreed upon by the trade. What have they to say about these amendments? Have they been consulted? Has an opportunity been given to the trade to say whether these amendments are acceptable to them or not, or was the Bill drafted by somebody in the House, who may be a good lawyer or good draftsman, but who probably knows nothing about the trade? There should be some finality about the law. The men who came here and exhibited inferior articles certainly did make an impression upon the committee at that time, but they found that the committee had really been misinformed with regard to the unanimity of the trade. I remember very well that some protests were offered by others who were opposed to the Bill, and I took as strong a ground as my hon. friend the Secretary of State, believing as I did from the circumstances in connection with the Bill, from the information given to us, that it was not only acceptable to the manufacturer, but acceptable to the retailer and to the trade of Canada generally, and, on these grounds, the Bill was passed, and it was discovered then that it was simply a blow to stop the importation of English made goods of 9 carats. As my hon. friend from Toronto points out, if a man wants to import a silk dress at $20 a yard and brings it in from England, whose business is it? If we want to bring gold from the United States of 10 carats, whose business is it, so long as we are not paying too much? My remarks the other day may have been a little premature, because the Bill was not really in committee, but the fact is that the contest occurred between the advocates of the nine and the advocates of the ten carats standards, and it looks as if it were a concession to the people of Canada to be allowed by the manufacturers of Toronto to import English hall-marked goods of 9 carats; that the people of Canada were being imposed upon; that they should buy 10 carat hall-mark—no, I will qualify that—10 carat gold not marked at all, but brought from the United States. I want to be clear on that subject. I am speaking from my place in this House, and on my responsibility as a member of this House, that the bogey that was raised up before this committee, as to the difference between 9 and 10 carat gold was not worthy of our consideration. Barring the restriction put upon the importation of English made goods, the difference is so slight that the question of quality is almost infinitesimal. In the English trade, it is not the manufacturer who marks the goods. It is Goldsmith's Hall, where every manufacture of gold or silver is sent, and it has to be up to or above the standard of the requirements of the English trade or it will not receive the hall-mark; more than that, if it is not up to the standard it is confiscated by the government. Consequently, I say that 9 carat goods sent up in an unfinished state to Goldsmith's Hall in Great Britain as to be fully 9 carats. They have to allow for the solder, so that 9 carat hall-marked goods are equal to 9½ carats. But the point I want to bring to the attention of the House is this bogey between the 9 and 10 carat gold.

Hon. Mr. FERGUSON—Is that not conceded?

Hon. Mr. GIBSON—My hon. friend asks why should the restriction be put upon anybody importing goods so long as they do what is done in Great Britain? The point is this: the difference between 9 and 10 carat gold is 2 cents a pennyweight when the cost of solder, or the difference between pure gold 9 and 10 carat is 4 cents a pennyweight, and we were told a great concession was made by these people in Toronto when we were allowed the opportunity of bringing in English made goods. I say clause 9 should stand, because it is a clause the people both in the wholesale and retail trades have agreed to. Have they recommended that these amendments be brought down to this committee—outside of a few people in Toronto? The amendments are imposing conditions on the trade that the trade knows nothing about. I think this Bill should not pass with an amendment of such a radical character. Will the hon. gentleman tell the committee now that all these amendments he has submitted are agreeable to the jewellery trade of Canada, because we should not attempt without con-

sulting the people of Canada, to pass these amendments to the Bill which was presented to the Senate, on May 20, and passed its second reading May 22nd, and now on the 23rd June, in committee, we are asked to reverse the whole thing.

Hon. Mr. SCOTT—I think my hon. friend's observations are extremely unfair; it will not do to say misleading, although that is the natural sequence. If anybody took any trouble to meet the views of the trade, I did, and I can refer to innumerable letters from the trade. I do not know of anybody dissenting. I have letters up to the 22nd June approving of the Bill.

Hon. Mr. GIBSON—I asked the hon. Secretary of State about the amendments.

Hon. Mr. SCOTT—We have not carried a single amendment. I agreed to one or two changes of words. We have not really got to any amendment that I am aware of. I hold now the draft prepared by the committee who met in Toronto, or wherever they had meetings. At all events, they met with the concurrence of the trade generally. They made compromises. They could not agree on the 9 and 10 carats, and they said : 'We will leave it to yourselves.' I was in favour of the 10 carats, and I think the majority of those who took the best view were willing as I was quite willing, in deference to my hon. friend's Bill, and in view of the feeling in Hamilton, to set aside the 10 carat standard and accept the 9 carat. Why refer to that now ? When they sent forward this draft, they said : 'We leave it to the government to say whether it shall be nine or ten; therefore, we will not insert any paragraph advocating our choice, because we are divided on that, and we wish you to put the draft in proper phraseology. We do not send it to be adopted word for word.' The draft is simply suggestions of a body of men in the trade, who could not be supposed to frame an Act of parliament, and who sent this forward as a guide, and it has been followed as closely as it is possible to follow it. On reference to clause 8, it will be found that it is practically the same as the draft, except the language is differently represented. It is rather an involved question, and it is therefore desirable to select the most simple language, the most easily understood, and the least liable to be misinterpreted. The only thing we have added to the draft prepared by this committee, is a paragraph stating that no article of gold shall be marked where it is less than 9 carats.

Hon. Mr. LOUGHEED—I should like to ask what led to the departure from the Bill we decided upon three years ago ? We then had all the contending factions before the committee, as my hon. friend will remember. I think it was the Committee on Banking and Commerce, and in that manner we were able to weigh the merits of the different controversies, and we framed the Bill as it appears on the Revised Statues. I have been a little curious to know what led to the abandonment of the provisions of that Bill, and the adoption of the proposed amendments now under consideration ?

Hon. Mr. SCOTT—One was, that there was a difference of opinion as between 9 and 10 carats, and my hon. friend will recollect the year after the hon. senator from Lincoln introduced a Bill establishing the 9 carats. Apart from that there were no material changes. I have a copy of the Act here as it was passed. I have read clause 9 in the draft and you can all see that it conforms with that in the Bill. The difference is merely in phraseology. I will read it now as it appeared the other day : One is affirmative and the other is negative. Nothing could be simpler than clause 9 as it stands now. Can my hon. friend point out where there is any objection to clause 9 ? It is quite unfair to oppose the clause until some paragraph is reached where there is a departure from the understanding that was arrived at. The clause sets forth what marks there shall be on the goods. If it has no mark at all, the article is free to come in.

Hon. Mr. GIBSON—Who is to be the judge of the marks, and who are to be empowered to make the marks? I pointed out how it was done in England. Now that we have in Canada a mint of our own, would it not be just as well that the gold and silver marking in Canada should be made a part and parcel of our system

here? Not only the trade but the people of Canada will then know exactly what they are getting. It would protect the people from dishonest dealers who simply put on their own marks. If the manufacturer were allowed to put on his initials they might be anybody's, and it would perhaps take years to find out who the maker was. But once the article receives the unqualified stamp of the government, everybody will be bound to accept it as showing the true assay.

Hon. Mr. POWER—I do not profess to know anything about the trade; but I have gone over with as much care as I could the amended clause 9, and compared it with clause 9 as it appears in the Bill before the committee, and I cannot see that there is any difference in meaning between the two. The meanings of the two clauses are identical. Iunderstand that the new clause 9 is a clause which the law clerk drafted as, in his judgment, expressing better the intention of parliament than the original clause 9 as it appears in the Bill. Under the circumstances, I do not see any objection to adopting the first subclause of clause 9. I should like to ask the hon. gentleman from Toronto where he finds authority for the statement he made that the effect of this Bill, if it became law, would be to prevent the importation of goods from England? I should be very sorry to vote for any measure which I thought was calculated to prevent the importation of goods, and I shall be thankful to the hon. gentleman if he will show me what portion of this Bill deals with the importation of goods from England?

Hon. Mr. KERR—While I spoke of England, I might extend it to a great many other countries. This clause provides that if a dealer should import any article composed in whole or in part of gold or of silver, and to such article there is applied any mark other than the four mentioned in the clause, he violates the Act. If there is any other mark on the article than those which are defined in the clause, it shall not be brought in. Is not that what the clause provides ?

Hon. Mr. POWER—Yes.

Hon. Mr. KERR—I will quote the clause in full :

9. It shall not be lawful for a dealer to make or sell, or to import or attempt to import into Canada, any article composed either in whole or in part of gold or of silver, or of any alloy of gold or of silver, except the articles mentioned in sections 13 and 14 of this Act, if to such article there is applied any mark other than—

(a) trade marks registered in accordance with the Trade Mark and Design Act;

(b) marks truly and correctly indicating, in the manner required by this Act, the quality of the gold or silver, or alloy of gold or of silver, in the article;

(c) numerals intended to indicate pattern, such numerals not being incorporated with any mark indicating the quality of the gold or silver or alloy of gold or of silver of which the article is composed;

(d) the name or initials of a dealer, which last mentioned mark may be applied only if the article bears also a registered trade mark in accordance with the Trade Mark and Design Act.

So you see the foreign manufacturer can only put his trade mark on if he has a registered trade mark in this country. But foreign manufacturers cannot register under our Trade Marks and Designs Act, and they are therefore shut out. You buy a watch in Geneva; there is no government trade mark in Switzerland, but a reputable maker who turns out a first-class article, put his own name and address on it and describes the number of jewels in the works. Such a watch would be shut out under this clause. Those watch cases could not be imported any longer because they have on them marks other than the four permitted under this clause. If they have no mark or designation at all, they may be brought in.

Hon. Mr. LOUGHEED—Are not the works of the watch excepted.

Hon. Mr. KERR—The parts of the watch need not be up to the standard as to quality, but if they are enclosed in a case properly marked they are admitted. So the cheap John watches manufactured in some countries might be imported, while the watches made by reputable makers in Switzerland and other countries could not be imported into Canada because they bear marks other than those designated in this clause.

Hon. Mr. LOUGHEED—Is not my hon. friend mistaken in saying that this extends

to the works of a watch? Are not the works excepted?

Hon. Mr. KERR—Yes, the works are excepted. What I say is the works of a watch might be a very inferior article, but if they are imported in a watch such as the clause calls for, you would admit an inferior watch simply because it has a good covering while a good watch with really good works, if the case bears the name and address of a reputable maker, could not be imported because it has marks other than those provided for in this clause of the Bill.

Hon. Mr. LOUGHEED—As I understand, dealers do not import watches in their entirety, but import the works from one manufacturer and the case from another.

Hon. Mr. KERR—They import both ways. These gentlemen in Toronto use the American Watch Case Company's cover on the works of a good watch.

Hon. Mr. GIBSON—The cases are made in Toronto?

Hon. Mr. KERR—Yes. They would have trade marks and designs of their own. That is not what I am speaking of; I am speaking of imported watch cases. The best watch cases which had other marks than those set forth in this clause would be excluded by this Bill, and that is the whole object of the Bill. If a man were to attempt to do what the hon. leader of this House says with reference to frauds, he could be put in jail under our criminal law, and that is the best protection we have against fraud or imposition. We do not need further legislation for that purpose, and this Bill is not designed for that purpose. It is intended to shut out competition by a prohibitory clause, and that is what I say is odious to English law and objectionable to Canadian law.

Hon. Mr. SCOTT—The hon. gentleman cannot point that out in this Bill.

Hon. Mr. KERR—What is the object of the Bill?

Hon. Mr. SCOTT—The simple answer is this: if an article is marked at all it must be an honest mark.

Hon. Mr. KERR—You cannot import anything marked under 9 carats. You need not mark the number of carats at all; you can put some other designation on it. You can say it is plated, or good plate or cheap plate; but you cannot say that it is hallmarked goods without certain definite marks which must be on the article if you are to import it into Canada. That is the whole object of the trade, who are so united on this legislation. What other object can there be? This Bill affects every country merchant who sells jewellery, and every customer who buys cheap jewellery, and the passage of this legislation would prevent people from buying such goods in the future. No such principle is applied to any other trade. There are various qualities of silk manufactured, selling at different prices; but the difference in quality is not regulated by law. The same remark applies to every article of imported goods. The hon. leader of the House spoke about the disparity in trade and why the United States trade in cheap jewellery went up while the English trade went down. It is because the United States manufacturers turn out such a superior article that it has run out the English trade.

Hon. Mr. SCOTT—Fraudulent articles.

Hon. Mr. KERR—They are not fraudulent at all. An article, because it happens to be cheap, or an imitation, is not necessarily a fraud. A fraud is in the representation made at the time of sale, and that is what our present law covers. I venture to submit that the position I have taken against the Bill will be found to be the right one. I urged it before. I said that I saw no reason for the Bill except to close this country practically against competition. It will enable these gentlemen to manufacture any article, no matter how inferior, and put it on the market because they can put their registered mark on it. There need be nothing to indicate the quality.

Hon. Mr. POWER—The hon. gentleman has not made the case clear to me yet. Within the last few minutes I have taken the Act passed three years ago, and have compared it with this Bill, and I fail to discover any material difference in the meaning of the two except this, that the Act provides that it shall not be lawful

to make, sell, or import into Canada any article not in accordance with the Trade Marks and Designs Act. Paragraph (c) of section 8 of the Gold and Silver Marking Act is identical with paragraph (b) of the amendment before us, and then this amendment contains paragraph (c) which apparently gives a little more liberty to bring in goods. It allows goods with numerals intended to indicate the pattern to come in; and (d) allows goods with the name or initials of the dealer to come in. I fail to see that the clause now before the committee interferes with the importing of foreign goods any more than section 8 of the Act does. I was under the impression that the House had passed that Act almost unanimously, the only question being as to the quality of the gold; and no one now contends for anything more than 9 carat standard gold. That does come in under this Bill. First we made it 10 carats and then it was altered to 9 carats, so that really, as far as I can understand the clause before the committee, it does not make any change in the existing law.

Hon. Mr. KERR—This is not a private Bill, and should not be passed as a private Bill in the interest of trade. It is a Bill for the protection of the public, and I have not heard the public express any gratification over the Bill; on the contrary they wanted its operation suspended for two years.

Hon. Mr. GIBSON—At the time the original Bill was before the committee, one of the difficulties that arose with respect to the marking of goods was this: it was shown by those opposed to the Bill that if a mark of any kind denoted the quality of the goods, unless they had a mark in Canada corresponding with that, they would have to secure a mark here for the trade of Canada. If any one dared to put his name or trade mark on his goods and that mark did not correspond with the trade mark in vogue in Canada, and goods could not be imported into the country unless they had in addition to the foreign trade mark a mark corresponding with the mark recognized in Canada. The merchants in Canada, Birmingham and other manufacturing centres, would find it almost impossible to use a special trade mark for the Canadian trade, and the object of this Bill is to keep British goods out of Canada. If the hon. Secretary of State will refer to the clause dealing with gold, he will find in line 26 the following: 'Or including the words gold, solid gold, pure gold, United States Assay.' There is no reference to Great Britain at all. If the watches are made in the United States and have a mark indicating the United States assay, they are all right; but there is no such regulation applying to Great Britain. Great Britain is not in it at all. The whole trend of this Bill is to further the interests of manufacturers in the city of Toronto as opposed to the interests of the people of Canada. It is ridiculous to tell people who are honest in their own country and produce superior articles in gold and silver, that if they put the name of their firm or any trade mark by which they are known in their own country on their goods, and that trade mark does not correspond with one in Canada, their goods can be seized. It is keeping out goods produced in the mother land and allowing United States manufacturers to register their trade marks here and adopt a United States instead of a British standard. Who ever dreamed that such a Bill would be introduced in the Canadian Senate setting up the United States assay as the standard for gold, when we have the British standard which we have been fighting for. I am thankful that the hon. Secretary of State has consented to give us the 9 carat standard, whereby we can bring in goods from the mother land which had been purposely excluded before for the benefit of importers of United States watch cases, and for the benefit of Mr. McNaught and P. W. Ellis and other favoured traders in Toronto. Bill is not designed for the protection of the people of Canada, but for the protection altogether of a few people who are engaged in the industry.

Hon. Mr. SCOTT—I really cannot understand the line of my hon. friend's argument, because he supported this Bill in the first instance and passed a Bill through this House having the very clause that he finds fault with now. This clause is

copied from the original Act. What does the hon. gentleman mean by finding fault with the clause which he himself introduced and supported in this House?

Hon. Mr. GIBSON—I hope my hon. friend is not going to put on my shoulders the clause which appears in the original Bill. I had nothing to do with the Bill. All I contended for was to allow British goods to come in. I was not aware that there was such stupidity on our part as to ever allow the last clause to pass, establishing a United States standard over the British standard, and I intend when we come to that clause of the Bill to propose that the word 'British' be inserted.

Hon. Mr. SCOTT—Surely my hon. friend has not read the clause?

Hon. Mr. GIBSON—I have.

Hon. Mr. FERGUSON—It is difficult for us who have not followed the Bill closely to know our position with regard to it. The hon. senator from Toronto has been opposed to any legislation from the first on this subject.

Hon. Mr. KERR—On this line.

Hon. Mr. FERGUSON—This is the third session we have had the matter up, and I find my hon. friend has been consistently opposed to legislation with reference to this subject. I find now that it is not a matter of detail with him, but that he is against the Act all the time. A mistake was made two years ago when the Act was passed and all the parties appeared before the committee and were heard in not allowing the act to go into operation. I have attended a great many committees of this House, and was never present at any, where the deputations from both sides commanded greater respect on account of the intelligent and lucid way in which they put their arguments before us. As a result of that discussion, which was not confined to one meeting—I know there were more than one or two—finally a Bill was agreed upon and went through this House with apparently little opposition. My hon. friend was opposed to it, and when he is opposed to a Bill I cannot say that the opposition is very little, because he is so persistent he will make it appear as if it was very great. The Act was put on the statute-book. The hon. senator from Hamilton introduced a Bill before the Act had come into operation, amending it. That Bill passed through this House and went to the other House and, finally, an arrangement was made by which the Act which had already been passed by both Houses should be suspended for some time until all the parties could accommodate themselves to the new order of things. It is a great pity that the Act was not allowed to go into operation then. After it had been a little while in operation, we would have found where the friction was. Instead of that, the operation was postponed and the government in the early part of this session further postponed the Act until, next year, in order that those who are taking the two sides on this question could get together and meet the government here. They met and the result is the Bill before us. When I saw this string of further amendments put before us, I gave up in despair any further attempt to compare the Bill with the Act. I wanted to find out what the changes really are. I find myself puzzled by a long string of amendments, and it is hard sitting in this House with amendments you have never seen before, to fit them in and find what the effect would be. In passing this Bill, we should get as nearly as we can to what is right. I believe from what I have heard and know to some extent, that there is no business existing to-day in Canada in which there is a greater amount of money taken out of the pockets of the people without giving proper value, than in the matter of shoddy jewellery, and when that is the case, we should not allow quibbles to stand in the way of our getting as good an Act as we can, and if it does not cover the ground, we should go on improving until we get something which will be certain to protect our people from swindlers and robbers. I think it is conceded that the very best men in the trade in Canada favour the Bill. The honest, legitimate traders favour the law, but I am afraid—I do not say the hon. gentleman from Toronto is representing that class in the House—the most of the opposition is coming from the shoddy trade people, who are making money by the sale of cheap

jewellery. I feel like supporting the hon. Secretary of State. He has taken great care and pains on the subject. I am quite sure that he will help the House to pass a good law.

Hon. Mr. GIBSON—I should like to say to my hon. friend, with regard to the shoddy men, that I do not know one in Canada, but I do say that I am as closely in touch with the jewellery trade in Canada as any man in this House, and I have consulted the people from the first time the Bill ever came before this House, and I am safe in saying that every retail jeweller in the Dominion was against the proposition first presented to the House. They all felt that an imposition was being placed on the retail trade, that would prevent them from buying British goods. I do not care what the standard is. What is good enough for Great Britain as a standard should be good enough for Canada, and with respect to the shoddy people, all I can say is that these people need not put any mark on their jewellery at all, and in that way they can hoodwink the people of Canada. The whole subterfuge is this: that if any person outside of the Dominion of Canada attemps to put any mark on gold or silver that will establish its respectability in their own country, these goods can be confiscated here. That is not an imputation that the goods are bad. I do not think my hon. friend represents the shoddy people in Toronto or anywhere else. I think he is speaking for the country as a whole. I am bound to say that the hon. Secretary of State has given a great deal of thought to the measure, perhaps more than any other hon. gentleman in the House; but I do say the gentlemen with whom he has come more closely in touch have been men who manufacture the goods and not those who handle them. I am speaking for those who manufacture and likewise those who import, and I am speaking for those who are not able to import, and are obliged to buy from the importer, and they feel that unless they are allowed to buy an article of British make of 9 carat gold, they have no faith—and I say it advisedly—in Canadian goods marked 10 carat, because they have no check on them, and the check is important. If anybody should put 'W.G.' 10 carat or 12 carat gold on an article, you have no redress if it is only 8 carats, because you cannot tell who it is. But you do know if you have a chain, British hall-marked 10 or 15 or 18 carat, that it is genuine. Under the present condition there is no such provision, and all these shoddy people want to do is to import the goods into Canada without a mark upon them, and you have no recourse.

Hon. Mr. FERGUSON—From the hon. gentleman's remarks, one would infer that we have a large British trade and a small one from other countries. The hon. Secretary of State read the returns, which I presume are the trade returns, showing that while the importations from the United States have in some recent years gone over $400,000, that the British importations are in the forties and fifties, and so on.

Hon. Mr. GIBSON—Where was that statement published?

Hon. Mr. SCOTT—Last night's 'Witness.'

Hon. Mr. FERGUSON—My hon. friend read the figures of the House. They conform with the general impression I have had for a long time—I am not saying that American goods are always inferior—by no means. We know that as good things come from the United States as come from Great Britain or any other country; but in this particular trade it confirms with the general impression I have had, that the low class of American goods that have been coming in—is what this Bill will affect—It is very plausible to speak about British goods for we are all more favourable to a trade in British goods. It is, therefore, a plausible thing, and something which is inclined to draw us, when hon. gentlemen say they are advocating the interest of British trade; but I am afraid it is altogether the other way. My hon. friend referred to Ryrie Brothers. They are perhaps the largest importers into Canada to-day. They import from all countries, and if their adhesion is given to this Bill, it is the adhesion of very large and respectable importers. I have heard P. W. Ellis & Company referred to. They represent the largest manufacturers in Canada.

Hon. Mr. KERR—Neither of those firms are importers of cheap goods. Ryrie's import diamonds and jewelry.

Hon. Mr. FERGUSON—They are large importers, and they cater to the market. Like all good dealers they do that; but I have no doubt from what I know of them, they would rather do a good business where their customers and they themselves would make a profit, rather than a business where they would make a profit and their customers would be fleeced. If there is a business being carried on where it cannot be done without the trader being dishonest as well as those with whom he is competing, then we should certainly have a law to put a stop to it. I do not know any subject on which there is greater necessity for legislation. I understood the Bill three years ago, but just at this moment, owing to all the amendments presented, I feel I have to take matters on trust, but I am in favour of the measure.

Hon. Mr. BEIQUE—I have not had the advantage of attending the sittings of the committee two years ago, and my attention has been called to this question for the first time very recently. Therefore I need not say I speak with a great deal of diffidence. If the ground taken by the hon. gentlemen from Toronto and Lincoln is correct, we should certainly hesitate before passing this Bill. However, I must say on my first reading of the measure that I cannot see that it is open to the objection which has been raised. One must bear in mind that the word 'mark' is defined in the third section of the Bill, and according to the definition which is to be found there, a mark includes any mark, sign, device, imprint, stamp, brand, label, ticket, letter, word, figure, or other means whatsoever of indicating or of purporting to indicate quality, quantity or weight of gold or of silver or of any alloy of gold or of silver, or quality of gold or silver plate. Therefore, whenever the word 'mark' is used in the Bill, it is limited to 'mark' in the sense mentioned in subsection 3 of the Bill. If you bear that in mind, it seems to me that under this Bill it would be open to import or to manufacture in Canada any silver goods or gold article, articles manufactured of gold, if they bore no mark at all. The door is not closed. If it bears a mark purporting to indicate the quality of the gold or silver, then the mark should be a true mark, according to section 9 of the Bill. This is the impression I have received from reading the Bill, although I have followed the argument of the hon. members from Toronto and Lincoln. However, the hon. Secretary of State might see his way to ask that that the committee rise, report progress and ask leave to sit again, because it is important to make sure that the Bill is not opened to the serious objection which has been urged against it.

Hon. Mr. DOMVILLE—There has been a good deal of feeling over this debate. I would rather wait and allow the Secretary of State to withdraw the Bill and see how the crop turns out, and that would decide whether we should have gold watch cases, filled cases or washed goods. I have had some little matters brought before me by our dealers, and I still have an open mind, but I think it would be very much better for the committee to rise, report progress, and ask leave to sit again when we return in October or November. Our people are thinking more about harbours, and are not bothering about jewellery or gold watches.

The subclause was adopted.

The clause as amended was adopted.

On clause 10,

10. It shall not be lawful for a dealer to make or to sell, or to import or attempt to import into Canada, any article purporting to be wholly or partially composed of gold or of any alloy of gold, if the article when made or sold has applied thereto any mark indicating or purporting or intended to indicate the gold in the article to be of less than nine carats in fineness, or consisting of or including the words gold, solid gold, pure gold, United States assay, or other words purporting to describe the gold or alloy of which the article is composed.

Hon. Mr. SCOTT—The Bill allows the hall-mark of Great Britain, and allows the hall-mark of any other country established as a standard, and to say we would allow articles to come in marked gold would certainly be misleading. It would simply be encouraging a fraud if we permitted goods bearing the word 'United States As-

say' to come in. This clause is exactly word for word with the clause we approved of two years ago, which was passed by the House of Commons. It was not controverted when my hon. friend amended the Act a year ago, and therefore it would be inconsistent to attack this clause unless there was some reason for it. It is simply to prevent a fraud being practised on an innocent person. Should not there be some penalty attached to a man who marked an article as gold? Nine carats is the lowest standard. I have given way on that, and a very large number of men in the trade have given way in their views in regard to 10 carat. I have letters under my hand which regret that we are adopting the 9 carat, but for peace and harmony's sake, and because it was advocated so strongly by my hon. friend, and by the gentlemen he represented, who have signed this paper, and who are willing to take any standard, Levi Bros., of Hamilton, the large dealers whose interests my hon. friend was supposed to advocate a couple of years ago. He supports it now. Here is a list of retail dealers, not only the retail dealers, but the retail jewellers. I think the only protest I got was from Levi Bros., as I mentioned the other day. I asked Mr. Roden to see those gentlemen and try to come to some compromise or arrangement, and they wrote me that they did so, and we heard no protest since. It surprises me to hear the opposition offered to this Bill, after all the effort to conciliate every possible interest.

Hon. Mr. GIBSON—My hon. friend wants to leave the impression on the House that I was acting in the interest of Levi Bros. I was not acting in their interest, but in the interest of the people of Canada. I was acting on the principle that British standards were good enough for Canada.

Hon. Mr. SCOTT—We accept the hon. gentleman's statement.

Hon. Mr. GIBSON—Would the hon. gentleman allow an amendment in line 35? Why should we exclude the assay of the United States?

Hon. Mr. SCOTT—You kill the Bill if you permit that.

Hon. Mr. GIBSON—Is not the British hall-mark all right?

Hon. Mr. SCOTT—We admit that. We are not excluding anything, but there is no standard of the United States assay.

Hon. Mr. GIBSON—We made other changes in the Bill.

Hon. Mr. SCOTT—Not any changes that have not been approved of by the trade.

Hon. Mr. GIBSON—Is the United States assay to be excluded or included?

Hon. Mr. ROSS (Middlesex)—By inserting those words you would exclude the British goods.

Hon. Mr. SCOTT—Section 9 is very plain. Any country that chooses to take the responsibility of establishing a standard, we will accept it.

Hon. Mr. GIBSON—Under clause 10 the 9 carat has to have the assay of the United States on it.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. GIBSON—Clause 10 says:

Or consisting of or including the words gold, solid gold, pure gold, United States assay, &c.

Hon. Mr. SCOTT—That means nothing. The articles bearing those words are not to be admitted, because they mean nothing. I move that the words 'Import or attempt to import' in line 31 be struck out, and word 'bring' inserted.

Hon. Mr. POWER—We are told that it shall not be lawful for a dealer to make or sell or bring into Canada. Supposing the dealer does not bring it in?

Hon. Mr. SCOTT—The dealer is fined. You could bring it in if you liked.

Hon. Mr. POWER—But if the party does not actually bring the article in, he is not liable under this clause.

The amendment was adopted.

It being six o'clock, the Chairman left the Chair.

After Recess.

The committee resumed.

On clause 18,

18. The Governor in Council may, from time to time, make such regulations as to him seem necessary—

(a) to secure the efficient administration and enforcement of this Act, including the imposition of penalties, not exceeding fifty dollars, upon any dealer contravening any such regulation, to be recoverable on summary conviction;

(b) for the appointment, powers and duties of officers employed in such administration and enforcement;

(c) generally for the purposes of this Act.

Hon. Mr. POWER—I think there is some question about the wisdom of this enactment in paragraph (a) of the clause which we have just passed in which we provided for any infliction of a penalty of $100 on any dealer who violates this Act. Then we provide by the clause under consideration that the Governor in Council may impose fines up to $50. I think that is rather an excessive power.

Hon. Mr. SCOTT—It would only be exercised in case of a fraud.

Hon. Mr. POWER—It is all very well while the present government is in power, but another government may come in——

Hon. Mr. SCOTT—It is only in case a dealer is guilty of a fraud.

Hon. Mr. GIBSON—But suppose the mark was put on by the manufacturer?

Hon. Mr. SCOTT—You may not be able to reach him.

Hon. Mr. GIBSON—I have been informed by a gentleman connected with the trade, since six o'clock, that a manufacturer may make an article at the request of the dealer, marking it to represent a certain standard, and the man buying it understands thoroughly that it is not up to the standard and pays for it accordingly; but the dealer sells it to the public, who buy unwittingly. You can come back at the dealer but not at the manufacturer.

Hon. Mr. SCOTT—You can come back at him if he is in the country.

Hon. Mr. GIBSON—But if he is out of the country?

Hon. Mr. SCOTT—You can punish the dealer if he knows of the fraud. It is only in case he knows of the frand that he is liable.

Hon. Mr. POWER—In the interpretation clause, we define dealer as 'any person, corporation, society or firm, being a mannfacturer of, or a wholesale or retail seller of, or dealer in gold or silver jewellery, &c.'

The subclause (a) was adopted, and clause 18 was agreed to.

Hon. Mr. KERR—When does the hon. leader propose to put the Act into force?

Hon. Mr. SCOTT—In October.

Hon. Mr. KERR—As the law stands, the existing Act was not to come into force until——

Hon. Mr. SCOTT—Next session.

Hon. Mr. KERR—Some time after next session. I understand the trade have been dealing on the basis of this time in giving their foreign orders.

Hon. Mr. SCOTT—No, they want till October. I wanted to make it January, but they said October.

Hon. Mr. KERR—A large importer told me that they had sent heavy orders, relying on the understanding that the law was not to come into force until the first of May. Under those circumstances, orders given before that time should be protected. We have suspended the operation of the Gold and Silver Marking Act until a certain date, and we should not anticipate that date.

Hon. Mr. BOSTOCK—I want to propose to the hon. leader of the House that when we go into committee on this Bill to-morrow, he should consider whether he cannot change the word 'includes' in the second subsection of section 3, where it says, 'Mark includes any mark,' and so on.

Hon. Mr. SCOTT—I think not, because it limits the meaning of it there. I prefer leaving it as it is.

Hon. Mr. BOSTOCK—If you say it means any mark it is plain, but if you say it includes any mark it is not clear.

Hon. Mr. SCOTT—There may be some device that is not specified here.

Hon. Mr. BEIQUE—I hope the hon. Secretary of State will see his way between now and to-morrow, to adopt the suggestion. When I spoke on the Bill this afternoon, my attention had not been called to

the fact that the word 'includes' was used instead of 'means,' which makes all the difference. By using this wording, the effect of the Bill is to close the door entirely to any other mark than those that are mentioned, although indifferent. The marks would be properly defined if the word 'means' were used instead of the word 'include,' as purporting to indicate quantity, quality, &c. If we close the door to any mark, however indifferent it may be, then we may exclude without any reason a great deal of merchandise which otherwise should be admitted. Then these cheap goods which are manufactured in other markets could not be imported here, because they would bear a mark which would be indifferent, which would have no reference to the quality of the goods. It seems to me that this point should be considered seriously.

Hon. Mr. LOUGHEED—I should be inclined to place an entirely contrary meaning to what my hon. friend from De Salaberry has placed upon it. If the word 'means' were substituted in lieu of the word 'includes,' it would restrict the interpretation to the particular classification mentioned, whereas the word 'includes' certainly has a very much broader meaning, and would permit of other marks.

Hon. Mr. SCOTT—Devices not mentioned there.

Hon. Mr. LOUGHEED—Marks not mentioned in paragraph (b) of section 3. The word 'means' would be restrictive, whereas the word 'includes' is very much more comprehensive.

Hon. Mr. BEIQUE—Yes, that is what I say. It is too comprehensive. It is because the word 'includes' has the effect of preventing the use of any mark, even if that mark has not reference at all to the quality of the goods and the quantity of gold or silver, no matter how indifferent it may be. Of course, the case of a watch is excepted, but any other kind of jewellery which may bear indifferent marks for objects which are altogether indifferent to the trade, but having no reference at all to the quality of the gold or to the silver, or the quantity of the gold or silver contained in the article would be entirely excluded by this clause.

Hon. Mr. SCOTT—No, because it is limited entirely to something purporting to indicate the quality, the quantity or the weight of gold or silver or of any alloy of gold or silver or of gold or silver plate. It is limited entirely to that, and therefore it ought to be wide, because there may be some other device that is omitted.

Hon. Mr. KERR—It might be put like this :

'Mark means any mark, sign, device,' &c., 'and includes any other means whatsoever.'

Hon. Mr. SCOTT—Where the clauses have run the gauntlet of so many professional men and so many men in the trade, and they have agreed on something, and it can do no harm, I think we should accept it. It is hard to find exception to it now.

Hon. Mr. KERR—Will the hon. minister allow subsection (b) of clause 3 to stand?

Hon. Mr. SCOTT—No, I think there is no use discussing what we will not agree on.

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

CO-OPERATION BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. GIBSON moved concurrence in the report of the Standing Committee on Banking and Commerce on Bill (5) An Act respecting co-operation.

Hon. Mr. POWER—I doubt the wisdom of our introducing the practice of referring matters for the decision of the Minister of Justice. We have provision in our rules for reference to the judges of the Supreme Court, but no provision for reference to the Minister of Justice. I think it is very proper that the members of the government in this House should take the opinion of their colleague the Minister of Justice with respect to the constitutionality or any other quality of a Bill before the House, but I do not think that it is right for the Senate to formally ask the opinion of the Minister of Justice with res-

pect to a Bill which is before us. I have never known that done before that I can recall, and I think it is a bad precedent to establish. It just comes to this: If the government were not in favour of the Bill it would not pass the House, but the responsibility for the measure should rest with the House, and we should make up our own minds about it.

Hon. Mr. LANDRY—I would add to these few remarks, that if a member were to rise in this House and ask an opinion on a point of law from the government that that question would be ruled out of order immediately, and the government would say that they had no right to give an opinion here—that we could either take the measure or the policy as they chose to give it and take the consequences of it. I do not think the motion should carry.

Hon. Sir MACKENZIE BOWELL—Although I moved that resolution, I must confess that I feel in accord, as a matter of principle, with the doctrine laid down by the hon. senior member from Halifax and under ordinary circumstances I should be inclined to support the proposition that he has made. I do not know whether the hon. gentleman is a member of the committee, but he knows there was a great difference of opinion as to the right of the Dominion parliament to deal with the principle involved in the Bill. They had opposition to the Bill on the constitutional ground from representatives of Ontario, Quebec and Saskatchewan, and by telegram from British Columbia. It is true, we had a member of the government on the committee and it was broadly stated that the opinion of the Minister of Justice was in opposition to the constitutionality of this parliament dealing with a matter that was claimed to be exclusively within the jurisdiction of the provinces. I have no recollection of the Secretary of State having given an opinion on behalf of the government on this question. On the contrary, we were led to suppose that they must have acquiesced to a great extent in the opposition given to the Bill, from the fact that the Secretary of State intimated a desire to amend the Bill by bringing it in a round-about-way within that clause which would declare it for the general advantage of Canada. There were many members of the committee, myself among the number, who would vote for the principle of the Bill if it is within the power and authority of this parliament to deal with it; but holding very strong views on provincial rights and opposition to the continual interference with matters which should be exclusively within the jurisdiction of the local legislatures, a motion was made to get an authoritative opinion from the Minister of Justice on this question if he felt inclined to give it, so as to enable those who object to interference with matters pertaining to the provinces, to decide whether they should support the Bill. I am desirous of voting for the principle of the Bill, but after hearing the precedents quoted by the lawyers who addressed us on this question, and more particularly the representative of the province of Quebec, I have grave doubts as to the propriety of passing this Bill here. The report of the committee, I admit, is a departure from the usual course, and would have been avoided if the representative of the government on the committee had stated pointedly and distinctly that the opinion of the Minister of Justice, who is the adviser of his colleagues on all constitutional questions, favoured our dealing with it. I should like very much before casting my vote on this Bill to have the opinion of the member of the government whose particular duty it is to instruct parliament upon questions of this kind.

Hon. Mr. LANDRY—Is this a government Bill?

Hon. Mr. FERGUSON—It was made a government Bill.

Hon. Mr. POWER—I raise a question of order; there is no provision in our rules for a reference to the Minister of Justice.

Hon. Mr. SCOTT—The House can carry the motion if they please; it is for the Minister of Justice to say whether he shall answer it.

Hon. Mr. LOUGHEED—While our rules make provision for a reference to the Sup-

reme Court of Canada, there is no obligation placed on the Supreme Court, under its constitution, that they shall respond to any such demand made upon it, and, furthermore, I understand the Supreme Court has practically derided the idea of being in any sense compelled to answer questions submitted to them by this parliament. It may be said that the law officers of the Crown are for the assistance of parliament, and particularly in a case of this kind, where one finds a number of the provinces seriously objecting to this parliament undertaking to pass on a question of this kind. Where there is such a difference of opinion as to the constitutionality of the Bill, it is not unreasonable that they should be asked to advise us as to what our constitutional powers are.

Hon. Mr. FERGUSON—I did not have the advantage of being present in the committee when this subject was under discussion, and did not hear the reasons and arguments given by the representatives of the different provinces; but it seems strange to me that there could be much doubt as to the constitutionality of this measure or our having a right to deal with it as a matter of trade and commerce. Where that power is given to the federal parliament, it would almost seem there could be no difference of opinion upon it. I take it the objection from the provinces is that they do not like charters got from this parliament when they can be got through the Joint Stock Companies' Acts of the provinces, and the fact is they are being stripped of some fees which they otherwise would get. I am not sure that the objection has come in that way, but I really cannot see any object to be gained by seeking the opinion of the Minister of Justice, because this Bill was made a government measure, no doubt on his advice, and after it was so approved of by the government and made a government Bill, and the Minister of Justice had given his sanction to it, it would look like a great slight on the Minister of Justice to ask him if he was in earnest in what he had done.

Hon. Mr. LOUGHEED—The hon. senator from Marshfield overlooks this very important fact, that the Bill was introduced in the House of Commons by Mr. Monk, a private member, and the government in its anxiety to get all the credit possible through the introduction of a Bill appealing to the labouring classes of the Dominion, took the Bill under its wing and under the auspices of the present Minister of Labour; but I think it is not disclosing secrets when I say that the opinion was prevalent in the committee that while the government assumed the responsibility of the Bill, there was a striking divergence of opinion amongst the members of the government whether they had a right to do so.

Sir MACKENZIE BOWELL—If the hon. senator from Halifax insists on his point of order he should not discuss the merits of the Bill but the question raised. We had better have that decided first. I cannot possibly see how it becomes a point of order to ask the opinion of the Minister of Justice, if the Senate thinks proper to do so. It is not a question as to whether the rules guide us in these matters or not; there is nothing against it in the rules, and there being no provision for it, I can see no valid objection to the Senate asking an opinion from anybody.

The SPEAKER—Do I understand the hon. senator from Halifax to persist in his point of order?

Hon. Mr. POWER—I think we had better have it settled. We have our own law clerk and when such questions come up, we are supposed to look to him for advice. It is not contemplated in our rules or practice that we shall go outside and ask the opinion of one of the law officers of the Crown. The House would not be bound to take the opinion of the Minister of Justice even if it were given. We are opening the door to a very bad practice. If this House, when a difficult question comes up, is to refer that question to the Minister of Justice, the independence of the House is to a very considerable extent sacrificed. We are here to make up our minds about things. The Minister of Justice has quite enough to do without undertaking to do these things for us; we ought to be able to make up our own minds.

The SPEAKER—There is, perhaps, a question which should be discussed that

troubles me somewhat in reading the report, and which would, perhaps, need to be discussed before the point of order is raised. It is the form of the report. It says:

The Senate, Committee Room No. 8,
Thursday, June 18, 1908.

The Standing Committee on Banking and Commerce, to whom was referred the Bill (No. 5 from the House of Commons) intituled: 'An Act respecting co-operation,' have in obedience to the order of reference of March 24 last, examined the said Bill, and now beg leave to report as follows:

In view of doubts which exist as to the constitutional right of the parliament of Canada to pass Bill (No. 5) intituled: 'An Act respecting co-operation,' and of the opposition offered by the governments of Ontario, Quebec, Saskatchewan and British Columbia to the passing of the said Bill, this committee deems it advisable that the Senate, before proceeding with the further consideration of the said Bill, should refer the said Bill to the Minister of Justice, with a request that he will give his opinion as to the exclusive right of the provincial legislatures to deal with the subject thereof.

All of which is respectfully submitted.

WM. GIBSON,
Acting Chairman.

This report seems to be a final report from the committee which delivered itself of the Bill, and places it before the Senate advising the Senate to get the opinion of the Minister of Justice. If this report is adopted, the committee will no longer be seized with the Bill. It will be with the Senate and would need—I say with some diffidence—to be referred again to that committee for their decision. I wonder if the committee itself would not have asked for the opinion on the Bill before returning it to the House and discharging its mandate.

Hon. Mr. GIBSON—As chairman of the committee, I may say that the feeling of the committee was that while we were quite well aware it was possible to refer the Bill to the judges of the Supreme Court for their decision, there was such anxiety to have it become law this year that the suggestion arose that the speediest way to get an opinion which would be acceptable, at all events, to the committee at the time when this resolution was passed, was to refer it to the Minister of Justice and get his opinion as to the constitutionality of the Bill. That was thought to be the quickest way to obtain the object which the committee had in view.

It was not done for any other purpose than to try to facilitate the passage of the Bill. I have no doubt, many hon. gentlemen who are not members of this committee must be aware that this Bill has received a great deal of attention at the hands of the several provinces, and special protests were sent, at all events from the provinces of Quebec and Ontario, as well as being authorized by the provinces of Saskatchewan and British Columbia. We have on many occasions had opposition from the representatives of a province, but ever since I have had a seat either in this end of the House or in the other, I have never seen a Bill which all the provinces, so to speak, were so much opposed to not on account of the fees involved, but on the constitutional ground that it was an interference with the rights of the province, and the committee came to the conclusion in this report to refer it to the Minister of Justice. It is in the hands of the Senate, and not in the hands of the committee. We have delivered our judgment to the Senate, for the Senate to deal with, and speaking for the committee, I think the speediest way would be to get the opinion of the Minister of Justice, and if those who are in favour of the passage of this co-operative Act really desire to see the Bill go through, I do not think they should raise any objection to its being referred in order that the question of constitutionality might be speedily settled.

Hon. Mr. WILSON—If we adopt the report, I should like to ask the chairman what effect it would have on the Bill?

Hon. Mr. GIBSON—None at all. Take a supposititious case: supposing the Minister of Justice says: 'It is legal,' we shall proceed with it. If he says it is illegal, it will be for the committee to say what action it shall take. No one can speak for the committee. In any event, the Bill will have to be sent back to the committee before it can be finally disposed of.

Hon. Mr. WILSON—I see nothing in the adoption of the report that is going to bring the report of the committee to the Minister of Justice. It merely says that it will take the opinion of the Minister of Justice. There is no order or direction given by this committee to the Minister of Justice for an

opinion, and it does seem to me that it is a quiet way of strangling the Bill, and it is a quiet way of putting the responsibility of strangling the Bill upon the Minister of Justice, instead of the Committee on Banking and Commerce and this House assuming the responsibility. The adoption of this report virtually destroys or quietly strangles the Bill, and who is responsible for the strangulation? It is the Committee on Banking and Commerce and this House. That being so, we do not assume the responsibility of throwing the Bill out. We throw the responsibility upon the Minister of Justice. Is that right, fair or prudent? He may give his opinion upon it, but we have no means whereby to revise the Bill this session. It is virtually reported upon, and must go over until another session. While I am in no way in sympathy with the Bill, I think it is hardly fair or right that the Minister of Justice should have thrust on him a responsibility which the committee and this House ought to assume.

Hon. Sir MACKENZIE BOWELL—The point raised by the Hon. Speaker, to my mind, is a very pointed one, and one that should be disposed of first. I understand his position to be this: on reading the report he comes to the conclusion that the committee has divested itself of further power to deal with the question. Such is not the fact. The committee left the Bill in abeyance until this opinion could be obtained, because it was passed without any particular objection, and the Bill stands in the position of having been dealt with to a certain extent by the committee who postponed further consideration of it until certain information could be obtained.

The SPEAKER—Allow me to draw attention to the wording of the report:

> This committee deems it advisable that the Senate, before proceeding with the further consideration of said Bill, should refer the consideration, and so on.

Hon. Sir MACKENZIE BOWELL—Yes. The original draft of that report was not couched in that language. The original draft was for the committee to assume the responsibility of asking the opinion of the Minister of Justice; but upon showing it to the law clerk I was overruled. He said: 'I do not think it would be proper for the committee to ask the opinion, that it should come from the Senate' and we yielded to that suggestion. That is really the history of the resolution, otherwise it would not be here. As I understand the position of the Bill it was this: the committee considered the provisions of the Bill for some time, and the question of the constitutionality of the measure was the main point discussed during the whole of that sitting. Then when this resolution was moved, the committee rose, leaving the Bill precisely in the position it was, and if the Minister of Justice gives an opinion it goes to the Senate, not to the committee, and it will be for the Senate to refer it to the committee to consider the question as to whether they would report for or against the Bill. That is really the way the question stands. I listened to the reasoning of the hon. senator from Marshfield, and if this government were conducted upon the principles that have governed other constitutional governments in the past, his position would be quite——

The SPEAKER—I should like to ask the hon. senator, if he is not going beyond the point of order?

Hon. Sir MACKENZIE BOWELL—Yes, I was, but I will take another occasion to discuss this point.

Hon. Mr. BEIQUE—I think there is something in the point of order raised by the hon. gentleman from Halifax. This report does not seem to me to be within the reference to the committee. The reference was made for the purpose of having the committee examine this Bill and decide as to whether this form should be maintained or amended. That may be very material to the question of constitutionality of the Bill, and instead of doing that the committee go entirely out of the reference and volunteer a mere advice to the Senate. Suppose that this report is adopted, where does it stand, and where do we stand? We accept the report that the committee thinks it advisable for the Senate to ask that opinion. It seems to me it is not a proper report on the part of the committee.

Hon. Mr. GIBSON—I should like to call my hon. friend's attention to the fact that

that is not a fair statement. The report is already in accordance with the direction given by the committee. He asks the question why should not some member of the committee go to the Minister of Justice? There was no such direction given to any member of the committee. It was given to the committee to report to the Senate, asking in an official way an official opinion from the Minister of Justice.

Hon. Mr. BEIQUE—The hon. gentleman is confusing my statement. I did not suggest that the report is not made according to the decision of the committee; but I say it was not within the province of the committee to make a report of that kind. It might have been within its province to go either to the Supreme Court or to the Minister of Justice or the clerk of the Senate for the purpose of enlightening its conscience, and ask whether a Bill in such and such form would be within the powers of this parliament; and in reporting upon the Bill it would be within its province to say: 'The committee has come to the conclusion to report the Bill in such and such form, or suggests to amend it in such a way. As a question of constitutionality has been raised and the Bill, the committee suggests that an opinion be obtained. But in this report the committee does not do anything of the kind. It is a refusal to fulfil the mandate given, practically saying: 'Before we carry out the mandate which the Senate have given, we ask that such and such a thing be done.' It seems to me that is not the proper way.

Hon. Mr. POIRIER—In my opinion, the point of order was very properly raised. The procedure is certainly novel in this House, and it is to my mind absolutely subversive of our practice. The Senate gives instructions or orders to the committee, but I never before saw a committee giving orders or instructions to the Senate. It is simply reversing the order of things. I therefore, without amplifying my ideas any further, think the point of order was very properly taken. This process will lead to an absolutely novel procedure, and a novel way of dealing between the Senate and its committees, reversing it in favour of the committees and placing the Senate in a position to accept, as it were, instructions or orders from the committee.

Hon. Sir MACKENZIE BOWELL—Oh, nonsense?

Hon. Mr. McMULLEN—As a member of the committee, I desire to say that I do not remember of any measures that came before parliament in my parliamentary life that received greater care or consideration at the hands of the committee than this measure has received. Out of respect for those who appeared there on behalf of the provinces, and urged that it was ultra vires of the powers of this parliament to pass, that it would infringe upon legislation already in existence in the provinces that we were trampling virtually upon their rights. There were representatives there from Quebec and Ontario and the provinces that have been mentioned by the hon. gentleman from Belleville. In view of all these conditions, the committee came to the conclusion almost unanimously—there were only two or three dissenters—that in view of the strong contention and strong representations made on behalf of the provinces with regard to this bank, we should ask the opinion of the Minister of Justice as to whether it was within the competency of this parliament to pass the measure or not. The committee having given a very great deal of time and consideration, day after day, to this measure, it would be a matter of common courtesy to them to carry out the decision arrived at. With regard to referring the matter to the Minister of Justice, why should we be deprived of the right of submitting a question of that kind for his consideration? The hon. gentleman from Halifax says there is no precedent for such a course. Well, we are not to be guided absolutely by precedent, we are to do what we believe is best in the interests of the country, and within the lines of the powers conferred upon us. I think we are discharging an important duty in taking the course we did, and that we did quite right, notwithstanding the contention of the hon. gentleman from De Salaberry. In view of the pointed challenge made on behalf of the provinces that we had not the right to legislate in regard to the matter, we decided to submit it to the Minister of Justice, as to whether we were within our

powers or not in dealing with it. I think it is but right to have that question settled.

Hon. Mr. LANDRY—What was the point of order?

The SPEAKER—The point of order raised by the hon. gentleman from Halifax was that it was not within the power of the Senate to refer a Bill to the Minister of Justice, and I asked if there was not a preceding point of order to be raised as to the committee divesting itself totally of the Bill when reporting on the Bill itself. That was the point I had raised.

Hon. Mr. BEIQUE—I desire to call attention to the fact, as very properly stated by the Speaker, that the report does not report the Bill at all, and if you refer to Bourinot at page 783, it is stated, and it is elementary, that it is the duty of every committee to report a Bill. Here the committee would remain seized of the Bill.

Hon. Mr. LANDRY—If that be the case, the committee has a perfect right to keep the Bill before this House and ask the opinion of the Minister of Justice on another question altogether.

Hon. Mr. BEIQUE. I call attention to the fact that the committee is not asking to be empowered to ask the opinion of the Minister of Justice, but the committee suggests that it is advisable for the Senate to ask the opinion of the Minister of Justice.

Hon. Mr. FERGUSON—I think we really have the Bill reported. Let me call attention to the words, 'That the Senate should refer the said Bill to the Minister of Justice.' How could the committee refer it unless the committee are handing it in to us to refer? The suggestion that it be referred to the Minister of Justice, certainly implies that the Bill is reported to the House.

Hon. Mr. GIBSON—My hon. friend from De Salaberry says we might have obtained this information from the Minister of Justice, without referring it to the Senate. It was too important a matter to do that, and I do not think it would be a fair thing—I say that advisedly—for a gentleman on either side of the House to get a private opinion from the Minister of Justice and spring it upon the committee. I think the committee took a proper course in asking the Senate to submit the matter before the Minister of Justice for his official opinion. It was not a matter for a private opinion at all. The Senate took the only course open to it. That opinion was unanimous. We wanted to have the opinion of the Minister of Justice as to whether it was really within the purview of this parliament or not. It was the bounden duty of the committee to ask the Senate for their approval in such a course.

Hon. Mr. POWER—When I first raised the objection, I did it hastily, without having time to consider it. In fact, I had not considered the matter at all. On further consideration, and particularly after listening to what has been said by the hon. gentleman from De Salaberry, I am confirmed in the opinion that the point of order is really well taken. Certain hon. gentlemen have expressed a great contempt for precedents; but, after all, that is the British principle, that 'freedom broadens slowly down from precedent to precedent.'

Hon. Sir MACKENZIE BOWELL—Precedents have to be made, or they would not exist.

Hon. Mr. POWER—I think Cromwell made a few; and we have to take them when it is absolutely necessary. I notice that Rules 115 and 116—I omitted to refer to them—apply only to private Bills. They do not refer to public Bills. There is no provision anywhere in our rules for the reference of a public Bill to the opinion of any authority outside the Senate. The object that was desired to be attained might have been attained in this way, if I may be allowed to make the suggestion. One of the colleagues of the Minister of Justice sat on the committee, and that hon. gentleman might, without doing the thing in a very formal way, ascertain the opinion of his colleague the Minister of Justice on this question, without any reference from the committee, and I for one should never have raised any doubt about that course, but I contend that there is no precedent for a reference to an individual outside of the Senate of a public Bill.

I did not catch at first the language of this

report. It says the Bill shall be referred. We cannot refer a Bill to anybody outside of the House. We can refer a Bill to a Committee of the Whole House or to a select committee, but not to the Minister of Justice, or to any other minister. It would be completely abrogating the functions of a legislative body. I feel quite satisfied now that we should be violating a fundamental rule of parliament if we were to refer this public Bill to any officer, no matter who he may be, outside, for his opinion. And there is this other circumstance which hon. gentlemen do not appear to have considered ; this is not a Bill which originated in the Senate. It is a Bill which originated in the House of Commons, of which the Minister of Justice is a member. If he did not think that this Bill was constitutional, naturally he would have objected to it there.

Hon. Mr. BOWELL—The hon. gentleman is trenching on ground that may bring out other facts. I was departing from the question of order, and the Speaker called my attention to the fact, and I at once admitted that he was right.

Hon. Mr. POWER—I was giving reasons why the reference should not be made. It shows what an improper thing it is, after the Bill came from the House of Commons that we should send it back to a member of that House for his opinion upon it.

Hon. Mr. FERGUSON—I agree with the hon. Senator from Halifax in the main, that a reference of the Bill to the Minister of Justice would be irregular. I can hardly reconcile it with parliamentary practice seeing that this is a government Bill and the Minister of Justice is a member of the other House in which it originated. He must have already passed upon it officially; otherwise it would not be here. But I suppose it would not be more meaningless to refer the Bill to the Minister of Justice than to say that this House would consider it this day six months. Either course would kill it. If we act on the recommendation to refer the Bill to the Minister of Justice, we are no longer seized with it. He may report to us any way he likes, but I do not think we could take up the Bill again. While I do not think it is strictly out of order, it is not a proper way to treat the Bill. I would therefore move as an amendment that the report of the committee be not agreed to but that——

Hon. Mr. BOWELL—The point of order must be decided before an amendment can be made.

Hon. Mr. LOUGHEED—I should like to point out what I deferentially call the the fallacious reasoning of the hon. Senator from Halifax. The supremacy of the Senate over all its committees cannot be questioned for a moment. I need not recall to my hon. friend the action of the Senate on former occasions in referring important matters to an investigating committee, appointing council, going most extensively into the investigation of matters which arose incidentally out of the consideration of those subjects by a committee. I need not refer, falacious reasoning of the hon. Senator for instance, to the Baie des Chaleurs question, to the alleged purchase of a Senatorship, questions arising out of a committee incidentally. This report is simply a recommendation by a committee that it should refer this matter to the Minister of Justice before further consideration. Will any hon. gentleman seriously contend that this Senate has not the authority to refer the matter to the Minister of Justice ? There is no law to compel the Minister of Justice to give his opinion, but it is an entirely different proposition to say that the Senate cannot refer it to the Minister of Justice or any other counsel for the purposes of getting information.

Hon. Mr. POWER—We could refer a question but not a Bill ,and that is what the committee recommend.

Hon. Mr. LOUGHEED—The hon. gentleman is quibbling on that, because the language of the report is that the Bill be referred with a request for the opinion of the Minister of Justice as to the right of this parliament to legislate. How could it be referred to the Minister of Justice without putting the Bill in his hands. Confining myself strictly within the four corners of the question, I say the point of order which has been raised questions the power of the Senate to refer any matter to the Minister

of Justice or any other person for an opinion. I may be permitted to state that in the committee, when the Secretary of State intimated that it was impossible for the Minister of Justice to be conversant with all matters which came before the committee, he left in the mind of the committee a doubt that this matter ever came before the Minister of Justice. In regard to what the hon. member from Marshfield has said, I can say with all sincerity that it was not the object of the committee to kill the Bill, but quite the contrary, and I say advisedly if this Bill is to become law it can only be by satisfying the inquiring mind of the committee as to its constitutionality. I can say this further and say it advisedly that those who have recommended this course have done so with a view to the passage of the Bill. The doubt can only be cleared by an expression of opinion from the Minister of Justice as to the constitutionality of the measure.

Hon. Mr. POIRIER—What will be the position of the Senate when the Bill is referred to a body outside not only of the Senate but of parliament? To my mind if we refer the Bill to the Minister of Justice, or to the Supreme Court, we dispossess ourselves of the Bill. Supposing the Minister of Justice should not deem it proper to give an answer, where shall we stand? The Bill is practically out of our hands; we have to wait until we get his reply. Therefore, the suggestion made by the committee that we should refer the Bill instead of a certain question arising out of the Bill, is in my opinion, incorrect and absolutely without a precedent. By doing what is suggested to us, we direct the committee, but it is the first time I have known a committee to direct the Senate what to do. The moment the Bill is put before the minister for an opinion, it is practically, for the time being, out of our hands, and we cannot logically proceed upon it before we have the answer of the Minister of Justice or of the Supreme Court. Therefore, for these two reasons, first that it is an absolutely novel procedure, and secondly because I consider it an action derogatory to the dignity of the Senate—I think the point raised by the hon. senator from Halifax is well taken.

Hon. Mr. LOUGHEED.

Hon. Sir MACKENZIE BOWELL—If that discussion is relevant to the point of order, I should like to answer my hon. friend in direct opposition to the opinion he has expressed about the committee divesting itself of the Bill. The question, as I understand the hon. senator from Halifax, is this: is it a proper thing for a committee to pass a resolution asking the opinion of the Minister of Justice to guide them? If they have no power to do that, it may be out of order, but not without.

Hon. Mr. KERR—This is a public Bill, and the rules with reference to sending private Bills to a committee do not, therefore, apply. There is no rule of the House providing for a reference of a public Bill to a committee. When it is done, it is a way of getting information; but after it comes back by any process it is still open to go into Committee of the Whole, and, therefore, it would be permissable either to deal with it or get an opinion, or get any information in Committee of the Whole that might be deemed advisable. That being so, and the Senate having remitted the matter for a special purpose—because after all it is a reference at large to that committee—the committee says in effect: 'Before we advise you we suggest that you should get the opinion of somebody.' That might be the opinion of a court, or of some person they thought could give the information, either by way of advice or otherwise, before they deal with the Bill, and it would be quite open for us now to go into a Committee of the Whole and defer further consideration of this matter until the opinion of the Minister of Justice could be obtained. The committee to whom the Bill was referred has not reported it back to the House. They have not divested themselves of the inquiry. We may direct them to continue their inquiry; but in the absence of it we can get the opinion of the Minister of Justice.

Hon. Mr. LANDRY—A few days ago, when a similar question came before the House, I raised a point of order and it was ruled against. What was the point? A committee had made a report. A motion was made for its adoption, and I objected because the committee had not the power to make such a report. The ruling of the

chair was that my point of order was not well taken. This is a similar case. The committee sent back the Bill with its report.

Hon. Mr. KERR—To what case does the hon. gentleman refer?

Hon. Mr. LANDRY—The Shuswap and Thompson River Bill. The committee returns the Bill or does not return it. If it is not returned, it is in the hands of the committee; if it is returned, the House has it. We have a report on the Bill at all events, and that report suggests that before proceeding with the further consideration of the measure the opinion of the Minister of Justice should be obtained. We are not obliged to do what the committee asks. We may say we shall not refer it to the Minister of Justice but to a committee of the whole House and deal with it ourselves. If we find that we have not the right to go to the Minister of Justice, we can take that course.

Hon. Mr. BEIQUE—The dilemma is this: either the committee is seized of the Bill, or the Bill is before the House. If it is, as we claim, before the committee, it is not before the House. How, then, can the House deal with the Bill?

Hon. Mr. LANDRY—If the Bill is not before the House——

Hon. Mr. McMULLEN—Order.

Hon. Mr. LANDRY—I have a perfect right to speak.

Hon. Mr. McMULLEN—The hon. gentleman has already addressed the House on this question, and he cannot speak twice.

Hon. Mr. LANDRY—I was speaking when I was interrupted by the hon. gentleman from De Salaberry, and in accordance with the rules of the House I sat down until he had put his question.

The SPEAKER—Even if the hon. member had risen a second time, he was proceeding with his speech when he was interrupted by the hon. senator from De Salaberry, who asked a question.

Hon. Mr. McMULLEN—He sat down.

Hon. Mr. LANDRY—I sat down in compliance with the rule of the House. If the Bill is not before the House, it is in the committee; but, although remaining with the committee, the Bill is still under consideration. If a committee should decide to call witnesses to obtain further information, they may make a special report asking permission to do so, and they can make a report asking permission to employ a shorthand writer. They may recommend getting the opinion of the Minister of Justice, as they have done. I do not see that there is anything out of order in that. We are not bound by the opinion of the Minister of Justice, we may act upon it, or may refuse to do so.

Hon. Mr. POWER—Perhaps his honour the Speaker would like to have a little time to consider the question. It is a matter of importance, and I would suggest that the further consideration of the Bill be postponed until to-morrow.

Hon. Mr. GIBSON—I have no objection to a postponement.

The SPEAKER—I should prefer to have a little time to consider the question.

Hon. Mr. GIBSON moved that the order of the day be discharged and that it be placed on the orders for to-morrow.

The motion was agreed to.

ISSUE OF DOMINION NOTES, CONFIRMATION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of the Bill (159) An Act respecting a certain issue of Dominion notes. He said—hon. gentlemen are aware that towards the end of last year, when the depression first occurred, there was a dearth of money in the Northwest, and it was represented to the government that unless the banks were supplied with funds, a large proportion of the crop could not be moved. It required action at once, and the government decided to do what the law does not authorize them to do. They did not, however, jeopardize the financial position of the country in any way, but they accepted from the banks security for advances that had not been recognized in the statutes. The effect was to relieve the condition very materially, and that is the only justification for it.

This is an Act to indemnify the government for the action taken. The largest sum of money out at any one time was between five and six million dollars.

Hon. Mr. GIBSON—Which of the banks had it?

Hon. Mr. SCOTT—Several banks. I am not in a position to name the banks, and I believe the banks themselves do not wish to be particularized.

Hon. Mr. McMILLEN—Has it been paid back?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—I can assure the House that I have no desire to occupy time discussing this matter, but before the principle of the Bill is assented to by the House I should like to explain the position which I take upon this very important subject. Here is a matter affecting the entire finances of the Dominion, in which the Finance Minister, who is specially charged with the administration of the public moneys, has wilfully violated the statutes, and that violation, in turn, has been sanctioned by an Order in Council. A question arises is this defensible in any contingency or crises in the commercial affairs of the Dominion; shall any circumstance warrant the Finance Minister in disturbing for one moment the integrity of what is regarded as the fundamental basis of our financial conditions throughout the Dominion, namely, the gold reserve? In the first place, while I do not for a moment, under present conditions, question the desirability of the government having come to the assistance of the farming community in the west, yet I do question the action of the Finance Minister sanctioned by the government directly, violating the statute at a time when it was possible—not only possible, but quite feasible—to obtain the sanction of parliament to this violation of the statute. We find an Order in Council passed on the 12th day of November, sanctioning advances up to ten million of dollars of Dominion notes, notwithstanding the fact that there was no gold reserve as against that particular issue. Parliament at that time had been called to meet on the 28th of November. The facts further warrant the statement which is disclosed by the Orders in Council passed, that it was not until December, practically, that any substantial advance had been made by the government to relieve the financial stringency. Consequently, parliament was in session without any knowledge of this extraordinary step having been taken by the government. Furthermore, it was not until some months after the meeting of parliament that information was given out that the government had sanctioned this issue of ten million dollars without any gold reserve to support it. I need not point out to this chamber, that if the financial condition of the Dominion is to remain unimpaired, if our credit is to remain as it was in the markets of Europe ten or fifteen years ago, it is imperative that the statutory provisions with reference to the gold reserve of the Dominion being unimpaired should be carried out with the greatest strictness. I can very easily fancy a crisis of this kind occurring, and the government regarding it as absolutely necessary that relief should be given for the purpose of carrying the country through a financial stringency such as occurred last year. But I contend that nothing will warrant a deliberate violation of an Act of Parliament, such as we have in cap. 27 of the Revised Statutes, known as the Dominion Notes Act, without the express sanction of parliament, and it is certainly mysterious, to my mind, when parliament was practically meeting, and was aware of the difficulties which obtained with reference to the removal of the wheat crop in the Northwest, that the sanction of parliament was not obtained. It was not that the government apprehended for one moment that the parliament of Canada would refuse to give its sanction to the issue of ten million of Dominion notes without a gold reserve, because parliament must have been aware that the opposition as well as supporters of the government would have been anxious to relieve the stringency which then existed. Therefore, it is incomprehensible to my mind why, under those peculiar conditions, at a time when parliament was called, when it was possible to consult the representatives of the people, when it was absolutely necessary that this Act should have

been over-ridden, that the representatives of the people were not called upon to sanction this very grave departure from parliamentary procedure.

Hon. Mr. DOMVILLE—But it redounds to the credit of the government.

Hon. Mr. LOUGHEED—The next consideration naturally is, were the conditions which arose at that time of such a serious character as to warrant the action which the government had taken without consulting parliament. I am not taking the position that the government did not act wisely in coming to the assistance of the farming community of the west; but I take this position, and I say it is one worthy of consideration, that if it is known to the financial markets of Europe that a finance minister, upon practically his own judgment, can set at naught the deliberate action of parliament in having placed upon the statute-book such a provision as this to which I have referred, than the financial credit of this Dominion must necessarily stand impaired for all time to come. The judgment of the Finance Minister, be he who he may, be he Liberal or Conservative, I care not whom he may be, he is but fallible. The judgment of the Finance Minister upon a question of this kind is of necessity no better, nor will it carry more weight than the judgment of any other individual who may be acquainted with the financial conditions of the country at any particular time, and it was never intended, the government itself will not for one moment urge that it was ever contemplated by this Act that the action of the Finance Minister, even the action of the Finance Minister supported by the action of the government itself, could deliberately set at naught the solemn provisions of this statute with reference to unimpairment of the gold reserve. Therefore, an attempt to establish a precedent that a Finance Minister upon his own individual judgment can conclude that the commercial conditions or financial conditions of the country at any time represented by the stringency which then obtained, was such as to warrant the setting aside of those provisions without the sanction of parliament, can receive no support at the hands of any representative of the people who may be interested in supporting the financial credit of this Dominion. It is a dangerous precedent. While it may have been commendable on the part of the government to have come to the assistance of the——

Hon. Mr. DOMVILLE—Banks.

Hon. Mr. LOUGHEED—Not of the banks, but of the wheat-growers of the west. Now, as to the banks, hon. gentlemen must not overlook the fact that this order in council made provision that this money might be advanced to the banks on a graduated scale of interest, from seven per cent down to five per cent; and although it is represented that at that particular time the banks absolutely refused to make provision for the removal of the wheat crop, yet hon. gentlemen must not overlook the fact that the banks refused to take one dollar of this advance at the rates of interest which were stipulated in the order in council. Would this warrant the conclusion that there was such a financial stringency as to justify the action of the government in deliberately setting aside the statute and issuing ten million of notes without having a gold reserve to support it, as provided by statutes? No institutions within this Dominion were so interested in the financial stringency of that time being relieved as the banks, and yet so indifferent were the banks to the condition which then obtained, that there was not a solitary bank within the Dominion of Canada that intimated its willingness to take advantage of the provisions of the advance and to pay the ascending scale from five per cent to seven per cent for the use of the money. It was not until the government reduced the rate of interest to four per cent that they were able to do business with the banks. Therefore, in this fact we have the very best evidence that can be forthcoming that the stringency was not of such a character as to warrant the extraordinary action of the government in setting aside the provisions of the statute; it was only when the rate of interest was reduced to four per cent that the banks took advantage of the offer which was made.

There is another consideration which naturally presents itself to one's mind in

considering this fact, and that is under the Act, the government was prohibited from making this issue, but there was a provision by which the government under section 6 of the Dominion Notes Act could have made this issue, and at the same time have negotiated a loan for the purpose of maintaining the gold reserve. Did the government attempt to do that? What, therefore, is the inference which must necessarily be drawn from the fact that the government did not avail itself of the provision of the statute and negotiate a line of credit to the extent of the issue which it might, of five million and some odd hundred thousand? Simply this, that the financial credit of the Dominion at the time must have been of such a character that it could not negotiate a loan to the extent of the issue for the purpose of supporting the reserve, as provided in section 6; yet at the same time, we have the Finance Minister of this Dominion boasting of a surplus of not less than nineteen millions being forced to go to the banks of the Dominion for the purpose of securing the necessary assistance. Hon. gentlemen must not overlook the fact that under the Dominion Notes Act if there had been a surplus of nineteen million, or if there had been a surplus of five million, all the government was called upon to do was to place this in the reserves and make an issue accordingly; but so helpless was the government in its financial condition at that particular time, that it was absolutely destitute, apparently, of the necessary reserve to support the issue which it had illegally made at that time. I have no other observations to make on this subject except to say that I cannot understand for one moment why no explanation has been given as yet, and I have carefully followed the debate which has taken place in the House of Commons upon the subject as to why, notwithstanding the fact that parliament had not only been called to meet on November 29, but a further important consideration that the greater part of this issue was not made until the month of December, when parliament was in session, no intimation whatever was given to parliament of the fact, nor was parliament asked to sanction the extraordinary steps which had been taken by the Finance Minister and sanctioned by order in council. While I do not question the action of the government; while, in fact I regard it as meritorious that the government should have made inquiry at the particular time it did, into the condition of affairs in the Northwest, and, have shown a very proper anxiety as it did, for the movement of the wheat crop, yet nothing can justify any act that would impair the credit of this Dominion by the Finance Minister or by government on the fallible judgment of one man, in deliberately setting aside the judgment of parliament, which has been crystallized in this Act, and which provides that under no circumstances shall there be an issue of Dominion notes, except there be a gold reserve to support it, and only under one condition could such an extraordinary step be justified and be made defensible, namely by calling a special meeting of parliament to sanction the violation of the statute. Under these circumstances, I have made these observations to qualify the action I take on the principle of the Bill, and in no sense of condemning the government on account of its desire and anxiety to facilitate the movement of the crop in the Northwest at the time of the stringency.

Hon. Mr. DOMVILLE—My hon. friend has opened up a large question of banking. I do not know why it should be opened up—not only the question of banking, but a question on the whole position of affairs in Canada. Admitting he is perfectly right that the government should not have issued those notes without a gold reserve and the sanction of parliament, would you have stopped to await the opening of parliament?

Hon. Mr. LOUGHEED—Parliament was in session when the advance was made.

Hon. Mr. DOMVILLE—But ten days might have paralyzed the whole position. The country was in a troublesome state. If you go to the bottom of it, although the banks did not take advantage of the offer, the government threw its umbra over them. Its credit was extended over them. There was no doubt the banks were in a very tight place. Would any one for one moment find fault with the government taking the action they did in regard to that question? We all admit the banks are not able to move the crops in the Northwest, and they were not then from insufficiency of banking capital.

The government wisely stepped in and assisted them. The banks had put their money into building-societies. There were 37 millions invested in bank buildings, and they are still putting them up. It will be a very grave question whether parliament ever intended that the money of the banks should be put into buildings in this way. We might show that out of 650 million dollars on deposit in the banks, there is only 630 millions left. Where is the balance? They had not as much money lent some few months ago as they held on deposit. They had their capital and the use of their circulation. The circulation is equal to their deposit, if they choose to use it. My hon. friend might question whether they have the right to circulation, that the government should make all the circulation, and whether the profit on the circulation should not accrue to the government, and if there is no profit, whether the banks could issue the notes. The government took the responsibility of giving elasticity to the banks at a critical moment. We all know that the banks had issued orders to do nothing but take in deposits. I was out to the west myself, and the bank orders there were to lend nothing but to borrow all the money they could, and prudently they let it out in New York—no doubt about that. It was in the interests of the shareholders. There are two parties to the banking. One is the man lending the money and the other is the public. Parliament gives power to the banks to earn all the money they can. To get notes printed off, and get 5 or 6 or 7 per cent on the issue of them. We have all consented to it. Therefore, we cannot find any fault with that. On this occasion the banks found they were crowded. They had loaned their money in New York. The shareholders were getting large dividends. The banks were earning from 18 to 22 per cent per annum on loans in New York. They could not earn that here. They had used their credit to the fullest extent. No doubt their management was excellent. If they had taken the money from the east and put it in the west, the east would starve. If they cannot get the money to move the crop, what were they to do? They were between the devil and the deep sea. The government stepped in to save the credit of the country. It is between them and the banks. When the question is threshed out under the Banking Act, it must be decided whether it is prudent to risk the credit of the country to save the credit of the banks. As to the gold reserve, that is absolute bunco, and to-morrow if there was a call on the banks, or upon the government, where is the gold reserve for 60 or 70 millions of bank notes? Practically there is none. It is a myth. While the credit of the government is good, while the government is able by the receipts and expenditures to retain an equilibrium, they use the country favourably, and the country's credit stands A-1. I do not think the government deserve any censure for stepping in on this occasion. Their action saved the credit of the banks. It was a most critical position at that time. You remember the Bank of Glasgow went up. Some of the strongest men of England financially also went up because their credit was impaired. The government may be right and may be wrong, but I do think they were perfectly justified in coming to the rescue of the banks ; in recuing the banks they were rescuing the country by putting trade in a good position.

Hon. Mr. WATSON—I am rather surprised at the hon. leader of the opposition, coming from the west, criticising the action of the government last October.

Hon. Mr. LOUGHEED—I decidedly object to my hon. friend misrepresenting the position I took. I took some pains and repeated myself, to prevent any misconstruction being placed on my remarks. I said it was meritorious on behalf of the government to come to the relief of the west, but I attacked them on a different ground.

Hon. Mr. WATSON—The hon. gentleman did state that there was no necessity for government coming to the relief of the banks and I want to try to make that position clear. I happened to be one of the gentleman who knew of the position of affairs in the Northwest, and knew that the grain dealers had practically quit buying the wheat in the latter part of October, when there was only about four weeks of navigation for the shipment of that wheat. I came to Ottawa with Hon. Mr. Young, knowing the circumstances, and laid the

matter before the Minister of Finance. At that time the presidents of the banks were stating through the press that there was sufficient money to move the crop. The circumstances were such as the western people had never experienced before last October, when there was a profit on export wheat of ten and one-half cents a bushel, while any grain dealer is satified to export at a cent a bushel, and at this time money could not be got to export the wheat. That was the position of affairs during last season. It was more particularly felt last season, because there was a good deal of damaged grain, somewhere about 25,000,000 bushels damaged which was only good for feed. There was a market in Ontario for this class of wheat at 80 or 90 cents a bushel, and a dollar in the British market, and yet it could not be exported. During the money stringency of last year, the bankers kept their money in their vaults in case there should be a run on the banks, and they were not allowing it to be paid out for wheat. Grain buyers in the west, reputed to be worth from one and a half to two million, were not allowed a credit of more than fifty per cent of credit allowed on previous years. They could not move over half the wheat moved the year previously. Consequently, about half the grain dealers had ceased buying wheat, closed their elevators, and the farmers could not find a market for their grain at any price. Navigation would close in about four weeks. The situation was desperate, and the Minister of Finance came to the relief of the west to the extent of agreeing to advance through the banks to the grain dealers, ten million dollars, and I say if there was any act which was commendable on the part of a government, even stretching the constitution, the advancing of this money under the circumstances was justified. Two days after the announcement was made by the Finance Minister that the government was coming to the relief of the banks to the extent of ten million, wheat went up from eight to ten cents a bushel.

Hon. Mr. LOUGHEED—When was such an announcement made? I say positively he made no such announcement.

Hon. Mr. WATSON—He gave an interview of the press, and two days after the announcement was made by the Finance Minister, wheat went up seven and eight cents a bushel on the markets of Winnipeg.

Hon. Mr. FERGUSON—What was the announcement?

Hon. Mr. WATSON—That the government was coming to the relief of the banks to the extent of ten million.

Hon. Mr. FERGUSON—Did the Finance Minister announce that it was the intention to issue Dominion notes, irredeemable, as they practically were?

Hon. Mr. WATSON—The announcement was that the government were coming to the relief of the situation to the extent of ten million dollars, by advancing through the banks.

Hon. Mr. FERGUSON—Did it include the information that the notes were issued without a gold reserve—that the currency was practically irredeemable?

Hon. Mr. WATSON—I am not dealing with the details, but the Finance Minister did state that they were coming to the relief of the situation by providing ten millions to be used for the purpose of handling the grain crops of the west through the banks, and I say within two days after the announcement was made—and it was so admitted by the Grain Growers' Association when in Ottawa a few days ago—the elevators were opened and wheat went up seven and eight cents a bushel, and the class of wheat that would not be shipped out at all—which was considered practically worthless—realized 70 and 80 cents per bushel, and that wheat would not be worth ten cents to-day, if it had not been shipped. A great portion of that wheat found ready market in Ontario for feeding stock. That wheat would have been worthless by the time navigation opened in the spring. That was the situation. The government came to the relief, and I am not saying that they did not violate the Banking Act in doing it, but I say the government felt strong enough to come to the relief of the situation. I have no hesitation in saying—and it will be borne out by the grain-growers of the west—that that action of the Finance Minister in coming to the relief of the situation was worth from twenty to twenty-five millions of dollars to the farmers of Manitoba, Alberta and Sas-

katchewan, because the moment they made that announcement there was ten million dollars relief given, and the depositors were confident the situation was all right, and the banks realizing that matters were all right, released a lot of money they had in their vaults which was held in reserve in case of a run. I do not think the man is wise in his conclusions who tells me that the government were not justified in taking the action they did. Were the government not justified under the circumstances? Was the Finance Minister not justified? It is said that the banks would not take the money at the interest called for, and the leader of the opposition says that the best evidence that the banks did not need the money was the fact that they did not avail themselves of it. What was the situation The Minister of Finance wanted to assure himself that they money was properly applied, and wanted the Bankers' Association to appoint a committee to allot the money to the banks who were making advances to the grain dealers. The Bankers' Association would not appoint a committee for the purpose of allotting the money, and the Minister of Finance appointed a committee himself, composed of Mr. Clouston, of the Bank of Montreal, and Ex-Deputy Minister of Finance Courtney, and I forget the other, to allot that money to the banks for the purpose of facilitating the export of the wheat. The largest grain bank is the Dominion Bank—

Hon. Mr. LOUGHEED—Where does the hon. gentleman get that information? The Minister of Finance has refused to give the information which the hon. gentleman has now furnished, namely as to the particular banks to which the advances had been made. Is he speaking on behalf of the government?

Hon. Mr. WATSON—No, I am speaking of my own knowledge of the trade of the west. The Dominion Bank is the largest grain dealing bank. The banks refused to take the money at the rate of six or seven per cent, but I know that these very same banks that could not handle the accounts for the grain, advised their customers to go to the Bank of Montreal to get the money, and the result was the grain trade got the benefit in the west of that money being advanced. The whole arrangement was practically made through the Bank of Montreal. These banks did not take the money, but they got the benefit of that announcement, and the banks loosened up their vaults for the purpose of facilitating the movement of the wheat. The moment Mr. Fielding made the announcement that the government were coming to the relief—and I say there is no one act done by the present government that has been of more benefit to the farmers of the Northwest—and I have no doubt the statement will be borne out by the grain growers, it is worth 20 to 25 million dollars to the farmers of Manitoba and the west. I think it is a justification of any act of the government in stretching their power so far as the Banking Act is concerned, and the government who felt strong enough to grapple with a situation such as we had last fall, is to be commended, not only by the farmers of the Northwest, but by every manufacturer and every wholesale dealer. If that wheat had been all good wheat and could have been held over till this spring, till money eased up, it would have been a different proposition; but the representations made to the government were made through the Grain Growers' Association and the grain growers of the west, that there were 25 million bushels damaged. Wheat which would have then realized sixty to seventy cents a bushel, if kept till to-day would not be worth ten cents. It could not have been stored. The result of this commendable action of the government in relieving the situation was probably the means of preventing many people going into insolvency in the west—I will not say the east—although they are all interested in the financial standing of the people of the west, when, as I told the House in my opening remarks, the grain dealers' credit last season was limited to fifty per cent of their credit the year before. Wheat was a dollar a bushel instead of seventy cents the year before, and the banks instructed their customers that they were not to exceed their line of credit, which was never done before. They have sometimes exceeded their limit three or four or five or six hundred thousand dollars, but last year they did not

reach their limit, and they did not have one-third of the capital at their disposal to handle the crop. But it was not as bad as it was in the United States. We know very well that in the United States people simply could not get money from the banks. Men with deposits of from ten to twenty thousand dollars in the banks could not get $200 to pay expenses. They had to print their own money, and they had a system of passing letters of credit around through their customers. We were not in such bad shape in Canada, but the banks, for fear they should get into that position, held the money in their vaults until the government inspired confidence by stating that they were coming to the relief of the situation and then the banks knew they were all right, and the depositors felt that the banks were perfectly safe; and the banks felt justified in using part of the money which they held in reserve for the purpose of handling the crops. As I said before, while the government were only willing to advance six million dollars through the Bank of Montreal, I am satisfied it meant twenty or twenty-five million of dollars loosened up to get out the wheat of the Northwest, and the consequence was that the farmers were enabled to sell wheat which would have been practically valueless in the spring. My hon. friends say that the government should have waited until the matter was ventilated in parliament; but by that time the navigation would have been closed and it would have been impossible to get out the wheat. It was represented to the government that it was important to have that money available before the close of navigation in order to enable the people of the west to dispose of wheat which was only fit for feed, and then the government acted.

Hon. Mr. FERGUSON—When did navigation close at the head of Lake Superior last year?

Hon. Mr. WATSON—Navigation was open last year later than usual.

Hon. Mr. FERGUSON—How late?

Hon. Mr. WATSON—I think navigation closed about December 15, but we have no guarantee that navigation will be open so late in the year. We figure on navigation closing about November 15.

Hon. Mr. FERGUSON—Does the hon. gentleman say that navigation was open last year until December 15?

Hon. Mr. WATSON—I think wheat was shipped by the lakes up to about the middle of December last year, but the insurance on the lakes runs out about the middle of November and vessels have to carry grain at their own risk after that date. The government were justified in advancing the money. It has been repaid. The government were satisfied with the security. The banks were solvent and the government asked for six or seven per cent on the advance as a guarantee, I suppose, that the money would not be held longer than was necessary. There is no better security than wheat, and the result of the action of the government was that everything turned out all right. I think the government are justified in asking for an amendment to the Bank Act to increase the circulation when necessary for the purpose of moving the wheat crop of the west. This year we have a prospect that there will be at least 100,000,000 bushels of wheat for export. That being the case, the government is right in making provision for some elasticity, so far as the banks are concerned, in advancing money to handle the crop and they are to be congratulated on their foresight in seeking to make provision for a contingency such as arose last October. If there is any one act of the government which should commend itself not only to the people of the Northwest, but to the whole population of Canada, it is the action taken last fall in relieving the situation in the Northwest.

Hon. Mr. SCOTT—I wish to correct some observations made by the hon. leader of the opposition. First, I may say it was not on the individual responsibility of the Finance Minister that action was taken. It was on the responsibilty of himself and his thirteen colleagues who felt the necessity of immediate action and there was no violation of the Act, practically speaking.

Hon. Mr. LOUGHEED—What about generally speaking?

Hon. Mr. SCOTT—There were ten millions of Dominion notes lying in the vault

When the banks were asked to furnish gold they could not. They were asked if they could furnish anything equivalent to gold. After some consideration and an examination of the securities held by them, the Finance Minister was satisfied, and the banks handed over to the government securities quite as good as gold, so that practically there was no violation of the Act; but even if there had been a violation of the Act, we would have been recreant to our duty if we had not taken the responsibility. No fourteen members of the privy council would be worthy of occupying that position if they were not prepared on any occasion, under similar conditions, to do just as they did then.

Hon. Mr. FERGUSON—Did my hon. friend know when this issue began that it was made?

Hon. Mr. SCOTT—Certainly I did.

Hon. Mr. FERGUSON—I am glad to have ascertained that point to start with. The speech of the hon. senator from Portage la Prairie is altogether wide of the mark. He told us that the money advanced by the government was worth twenty-five millions to the people of the Northwest and the wheat would have been only worth about one-third of what it was sold for if it had been held over until the spring.

Hon. Mr. WATSON—I said it would be worth practically nothing.

Hon. Mr. FERGUSON—That is only making it stronger. But that has nothing to do with the question before us. The question is whether the government were justified in breaking the law, not only that but whether they were justified in breaking the law and denying that they were doing it in the very respect in which the breach took place? On the 2nd of December last we discussed the address in this House and the hon. Minister of Trade and Commerce made a speech in which he dealt with this question of the reserve held by the government for Dominion notes. Hon. gentlemen will notice that this order in council was dated the 12th of November, and the issue of notes began on the 20th of November and continued up to some time in January, so that on the 2nd of December when this debate took place in the Senate, the whole thing was in full blast, and the Hon. Secretary of State was sitting beside his colleague the Minister of Trade and Commerce and heard his speech, which I am about to quote to the House. The question of issuing Dominion notes on a freer basis in regard to reserve—for the question of issuing them without any reserve at all was not in anybody's mind—was discussed, and the Right Hon. Minister of Trade and Commerce made use of these words:

> You can, if you choose, possibly—but I do not think it would be at all a wise thing—relieve the government from the necessity of holding dollar for dollar of the legal tenders which they hand to the banks. I do not think it would be a politic thing. I do not think that bankers of the best standing in this community would advise that it should be done. Let my hon. friend remember this—that is practically the only gold reserve existing in Canada. The amount of specie alone held by the banks is quite insignificant in comparison with their liabilities. All they hold is specie and legal tenders. These legal tenders they have a right to draw from the government at an hour's notice, and it would be highly impolitic for us to let that reserve be depleted. We should retain a much stronger reserve for this purpose than twenty or twenty-five per cent. I am in favour of retaining our reserve as we have always had it, and that is dollar for dollar after we have made reasonable provision for our circulation.

Hon. Mr. DERBYSHIRE—He was studying the minds of the people.

Hon. Mr. FERGUSON—I doubt if even for such a good purpose as that, the Right Hon. Minister of Trade and Commerce should have made a statement in this House which was absolutely incorrect. I might say untrue, because that is the only language which can be used in reference to it. He was then asked by Hon. Mr. Lougheed:

> Hon Mr. LOUGHEED—I have it from an authoritative source that the reserve is twenty-five per cent on the circulation up to thirty millions, and after thirty millions, it is dollar for dollar.
>
> Hon. Sir RICHARD CARTWRIGHT—That is right. We are talking of rather different things. I was referring to the question as to whether it was not politic to diminish the gold reserve of forty-four or forty-five millions, or whatever it might be now in the hands of the government. My impression is that having regard to the fact that that is held by us in place of having had it remain in the banks, it would not be wise for us greatly to diminish it.

A few days before that the Toronto 'Globe' had stated that a measure was to be introduced early in the session, reducing the amount of reserve to be held, and at this point, I interrogated the Minister of Trade and Commerce as follows:

Hon. Mr. FERGUSON—Then the statement made by the Toronto 'Globe' two or three days ago, that it was the intention of the government to introduce a measure reducing the amount of the reserve to be held, was not made with authority.

Hon. Sir RICHARD CARTWRIGHT—No statement of that kind has been made with authority.

Here was a most explicit and emphatic denial that the government thought of doing such a thing, made in this House on the 2nd of December while this operation of circulating notes without reserve was in full blast at the same moment. The only inference I can draw from that is that neither the Right Hon. Minister of Trade and Commerce nor the Hon. Secretary of State knew what was going on.

Hon. Mr. SCOTT—I knew quite well what was going on.

Hon. Mr. FERGUSON—If the hon. gentleman knew all about it why, out of respect for himself and his colleagues, did he allow such an erroneous statement as that which I have quoted to be made without contradicting it? I took the more charitable conclusion that neither of the ministers knew anything about it, and that the Finance Minister was doing it behind their backs, and that they were making this statement in the House in perfect ignorance of what was going on. There can be no other conclusion than that, unless the right honourable gentleman was deliberatley misleading the House. My hon. friend laughs at that.

Hon. Mr. SCOTT—The hon. gentleman will find that an order in council was passed on the 12th November. Does he suppose that Sir Richard Cartwright and myself were not cognizant of that?

Hon. Mr. FERGUSON—I was trying to put a charitable construction on this matter, but my hon. friend rather puts himself in the position as a member of the government, of sitting in this House and hearing his colleague making a statement that was absolutely incorrect.

Hon. Mr. SCOTT—I do not know if I was present; all I can say is I knew what was going on. I urged Mr. Fielding myself, because I thought it was an occasion when we ought to take some risk. It had my cordial approval and, under similar conditions, I would do the same thing again.

Hon. Mr. FERGUSON—I am pleased that the hon. gentleman takes the matter more seriously and thinks now that he was not in the House at the time and did not hear the statement that was made by the Right Hon. Minister of Trade and Commerce. However, that it was made is evident from the report in the debates, and that the statement was not true is as clear as anything can possibly be. Therefore, the government is in the position of doing this thing in violation of the law and not only keeping quite, but saying what was untrue about it.

The SPEAKER—The hon. gentleman has no right to use that expression.

Hon. Mr. FERGUSON—We have a perfect right to criticise the government.

The SPEAKER—Yes, but not to say that a member of the House makes an untrue statement.

Hon. Mr. FERGUSON—I was speaking of the government: I said the government made a statement which was not true.

The SPEAKER—The hon. gentleman's remarks applied to the Right Hon. Minister of Trade and Commerce.

Hon. Mr. FERGUSON—Of course I had to base my statement somewhere, and having started with that, and brought it home to the government, I am perfectly right in criticising the government as freely as I please and accusing them of a great many things if I choose to do so; but I am not at equal liberty to make accusations against a member of the House in his individual capacity as a member.

Hon. Mr. BEIQUE—Was the Right Hon. Minister of Trade and Commerce dealing with a question of emergency when he made that speech or was he dealing with the general policy of the government?

Hon. Mr. FERGUSON—He was dealing with an emergency.

Hon. Mr. WATSON—No.

Hon. Mr. FERGUSON—If it is necessary to read the whole debate I will do it. The hon. senator from Calgary had spoken of the financial stringency, and indicated that a freer issue of Dominion notes and a diminuation of the reserve was in his opinion necessary in consequence of the state of the country at that time, and that brought up the question of the emergency; and yet the Right Hon. Minister of Trade and Commerce combatted the idea and said it would be a bad thing to do and that the government had no intention of doing it. When I told him that the Toronto 'Globe' had stated it would be done early in the session, the right hon. gentleman said the statement was made without any authority whatever. Now we know from the data supplied in this Bill that the order in council had been passed on November 12, and the issue of notes commenced on November 20 and was going on until January, while the statement in the House by Sir Richard Cartwright was made on December 2. Therefore, when the statement was made, the issue was in full blast, and the right hon. minister must have known all about it, or was ignorant of it. If he did know it, his colleagues had kept this information back and allowed him to make an incorrect statement to the House; if he did know about it, of course the matter will come home more directly and personally to himself. I should be sorry to believe that my right hon. friend would deliberately make an untrue statement, knowing it to be such, but the only conclusion at which we can arrive is that, when he made the statement the Finance Minister had concealed from him and my hon. friend the Secretary of State what he was doing.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—My hon. friend was possibly not in his place and did not hear the contradiction that was made. My hon. friend from Portage la Prairie took a long time and wandered away beyond the issue altogether. It goes without saying that ten million dollars, even if it was stolen or if it flew from above, or even if it came from below, if put in circulation would help the whole country. It would be a very easy matter, if we took this cheap way of doing it, to give every body plenty of money all the year round, but what does it mean? It means that the government is issuing what is termed rag money, and it is still worse if done without the sanction of the law. There may have been a pinch in some directions last fall. Some of the banks may have been short of money with which to supply their customers, and, on the whole, there may have been less funds available last fall then there have been in other years when times were better. I am willing to admit all that, but if I had known this was coming up tonight I could have turned up the statement of one of the best bankers in Canada made just about that time—I refer to Mr. Byron E. Walker, of the Canadian Bank of Commerce—who assured the people that the banks were in a position to furnish all the money necessary to move the crops of the country.

Hon. Mr. DOMVILLE—Why did they not do it?

Hon. Mr. WATSON—I care not what Mr. Byron E. Walker said. I know that Mr. Walker's customers did not have 50 per cent of the money they required to move the grain.

Hon. Mr. DERBYSHIRE—Why not discuss this when the Right Hon. Minister of Trade and Commerce is in his place?

Hon. Mr. FERGUSON—I feel a little uncomfortable to have this discussion at such a late hour, but if I am let alone I can get through what I have to say and that is all I want in the matter. I was pointing out what Mr. Byron E. Walker had said. There may have been a pinch with some of the banks ; some of them may have spread their wings too much, and were not able to supply their customers with money. There may have been a shortage, but the position I take is this; if the government were attending to their duty and were fit for the position they occupy, they should have seen that storm coming and prepared for it without violating the law. Parliament would have been convened by the 12th of November if they had done what they promised to do ; but the opening of parliament was delayed and we did not

meet until the 28th of November. It was only eight days before the opening of the session that this issue began. Would it not have been an easy thing to have called parliament two weeks earlier and obtained some relaxation of the law with regard to the issue of Dominion notes?

Hon. Mr. WATSON—If parliament had been called two weeks earlier would the hon. gentleman and his colleagues have consented to the course the government felt obliged to take? The hon. gentlemen would have obstructed until the lakes froze up.

Hon. Mr. FERGUSON—The hon. gentleman from Calgary, without knowing what the government were doing illegally, suggested that there should be a freer circulation and a diminution of cash reserve. If the government had called parliament a little earlier they could have submitted the measure which would not perhaps have been altogether of this nature—that is an absolute issue of notes without a gold reserve, but assistance could have been given to the banks with the sanction of parliament, and which need not have created any panic or difficulty in the country. I suppose the plea is set up that had the government let the people know what they were doing there would have been a panic or something like that. I am scarcely disposed to dispute that statement. If it became known all over the world that such was the condition of our financial affairs that the government had to lay violent hands on ten million dollars, and issue notes practically irredeemable—because they had not reserve of gold against them—it would have seriously damaged the country, and damaged it all the more when it became known that it was done secretly.

Hon. Mr. SCOTT—It was not done secretly, and securities as good as gold were taken for the advance.

Hon. Mr. FERGUSON—It was not only done secretly, but it was denied by a member of the government while it was being done.

Hon. Mr. WATSON—Right up to the time—in fact after the time the announcement was made by the Minister of Finance, every bank president in Canada was stating through the press and to the Finance Minance Minister that they had ample money to supply the grain dealers of the west. If that statement was made and parliament had met, the hon. gentleman would have contented himself by saying that the banks did not need that money. The fact is, when the government did advance the money wheat rose in price eight cents a bushel.

Hon. Mr. FERGUSON—That has no relevancy to what I have been saying.

Hon. Mr. WATSON—The banks stated that they had ample money to move the crop.

Hon. Mr. FERGUSON—Then why was this done?

Hon. Mr. WATSON—Because the government were put in possession of information that the statement was not correct.

Hon. Mr. FERGUSON—Then it was mere bluff on the part of the bank presidents, when they claimed that they had sufficient money to handle the crop of the country.

Hon. Mr. WATSON—I could quite appreciate a bank president stating that they had ample money, but as a matter of fact, they did not have the money, and they had not the money to handle the wheat.

Hon. Mr. FERGUSON—I want to point to some dates. My hon. friend evidently very quickly understood the point of my inquiry, when I asked him when did the navigation close last fall on Lake Superior. He put it as late as the 15th December. We may, before this debate closes, have accurate information as to when the navigation stopped. I am under the impression that it closed earlier.

Hon. Mr. WATSON—All the greater necessity for getting the money.

Hon. Mr. FERGUSON—If no wheat went out after the 20th November, there was no necessity for the advance.

Hon. Mr. WATSON—After the information was given that the money was to be advanced, wheat went up eight cents a bushel.

Hon. Mr. FERGUSON—And entirely due to this announcement being made?

Hon. Mr. WATSON—I believe so.

Hon. Mr. FERGUSON—It would be difficult for my hon. friend to prove that, but he must have some regard for these dates. The first issue did not take place until the 20th November. I am quite certain I am speaking within bounds when I say the movement of the crop was practically over at that date. The wheat had to be moved from western points, but it does not reach Lake Superior in a day or two days; it takes many days to get down that far. It has, I presume, to be paid for when it is bought from the farmers.

Hon. Mr. WATSON—I have stated that the moment the announcement was made, the banks loosened up the money they had in their vaults and advanced funds to move the wheat. They did not wait for the issue of Dominion notes but——

Hon. Mr. FERGUSON—What proportion of the crop was handled after that statement on the 20th November? What prospect was there of moving the crop down over the lakes and selling it after that date?

Hon. Mr. WATSON—It was October, not November.

Hon. Mr. FERGUSON—I will read from this Bill in order that we may get at the facts:

Whereas, for the purposes set forth in an Order in Council of the 12th November, 1907, and an amending Order in Council of the 26th November, 1907, copies of which, with related documents, have been laid before Parliament, and pursuant to the said orders, the Minister of Finance between the 20th November, 1907 and the third day of January, 1908 from time to time issued and made advances of Dominion notes to the amount of $5,315,000 the greatest amount of any such notes at any time issued and outstanding being $5,115,000, and so on.

I want just simply to get at the dates, and I want my hon. friend from Portage la Prairie to observe the point I desire to make in connection with that, and it is this: that the payment for the wheat would have to be made to the farmers on delivery. I suppose that is generally the course out there. On the 20th November, this money began to be issued.

Hon. Mr. WATSON—The banks started to loosen up on the money the moment Mr. Fielding made the announcement. I think it was the latter part of October. I took a memorandum of the date when I came to Ottawa, and while I was here Mr. Fielding made the announcement, and two days after that announcement, wheat went up 7 or 8 cents a bushel.

Hon. Mr. FERGUSON—Nobody has disputed that an increase of circulation of that kind would be beneficial to the market.

Hon. Mr. WATSON—But the banks loosened up before they got the Dominion notes.

Hon. Mr. FERGUSON—My hon. friend cannot be cornered upon dates, because when he finds one date does not suit him, he will try to get back to another. My hon. friend endeavours to get away whenever he finds a date seems to tell against his contention. There was no necessity for the hon. gentleman's argument that the money was beneficial to the west, and that it was beneficial to the east as well. A large amount of money such as that going into circulation could not help having a good effect, but if it were known in financial circles at home and abroad, especially abroad, that such a drastic thing as this was being done, it might perhaps do as much harm, or more harm, than the circulation would do good. I think in view of the stringency of last fall and of the very drastic action of the government, that we have great reason to thank Providence that some great financial disaster did not overtake the government, because if this action of the government came to be widely known, it could not have anything short of that effect. I am not finding fault with the government in coming to the relief of the country and helping out the movement of the crop of the country. That is everything to us; but I do say that the government should have seen this trouble coming—and my hon friend is only making a strong argument against himself when he tried to put the difficulty away back in October. If that were the case, why did not the government call parliament together earlier and deal with the financial situation at an earlier date? It may be they will say: 'If you call parliament earlier we would have to make statements that would have caused a financial

panic, or something like that. I do not think this would have caused anything like a panic if the aid was given in a legitimate and reasonable way, and that way would have been to increase the amount of Dominion notes that can be issued on a deposit of 25 cents on the dollar. Hon. gentlemen will remember that we have two provisions with regard to the issue of Dominion notes, and the gold reserve being held for them. Up to thirty millions dollars, the issue can be made with 25 per cent of gold in reserve. From 30 million upwards there is to be dollar for dollar. Had the government called parliament together, and increased the amount that might be issued on 25 cents to the dollar, to 8 or 10 million dollars, it would have accomplished the whole purpose, and it would not have strained the financial reputation of the country, and would not have led to a violation of the law. They might have made it easier than that to the banks, but it should have been on some basis of a gold reserve, and it should not have been done in violation of the law. My contention is that the government should have called parliament earlier and laid the whole matter before parliament, and they could have found relief for the situation.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. Secretary of State why it took six or seven months for parliament to ask for an Act of indemnification for an illegal act committed six months ago? Under ordinary circumstances, where an illegal act had been committed, parliament is usually asked to indemnify the government which committed that act as soon as parliament meets. In this case, parliament remains in session for some six or seven months. It may be a matter of laughter to my hon. friend who has been calling 'question' for some time, and seems to be very much exercised over the debate which has taken place——

Hon. Mr. DERBYSHIRE—At the simplicity of some of the suggestions—that is what I am laughing at.

Hon. Sir MACKENZIE BOWELL—If I were to accept my hon. friend as an authority upon that, I would accept his statement, but I decline to discuss that question with him, and I merely want to point out what I think the hon. gentleman from Portage la Prairie was attempting to do. He very dexterously evaded the point urged by the hon. gentleman from Calgary. He devoted himself entirely to a defence of the government under the circumstances that existed at the time. My hon. friend from Calgary never questioned that in all the remarks he made. The point he took was simply that the government, under the circumstances, should have informed parliament at the earliest possible moment. The point taken by the hon. gentleman from Calgary was that having under the circumstances issued these Dominion notes in order to come to the relief of the grain buyers, or the farmers, just as you please under the circumstances, should have reported the fact at once to parliament, and asked for an Act of indemnification. I question very much if ever a similar precedent—and we have been dealing a good deal with precedents to-night—can be produced to show that any member of the Exchequer in England would ever commit an act of that kind without calling parliament together or announcing to parliament at the very moment it met, what had been done. We know in reading the history of our own country that when extraordinary circumstances having arisen in which it was absolutely necessary to have money to prosecute a war, or any other incident that made it absolutely necessary to have money, parliament was called together immediately, or if any step had to be taken in order to obtain money for any case of emergency, parliament was informed of the fact the moment that it met. Here we have acts which are admitted to have been performed illegally, because we have a Bill before us to indemnify the government for having committed an illegal act: but parliament was not informed of the fact; on the contrary, the evidence that has been produced to-night shows that they kept it secret from parliament for a long time, and now they are asking for an Act of indemnification. That is the position taken by my hon. friend in front of me. He did not argue the question my hon. friend from Portage la Prairie put forward. My hon. friend from Portage la Prairie made an admir-

able election speech—a splendid one—but he was performing the act of a Don Quixote. He was pummelling at a windmill he could not reach. To my mind I would not like to attribute a motive to the hon. gentleman.

Hon. Mr. WATSON—You cannot.

Hon. Sir MACKENZIE BOWELL—But if he wanted to fix upon the hon. gentleman from Calgary and those of the opposition who find fault with the manner in which this is done, an opposition to the act of the government when they came to the relief of the farmers or the grain buyers in the west, that is what my hon. friend has done. He is just following in the footsteps of the members that support the government. They evade entirely the question at issue as to the mode in which it was done, and and the impropriety with which it was done. My hon. friend from Marshfield has called attention to the speech of the Minister of Trade and Commerce. I was not at all surprised to hear the utterances of the hon. gentleman upon that question at that time. I knew nothing of what had been done, except what was rumored in reference to the advancement of this money; but I heard Sir Richard Cartwright in 1874, when the thermometer was 15 or 20 below zero, with his fur coat on, enunciate the same principle at an election meeting, and when I replied, and pointed out—although it might be considered presumption on my part—that with regard to the issue of Dominion notes it was necessary to hold dollar for dollar for every note after the thirty million had been issued. To this proposition I took exception.

I think the credit of the country is such that under such circumstances as these, the government should take power, so as not to have to violate the law, to issue ten or twenty million without a gold reserve. It might not suit the theoretical finance men in Europe. They might say it was not safe, but the opinion I have of the credit of this country and the ability of the Dominion to meet any emergency of that kind, that a law should stand upon the statute-book by which the government should be enabled to issue any amount necessary, and I commend any government that has the courage to do that. At the same time, there should be a legal means of doing it, which should be followed under all circumstances. That is, unless the government is to assume the responsibility of so grave an act without the consent of parliament, which might lead, under some circumstances, to disastrous results. I am not at all surprised at the divergence of opinion between the ministers. I do not know that there is any hon. gentleman in this House who knows better than the hon. gentlemen who have been here for years, that we have had men in the position of the Secretary of State who have repeatedly told the House, when asked for information, that it could not be then furnished and asked for delay; that they knew nothing at all about it. I have called attention over and over again to the fact that the principle upon which this government has been carried on to a great extent—is by administering by heads of departments, without any consultation whatever with their colleagues, and the evidence that we have of that over and over again has been the fact that important measures affecting the interests of this country, affecting the trade and commerce of this country, have been brought before us and the ministers have told us they knew nothing at all about it.

Hon. Mr. GIBSON—My hon. friend from Marshfield, who seems to have been the particular critic with regard to the mode adopted by the government to relieve the financial pressure in the west, laid great stress on the fact that the government should have called parliament together for the purpose of making a call upon the reserve, required for the temporary loan. He speaks of making gold as he would turn out pig-iron or something else. Where would my hon. friend get the gold? Would not the government have to purchase the gold, and would not the credit of the country have to stand behind the gold the country bought for the purpose of turning it into coin? But the government did not require to do that. The government did a sensible thing, and that is the trouble. The success of the action of the Finance Minister and the mode they took of dealing with an important question at a time when the credit of Canada stood in jeopardy and when the trade of our country was stand-

ing still is making our friends in the opposition angry. The government did not ask the banks to advance the money and put up a gold reserve; but the government gave the banks their Dominion money, which at all times stands with the banks as a gold reserve, so far as the bank is concerned, and the Bank of Montreal was the medium through which these five or six million dollars was sent out. Now, where was the constitutional right that the hon. gentleman from Marshfield spoke about. He would have called parliament together to do what? To create more gold, to build up a gold reserve for five or six million dollars to meet this wonderful expenditure. The fact of the matter is this: that from the hon. gentleman who leads the opposition down to my hon. friend from Prince Edward Island, every one of them is angry at the success of this move by the government, and that is the only excuse they have for declaring the government went the wrong way about it. Suppose they did? It was the right way so far as the needs of the country were concerned? Parliament had not met, and as the hon. gentleman from Portage la Prairie has explained, it was getting near the close of navigation. Desperate diseases require immediate cures, and sometimes, perhaps, desperate cures, and in this case it was a matter of desperation. It was a case as to whether the grain crop of the Northwest was to be left in the country and carried over for another year, that the banks would have had to provide the money and maintain the debts which were contracted by the grain growers or move the crop, and the government very wisely and very properly called a meeting of the bankers and said: 'As a medium, the Bank of Montreal will provide any money necessary up to ten million dollars, and you will get Dominion money in security for the money you lend out.' And after all, as my hon. friend from Portage la Prairie says, the whole amount that they required was only between five and six million dollars, showing that confidence had been restored to the country; that the particular fact that the government were going to stand behind the crop, that they would see that the crop of the country was moved, the credit of Canada was sustained, and the only regret of hon. gentlemen on the other side of the House is that the government sensibly carried out the measure of relief. I agree with the hon. gentleman from Portage la Prairie, that if there is one thing that redounds to the credit of the Dominion government to-day, it was this act of theirs, which not only saved the reputation of Canada but saved the Northwest from ruin, and I contend that when they commit an act of this kind, although not within the law, yet within their powers, the people of Canada, whose representatives we are, will absolve the government and forgive them for the acts they have done, so far as this part of the administration of the affairs of the country is concerned, I am sure that the government is to be commended for taking the advice of the people who, perhaps, were more directly interested than the people from the east, and acting with the promptitude they did, saving the situation, saving the reputation of Canada, and saving a large sum of money to our people who are more directly connected with the growing territories of the Northwest and Manitoba.

The motion was agreed to and the Bill passed through its final stages under the suspension of the rules.

BILLS INTRODUCED.

Bill (160) An Act to amend the Bank Act.—(Hon. Mr. Scott.)

Bill (165) An Act respecting the Court of Appeal of British Columbia.—(Hon. Mr. Scott.)

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

THE SENATE.

OTTAWA, Wednesday, June 24, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (FFF) An Act respecting a certain patent of Wm. B. Smith.—(Hon. Mr. Power.)

Bill (GGG) An Act for the relief of Arthur James Townsend.—(Hon. Mr. Campbell.)

INLAND FISHERIES.

INQUIRY.

Hon. Mr. COSTIGAN rose to:

Draw the attention of the government to the advisability of obtaining information regarding the inland fisheries, which would be of great value to the Fisheries Department, and to inquire what powers the International Commission on Fisheries will have, and what class of subjects may be considered by it?

Hon. Mr. SCOTT—The answer to the hon. gentleman's question is as follows:

The International Commission to be appointed under the treaty recently entered into with the United States for the unification of fishery regulations in waters contiguous to the International Boundary Line, will necessarily deal with information, researches and recommendations for the establishment of provident regulations for the conservation and protection of the fisheries there.

The Minister of Marine and Fisheries is at present considering a Commission of Inquiry into inland fisheries.

Hon. Mr. COSTIGAN—I should like to make a few remarks upon the notice of motion. My object in moving for this information was because I feel a very deep interest in the fisheries, especially in the inland fisheries of this country. I am quite satisfied that the deep-sea fisheries are fully appreciated by our Canadians. There is no question about their importance in the mind of any of the public men of this country, I think; but I am of opinion that our inland fisheries have so far been undervalued. I attach a great deal of importance to the protection, development, and to an intelligent administration of that branch of that big department. I am finding no fault with the Department of Marine and Fisheries, but I must call the attention of hon. gentlemen to the fact that that department is not one of fisheries alone; it is also a department of marine. And when we consider the great work that has been carried on by that department lately with regard to the improvement of navigation, the establishment of lights, the construction of harbours, piers and breakwaters, and other improvements required to secure the safety of navigation in the rivers and lakes of this country, we can see that with these heavy duties imposed on that department, it may be they have not had sufficient time to devote all the attention they would like to give to the subject of fisheries, and especially the inland fisheries. I had hoped in the early part of the session, when the hon. senator from Middlesex put a notice on the paper asking for the appointment of a number of committees, that one of them would be empowered to deal with the question of fisheries in the way of obtaining information. It is no reflection on the work of the department, I care not how well administered it may be, if a committee is appointed just as the Agricultural Committee of the House of Commons has been appointed, to collect information. That committee has obtained information of great value to the Minister of Agriculture though having no control over the department and the action of the minister. The information that the committee has obtained can be utilized as far as the minister thinks advisable in the public interest. I should like to mention a few points that would be of interest to the department, and on which they should have information, and I do not know of any way of getting information more economical than through a parliamentary committee. For instance, we have developed fish hatcheries all over the country. The department distributes young fish to restock certain waters which are becoming depleted. There ought to be information in the hands of the department as to what lakes and rivers are most suitable for restocking, and what kind of fish are best adapted to particular waters. This can only be obtained by information from outside. There are, of course, scientific men in the department; there is Prof. Prince, a good officer, who gives attention to all these subjects; but Prof. Prince cannot go all over the country to get this information. It might be got more easily by a committee, and the department could utilize whatever portion of that information they consider valuable in the public interest. It is not only a question of putting young fish in a lake to restock it; the department before going to that expense ought to know what the food supply is in that lake, and whether it is suitable for the variety of fish they are putting there. There is another

question also which comes up. According to the fisheries laws, provision is made that the rivers and lakes shall not be obstructed in such a way by the erection of dams as to destroy fish life. We have dams all over this country in which there are no fish ways, and that is unfortunate so far as the inland fisheries are concerned. I have several times visited Algonquin Park. Whoever selected that location as a park could not have made a better selection on the continent of America for the purpose to which it is devoted. It takes in all the head waters of different streams in that whole section of country, and is preserved as a breeding ground for animal and fish life. If proper protection had been given there, all the rivers flowing from that part would become stocked with fish and the adjacent woods with game. I am not sure that the regulations to protect game and fish in that part of the country have been as strictly enforced as they should have been. I am under the impression that up to a very recent period, and even up to the present time, in certain localities, the sympathy of the public is with the poacher. In consequence, violators of the law are often allowed to go free. That shows that the question is not thoroughly understood by the general public. I am glad to see there is evidence every day coming before us, that throughout the country greater importance is attached to our inland fisheries than heretofore. It is necessary that the growth of that feeling should continue until the people of Canada become satisfied that it is their duty to protect their fisheries, and maintain them as one of the greatest of our national assets. In the Algonquin Park, of course, there were large lumbering industries carried on, and I believe the lumber has been pretty well cut away; but the lumbermen in order to carry on their operations and get the lumber out, had to dam the rivers and streams. That was all right, at the time, but see the effects of it. These lakes were dammed, raising the level 10 and 12 feet higher than the normal height, flooding the land and killing the trees wherever the water overflowed. No fish way was provided. The fresh water fish are different from the salt water fish. They go down the river at a certain season and return if they can. The salt water fish ascend the river as early as they can in the spring at different seasons to spawn in the fresh water. The fish in those lakes —I am speaking now of Algonquin Park— give evidence of the effect of the dam. The fish have no difficulty in going down over the dam, but when they go down they never come back, and to-day you will find the lakes in the Algonquin Park are becoming very rapidly depleted of the trout and fine fish which used to frequent those waters. That is one of the effects of being too easy. If the lumbermen have taken the timber out of that country, there is no good reason why the dams should be maintained—at least some of them should be done away with, and I think in most of them fish ways could be put in at very small expense. I am very glad to have the answer given by the leader of the government here to the question with regard to the International Fisheries Commission. As I understand it, they will have power to make reciprocal regulations with regard to fisheries on international waters. The River St. John is an international river. At Grand Falls, where it is an international river, there is an impediment to navigation, and to the ascending of the fish above that. The falls are 75 or 80 feet perpendicular. No fish can ascend that. Some years ago, I tried to start negotiations with the American authorities, to get just what would be covered by this International Commission. I failed to make any progress at that time. But I can see the interest that Canadians feel, especially in New Brunswick, and the province of Quebec, and that the State of Maine would feel also in regard to this question. The River St. John drains a large portion of the State of Maine, and a very considerable portion of the province of New Brunswick. The head waters are all I may say, in the province of Quebec, in the State of Maine, and partially in New Brunswick. The main river itself is largely in New Brunswick. On the State of Maine side, there is the Fish River, the Alagash river and other tributaries that I might name, having extensive chains of lakes and fine spawning

grounds for all kinds of fish. Take the province of Quebec, the Madawaska river empties into the St. John at Edmunston, and eleven miles above that is the interprovincial line and there is an immense chain of lakes, the Madawaska branch, the Toladi, the Cabano, the Squatic and others, and all having immense lakes, teeming with fresh water fish now; but if the International Commission would agree to build a fish way at Grand Falls, a very simple and inexpensive process, they might bring many varieties of salt water fish clean up into the lakes, because the same difficulty that applies to the dams now applies to Grand Falls. Salmon fry were put in above Grand Falls, but that was the last we heard of them. When they grew a little they got down to the salt water. They can get down but they never get back above Grand Falls. If there were a fish way, the fish would always go back to where they were spawned. I have confined myself principally to a few points in connection with what I consider to be a very interesting subject, the inland fisheries, and I hope that a few of the hon. members better acquainted with the deep sea fisheries would say a few words on the admitted importance of that subject. One or two hon. members who intended to speak upon this question are absent. I belive some hon. members who are present will take part in the debate. I should like to see the Marine and Fisheries Department take hold of the question. I suppose it is too late in the present session, to have a committee appointed, but if the department would send some one to travel through the country before putting young fish into any lake or stream, to report back to the department the food in that stream, the kind of fish that would thrive in such waters, they would be acting more intelligently than by putting them in haphazard as they are doing now.

Hon. Mr. ROSS (Halifax)—I was not aware that this subject was coming up; therefore I did not make any particular preparations for it. I desire to say a word or two with regard to the deep sea fisheries. From the returns that we are receiving this year, we find the deep sea fisheries are as abundant as they ever were before. The Lunenburg bankers are now out for their second cargo, having come in with their first cargo averaging from 1,000 to 1,500 barrels. The spring mackerel is most abundant on the coast of Cape Breton. So much so, that all the barrels and puncheons and every receptacle that was to be got were filled with fish, and afterwards people had to salt them in their boats and we have other evidence that the deep sea fisheries are as abundant as ever. One good thing has been done, or is being done every year. Our own cruisers are keeping the United States fishermen outside the three-mile limit. The great drawback to the success of our shore fisheries is the dog fish, and that curse is continuing from year to year, and I think that the method introduced by the Department of Marine and Fisheries to destroy the dog fish is a decided failure. They might as well try to bail out the Atlantic with a bucket as to try to destroy the great schools of dog fish that frequent the coast of Nova Scotia and Cape Breton, particularly Cape Breton. In the first place, a large amount of money is spent upon machinery to convert the dog fish into a fertilizer. The situation so far is that that product would have to be carried to market by steamers and then by rail, and that is too expensive for the farmers to do. The dog fish swim very fast, and they may be here to-day and perhaps 300 miles away next day from the place where those fertilizer factories are erected. For instance, the fish may be along the coast of Bay St. Lawrence and Cape North while those factories are at the Strait of Canso. So that I do not think the method they are trying to destroy the dog fish with will ever have any good effect, further than the expenditure of so much money will be of benefit to the people that are employed at it. The method of destroying the dog fish should be, when the lobster factories are done canning lobsters, and the season is over to give the factories or the fishermen about the factories a certain price for every hundred or thousand dog fish they bring ashore. If it extended all over the coast it might be, in time, the means of reducing this plague; but I think that the history of this plague will be that the dog fish will

go away perhaps in a year or two, as they have done before, to other regions. Fish follow the food, and if they do not find the food as plentiful on the coast of Cape Breton as it is on the coasts of Norway and England and Scotland, they will go over there to get better food. A word about the river fisheries. There are 14 rivers in the county I used to represent, on which salmon ascend, and descend, every year, and it is known by every fisherman that the salmon will go to its own river, and will not change going to its own river from year to year. It will always ascend and descend the same river. The government appoints guardians, or at least the representatives of those counties name the list of guardians for those different rivers. These guardians belong to the districts in which they are appointed, and supposing they find a man, woman or child catching a fish in the close season they are not going to see them punished. They do not want to have any bad feeling in the neighbourhood; therefore I think the protection of the salmon of the river should be put in the hands of strangers who would understand their business and would have no sympathy with the people. I do not think the present method of preserving the salmon going up and down the river is at all effective or successful. You catch the salmon on the sea coast of Nova Scotia at certain seasons. That is a legitimate business, but when they come up the river to spawn, to catch them then is to destroy these streams as fishing grounds. I have nothing to say about the Department of Marine and Fisheries. But I think there should be a department for fisheries independent of the Marine Department. I have often talked fish with some of the officers of that department, and found that, to speak moderately, they were very theoretical in their ideas, that they never had any practical experience, and that what they knew of the fisheries they had learned from books. In every department of life, experience is worth a great deal. It is the experienced miner who discovers where the gold lies in the country, and it is the experienced fishermen who would make the best regulations for the protection of the fisheries.

Hon. Mr. ROSS (Halifax).

Hon. Mr. ROSS (Middlesex)—I am not an expert in the matter of the fisheries, either inland or deep sea, but I feel that the hon. member who put this motion on the paper has brought before the House a very important subject. I regard the fisheries of Canada on a line with the other native resources which require careful supervision. We began a discussion some weeks ago on the subject of pulp wood, one of our natural resources, which it is felt here in this parliament, and in the legislatures of the provinces, require some sort of protection, if not protection in the sense of looking after its interest in the way of tariff, at least in some form in which it may be preserved and perhaps conserved for the benefit of future generations. A movement has been made in that direction in the province of Ontario. In fact the movement was begun some years ago. It commenced with the pine timber, and that movement is spreading to other provinces and is receiving the attention of some of the best men in Canada and the United States, so far as pulp wood is concerned. The fisheries question is somewhat on a par with the pulp wood question. It is plain that our inland fisheries may be so depleted by want of management and proper protection, that in a few years they will be practically valueless, and I do not think this House could better occupy its time than by devoting its most serious consideration to the preservation of our inland fisheries. The value of our fisheries as a national asset is hardly appreciated outside of parliament, if it is really fully appreciated inside of parliament. In the last report of the Minister of Fisheries that I have been able to put my hands on, a couple of years old, I find that the value of our fisheries amounted to $29,479,000, and to some of the provinces they must be of great moment. For instance, the value of fisheries of British Columbia that year was $9,850,000. To a small province, so far as population is concerned, that is really a very large sum. The value of the fisheries of Nova Scotia that year was $8,259,000, New Brunswick $4,847,000, Quebec $2,000,000, Ontario, mostly inland, $1,708,000, Prince Edward Island about $1,000,000, and Saskatchewan, far inland, $1,-

811,000. Now, in money that represents a large amount—more than the produce of our gold mines, in fact more than the produce of all our mines put together. Then I find that in 1895 82,870 fishermen were employed in the Canadian fisheries. In the lobster industry alone, there was a capital of $1,426,000 invested, and there were 723 canneries distributed in Nova Scotia, New Brunswick, Prince Edward Island and Quebec, employing over 14,000 persons. I will not trouble the House with figures; they speak quickly and very strongly. Eighty-two thousand of our population with the families dependent on them may represent nearly half a million people; $29,000,000 income to Canada from fisheries represents the maintenance of a great many persons, and represents a large industry. If to that we add the training which those engaged in the fisheries have for naval pursuits, should we ever organize a Canadian navy—and that may not be so far distant after all—we can see the great importance of the industry to us as a young nation. The great struggle made by France at the Treaty of Paris in 1763, was to preserve the island of St. Pierre and Miquelon, in order to have a training school for the navy. France insisted on having control over those islands from that day to now. The British navy is, to some extent, recruited from the fishermen of Newfoundland, and our people are, to some extent, supplied with food from the same quarter. The subject has a wide sweep and deserves our serious attention. As far as our inland fisheries are concerned, we labour under two difficulties. The first is that the control over those fisheries is a divided one. In the province of Ontario, we have been subjected to the great annoyance that no matter what regulations might be made for the preservation of our fish in the western lakes, on the boundary line we were frustrated in our efforts by the regulations on the United States side. The close season and the spawning season were different on the two sides. At Detroit, our fishermen were not allowed to fish at a time when United States fishermen were fishing up to the boundary line. Various efforts have been made by the department of the Ontario government to secure some joint action whereby the neighbouring states would co-operate with us and pass regulations like ours as to the close season. We have failed in that, but, happily, our ambassador at Washington has been more successful than we have been, and we have before us an arrangement for the appointment of an international commission. In Ontario we could only negotiate with individual states. Michigan might be quite prepared to enter into friendly relations with us and agree upon a close season, but Ohio, or Pennsylvania or New York might not, and our efforts were, therefore, rendered nugatory, and we have failed up to the present. When this International Commission goes into operation, and agrees upon regulations whereby similar rules as to the close season shall prevail in all international waters, I think the difficulty will be, to a certain extent, overcome.

Hon. Sir MACKENZIE BOWELL—Is not the regulation of the fisheries in the United States confined to each State?

Hon. Mr. ROSS (Middlesex)—It is. That is just what I was pointing out, that we had to negotiate with the different States.

Hon. Sir MACKENZIE BOWELL—Will the gentlemen who are negotiating this treaty have power to interfere with the constitutional rights of the different states? We know what we experienced in connection with the Washington treaty; our people were to have the use of canals in the neighbouring states, but that was refused by the State of New York.

Hon. Mr. ROSS (Middlesex)—That clause of the Washington treaty was rather loosely framed. All the United States were required to do under the Washington treaty was to use their kindly influence with the State of New York to allow us the same privileges on the canals of that state as we conceded to the United States in Canadian waters.

Hon. Sir MACKENZIE BOWELL—Could they have gone further?

Hon. Mr. ROSS (Middlesex)—I think not. Whether they used their friendly efforts or not I cannot say. I am not advised officially, but I read somewhere in the dis-

cussion of this question that this treaty with the United States would carry power to the central government to make the regulations for which this commission is proposed to be appointed, and that it supersedes the individual powers of the states—that the individual powers of the states are in abeyance, subject to this treaty. Whether that is the case, the hon. Secretary of State can tell us later on; but that is the conclusion I came to from reading the debate, and I hope it is so.

Hon. Mr. POIRIER—That may have to be settled by a reference to the Supreme Court of the United States.

Hon. Mr. ROSS (Middlesex)—I am not able to say whether the United States could make a treaty with Canada which would supersedes for the time being the rights of the individual states in the matter; but if they cannot do that then I do not know what great use the commission will serve. It will be then merely for the states to accept in a friendly way whatever regulations the commissions may agree to, and perhaps they would. It is a subject at all events for an amicable settlement, if it may not lead to a legal settlement of what I consider a great grievance so far as Ontario is concerned. Lake of the Woods has been completely fished out, not by Canadians but by United States fishermen. The white fish is getting very scarce in our upper lakes. Superior, Huron, and even the lower lakes have supplied us with the best white fish in the world, but they are getting scarcer, being fished out by contractors from the United States. The fish migrate from one side of the lake to the other, and though we may guard our fish on our side they are caught on the United States side and are used in the United States cities as food. Another difficulty we have had is the division of authority between the provincial and the Dominion governments in the matter of the fisheries. By a decision some ten years ago, the Privy Council found that the provinces had only a divided authority with the Dominion. We own the fish if we can catch them, we own the property and the stream, but the regulation of the close season and the machinery and material and implements by which fish may be captured, are all under the control of the Dominion government, so that except in waters purely inland and over which the Dominion has no control whatever, we have been unable to make such arrangements for the protection of our fisheries in international waters as would be of service to us. We could make regulations, for instance, on Lake Nipigon and lakes in the neighbourhood of Algonquin Park because they are entirely under our control.

Hon. Mr. POIRIER—Could you in Hudson Bay?

Hon. Mr. ROSS (Middlesex)—In that case, Ontario might have to make an agreement with Quebec. We have been endeavouring to protect our fisheries. The inland fisheries are of the greatest importance in the way of revenue. The State of Maine derives a large revenue from sportsmen. That is one view of the question that ought to engage the attention of this House. I have sometimes thought that it would be advisable to amend the British North America Act so that either the provinces or the Dominion should have individual control over the fisheries. A divided authority is inconvenient. It leads to irritation sometimes, and leads to confusion and multiplies officers. There is another matter germane to this, that is in the distribution of spawn from the hatcheries of the Dominion government; our inland lakes should be stocked. I know many inland waters of Ontario that are fished out, and yet I do not know if provision has been made for restocking those waters. There is where the resources of a province might be served. There is no doubt the waters of Ontario are capable of sustaining the most valuable fish in the world, and yet the provisions for restocking them are insufficient. I notice that the Sandwich hatchery supplied 63,000,000 young fry for distribution in the province of Ontario. Of these 4,000,000 were distributed in Lake Huron. What is the use of stocking Lake Huron if the United States fishermen may fish it out at their sweet will? The same remark applied to the distribution of spawn in Burlington Bay, and the Thames, the Sydenham and the Detroit rivers. Then the Newcastle hatchery supplied spawn for Lake Consecon, Charleston lake, and a number of other lakes.

These are very important features of our fishing industry, and while I rejoice that this treaty has been framed and hope that it will have a pretty wide sweep, I would emphasize the importance of the subject mentioned in the motion receiving attention. It affects not only the food but the sports of our people. All these subjects arise out of the consideration of the fisheries, and too much attention cannot be given to the subject by the department and the government.

Hon. Mr. POIRIER moved that the debate be adjourned until to-morrow.

The motion was agreed to.

THE QUEBEC BRIDGE.

MOTION POSTPONED.

Hon. Mr. LANDRY inquired :

1. The government, in 1903, having concluded with the Quebec Bridge and Railway Company, a financial arrangement in which one of the obligations of the contract was the immediate subscription of additional shares to the amount of $200,000, who are the parties that subscribed the additional amount?
2. How many shares have been subscribed by or allotted to each shareholder?
3. Did the company afterwards devote the amount which it so obtained to pay for works chargeable to capital, or has it not rather employed almost the whole of that sum, to wit: $188,721, in payment of the discount at which securities of the company had been issued, the builder of the piers of the bridge having consented to extinguish a claim of $283,279 which he had against the company by taking debentures of the said company to the amount of $472,000, that is to say, at a discount of 40 per cent?

Hon. Mr. SCOTT—I have no answer to any of the hon. gentleman's questions to-day. I do my part in calling attention to the necessity of answering them; it is the best I can do.

Hon. Mr. LANDRY—I thought there was a telegram sent last week.

Hon. Mr. SCOTT—So I was advised.

Hon. Mr. LANDRY—And there has been no answer to that telegram ?

Hon. Mr. SCOTT—I have not received any.

The SPEAKER—The motion stands to what day ?

Hon. Mr. LANDRY—Would the hon. gentleman choose a day ?

Hon. Mr. SCOTT—The hon. senator knows I am absolutely powerless to choose a day. I cannot control the department. All I can do is to press for an answer, and I do press and make every reasonable exertion. I sent the other day a copy of the hon. gentleman's remarks to the department and showed them to Mr. Fielding, and sent a copy of them to Mr. Ross, I can do no more.

DELAYED RETURNS.

Hon. Mr. LANDRY—I have been waiting for returns that I asked for on the 29th of January. They would not take more than two or three hours to put together.

Hon. Mr. SCOTT—What are they?

Hon. Mr. LANDRY—I have given notice about them to-day, so that the hon. gentleman will not be taken by surprise. We are told to-day that the department is doing nothing at all. They cannot afford to bring down a return. There is correspondence between the Department of Militia and Colonel Dennis, one of the military men of Toronto, on account of a dismissal, a thing that would not take an hour to prepare.

Hon. Mr. SCOTT—I will press for an answer and try to get it for to-morrow. The hon. gentleman asked yesterday in reference to the French edition of the Civil Service Commission's report. I have an answer to-day from the Bureau in which they say that they have received five forms or 80 pages of the translation. The report makes 275 pages, so they have received less than one-third of the translation. I find that in the other Chamber a question was asked as to the translation of the evidence, and Mr. Bergeron announced that it had been translated long ago and the fault was with the Bureau. On inquiry, I find that the first and second signatures were sent down on the 12th of June, and the third on the 22nd of June; that up to this day only 26 forms, or 416 pages out of a total of 1,288 pages have been received.

Hon. Mr. LANDRY—Where does the fault lie ?

Hon. Mr. SCOTT—With the translators.

Hon. Mr. LANDRY—Where ?

Hon. Mr. SCOTT—I presume in the House of Commons. I do not know how that would be. They say when asked the cause of the delay that the fault is with the Bureau. Mr. Bergeron made the statement that three weeks ago all the translation had been made.

Hon. Mr. LANDRY—That is not a denial.

Hon. Mr. SCOTT—It is a denial.

Hon. Mr. LANDRY—They say they did not receive it, but they do not say that the translation has not been made.

Hon. Mr. SCOTT—There is the fact, that the translators have sent down three parts, making 416 pages out of a total of 1,288 pages.

The inquiries were allowed to stand until Tuesday next.

A PROPOSED ADJOURNMENT.

Hon. Mr. ROBERTSON moved :

That when the Senate adjourns to-morrow that it stand adjourned until Wednesday, July 8 prox, at three o'clock in the afternoon.

Hon. Mr. SCOTT—On former occasions when adjournments of this kind were proposed, it was pointed out that there was very little for the Senate to do. I find on the order paper to-day and to-morrow there are no less than thirteen government Bills, and I question whether it would be quite proper for the Senate to rise in view of the fact that there are a baker's dozen of Bills on the paper for the consideration of this Chamber. I trust the hon. gentleman will not press his motion, because I should be obliged to oppose it.

After discussion, the motion was allowed to stand for to-morrow.

THE MARINE AND FISHERIES INVESTIGATION.

Hon. Mr. FERGUSON—Before the orders of the day are called, I want to refer to a matter to which I called the attention of the hon. Secretary of State yesterday with reference to the meetings of the commission over which Judge Cassels is presiding, inquiring into the affairs of the Marine and Fisheries Department. My hon. friend did not seem to have any information yesterday, and I gave him to understand I would to the subject to-day. An item appears in the Toronto 'Mail and Empire' of the 20th instant, which reads as follows:

The remarks of Mr. Justice Cassels at the close of yesterday's proceedings in the Marine inquiry have caused considerable discussion in the lobbies to-day. The judge intimated that since April 17 he had not heard a word from the government about providing him an assistant in the Exchequer Court work so that the work of that court would not be retarded. The Bill to amend the Exchequer Court Act was assented to on Tuesday, but it now appears it is not broad enough to enable the judge to absent himself from the court, as he would be obliged to do in the event of an early resumption of the Marine Department inquiry.

What Mr. Justice Cassels asked was a provision to enable the registrar, Mr. Audette, to act as deputy judge and hear cases in his absence. What parliament enacted was merely to enable the registrar to act as judge in chambers, a provision which will not enable him to deal with the regular business of the court.

The first point that strikes one in reading this is that the judge says he had no intimation from the government. He had not heard a word from the government since the 17th April, over two months. When my hon. friend presented the Bill to the House on the 4th of June, providing as it was thought for the appointment of an ad hoc judge to take up the court work of Judge Cassels who would be attending to the inquiry in the Marine and Fisheries Department, I pointed out to my hon. friend that I did not think the provision in the Bill was broad enough to admit of the appointment of an ad hoc judge, while he would be away in the performance of his duties in holding the investigation. There was a provision in the Bill, no doubt clear and complete, by which the registrar could perform the chamber work; but I called my hon. friend's attention to the inadequacy of the provisions for carrying on the work of the court. He informed the House that the Bill had been referred to Judge Cassels, and that he had——

Hon. Mr. SCOTT—No, not Judge Cassels.

Hon. Mr. FERGUSON—Yes, the hon. gentleman said Judge Cassels.

Hon. Mr. SCOTT—That is a mistake. I said the Minister of Justice.

Hon. Mr. FERGUSON—Yes, the hon. gentleman said both.

Hon. Mr. SCOTT—Then I am misreported.

Hon. Mr. FERGUSON—My hon. friend said it over and over again. It is found three or four times in the report, and I remembered it distinctly when my hon. friend was referring to it yesterday.

Hon. Mr. SCOTT—I must have been thinking of something else.

Hon. Mr. FERGUSON—I asked whether the judge had refused to take any remuneration, and I asked that question because virtue had been made of the fact that the judge declined to receive any emolument for his services. My hon. friend is aware that a judge cannot accept any emolument for any service. I spoke as follows:

Hon. Mr. FERGUSON—I asked the question because virtue has been made with regard to the judge declining to receive any emolument for his services. My hon. friend is probably aware that a judge cannot accept any emolument for any service of the kind. Under the Exchequer Court Act it is provided in section 6 that the judge of the court shall not hold any other office of emolument, either under the government of Canada or under the government of any province of Canada. Therefore it was no particular merit on the part of the government or the judge, because he is precluded under the Exchequer Court Act from taking any emolument. Now there is another point; subclause 2, 'Has other judicial duties which make it impossible for him to hear without due delay any cause or matter.' I presume is the one that is intended to cover this point.

That was the clause that was supposed to give the power to appoint an ad hoc judge, while the judge was investigating the Marine and Fisheries. The debate proceeds:

Hon. Mr. SCOTT—Yes.
Hon. Mr. FERGUSON—Will that meet the case of the appointment of Judge Cassels to inquire into the administration of the Department of Marine and Fisheries?
Hon. Mr. SCOTT—So I believe. That is the opinion of Judge Cassels himself. The clause was drawn after correspondence between him and the Minister of Justice. It occurred to me that the clause was not broad enough, and I wrote the Minister of Justice a note on the subject and afterwards called on him and discussed the matter, and he said it was wide enough.
Hon. Mr. FERGUSON—Is the investigation of a department and of the management of a department a judicial duty?
Hon. Mr. SCOTT—That is the opinion of both Judge Cassels and the Minister of Justice.

I presume the Minister of Justice must have informed my hon. friend or he would not have gone on using these words. I can understand now that he had no communication with Judge Cassels.

Hon. Mr. SCOTT—No, I never spoke to him since he came to Ottawa.

Hon. Mr. FERGUSON—At any rate, we were told it was the opinion of both Judge Cassels and the Minister of Justice. The debate proceeds:

Hon. Mr. FERGUSON—It may be made to cover it, but I doubt if such an investigation can be regarded as a judicial duty.
Hon. Mr. SCOTT—Other gentlemen thought it was not wide enough, and I held the Bill over until I had an opportunity of consulting the Minister of Justice about it.
Hon. Mr. FERGUSON—All this arises from the vicious principle of the government appointing judges for work of this kind. The whole country was open to them to make appointments; it was quite easy to have had that investigation conducted by a layman, either by the commissioners who had done a certain amount of work in connection with it, or if there was no confidence in them, by some one else besides a judge. This appointment is made under the Inquiry Act and I have a serious doubt as to whether the word judicial applies to such an investigation.
Hon. Mr. SCOTT—If the judge himself and the Minister of Justice think the language sufficient we need not have any scruples about it.
Hon. Mr. FERGUSON—We have known such people to make mistakes before.
Hon. Mr. SCOTT—The Minister of Justice prides himself on the care with which he drafts a Bill, and he is satisfied.

It may be the Bill is all right, but the judge says it has been found not to be broad enough to admit of an appointment such as would warrant his duty in the court as a judge by an ad hoc judge while there is provision, as we all know, to admit of the registrar performing the Chamber work. What has occurred under this is, that this very important inquiry upon which the public mind has been very widely moved, was referred to a judge who had other very important functions to perform, and it appeared that this judge made it a condition that he would only accept on consideration that his judicial work in the Exchequer

Court should be carried on. The government introduced a Bill on the subject, and they got it through parliament and had it assented to, and the judge says: 'I have not heard anything from the government since the 17th April, and the Act passed is not sufficient, and, therefore, I will have to adjourn the marine inquiry till the 2nd of September in order that my duties to the Exchequer Court, which I regard as my first duty, shall be carried on. The effect of this, whatever the cause may be, is that an important inquiry is laid over until September. Whatever the cause, my hon. friend cannot fail to understand that the public will be very liable to find some explanation. It may not be the right one, but there is an explanation that very many people in the country will be uncharitable enough to put upon it, and that is that the government does not want to have this inquiry prosecuted at present; that they want to put it off as long as possible, and that they are, therefore, not willing to appoint an ad hoc judge in order that there may be an excuse for delay. Another view would be that the Act does not cover it. However, that would reflect upon the Minister of Justice. I do not know, but if that is the belief, the House has a right to know it. It noticed when I called attention to this matter yesterday and referred to the point I had raised, my hon. friend very adroitly gave credit to the hon. gentleman from De Salaberry for raising the point.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—If my hon. friend is willing to shoulder all my misdeeds upon the hon. gentleman from De Salaberry, and that hon. gentleman is willing to shoulder them, I will not be disinclined to let him share any glory I shall receive, but I do not feel like having the credit transferred to any one, if there is any credit in it. It may be that I am all wrong from beginning to end; but if this is not the case, the explanation I have tried to find, and which Judge Cassels says is the expianation, that the Act which we passed after it had been so thoroughly submitted to the Minister of Justice, is not ample to admit of the appointment, we should know it, and I think even though a little time should be lost, the government should not hesitate about getting that matter remedied, so that the inquiry should go on.

Hon. Mr. SCOTT—In view of the statements made to me by the Minister of Justice this morning, I hesitate to believe the report in the papers that Judge Cassels made the statement attributed to him. I have never spoken to Judge Cassels since he came to Ottawa. In reference to the point that my hon. friend referred to, about holding over the Bill, I am quite aware that he did. The first person who spoke to me on the subject was the hon. senator from De Salaberry.

Hon. Mr. FERGUSON—Not in this House.

Hon. Mr. SCOTT—He came over and asked me to hold it, and then my hon. friend from Marshfield spoke and urged it too.

Hon. Mr. FERGUSON—I spoke in the House on it.

Hon. Mr. SCOTT—Both hon. gentlemen urged that it should be postponed. I called on the Minister of Justice this morning and told him the question that was going to be proposed to me, and I said: 'Do you consider this Bill sufficiently wide to appoint an ad hoc judge?' and he said: 'Certainly, I do, there is no doubt about it at all.' 'Well,' I said, 'has one been appointed?' He replied: 'We are waiting for Judge Cassels to bring up the question, and then he referred to the Act. After setting forth the grounds upon which an ad hoc judge may be appointed, the clause reads as follows:

> The Governor in Council may, upon the written application of the judge setting out such impediment, appoint any other person having the qualifications hereinbefore mentioned, to act as judge pro hoc vice in relation to any such cause or matter.

And the Minister of Justice said: 'Mr. Justice Cassels has never written a line on the subject at any time.' I give the hon. gentleman the statement as I got it. The Act is clear that before any action can be taken, written application from the judge is necessary. I said: 'Have you

had any written application?' and he said: 'None.'

Hon. Mr. FERGUSON—Having gone to the trouble of getting legislation, was it not the duty of the minister——

Hon. Sir RICHARD CARTWRIGHT—Should not the hon. gentleman find out whether the report is reliable? This bringing up newspaper reports without knowing anything about them is an absurdity.

Hon. Mr. FERGUSON—I think it is perfectly proper. Since it has been brought up, let us have the matter understood. My hon. friend seems to think that the Minister of Justice has nothing to do until the judge makes this application. Was it not a bargain with the judge when he undertook this work that an ad hoc judge was to be supplied, in order that Judge Cassels might give his attention to this inquiry? That was the condition announced in parliament, about which there can be no doubt whatever, and it would be the duty of the government to see the judge, or send for him, and get him to do it, but the judge puts himself on record and says the Act is not wide enough.

Hon. Sir RICHARD CARTWRIGHT—When did the judge say that?

Hon. Mr. FERGUSON—I have read the report to the House.

Hon. Sir RICHARD CARTWRIGHT—Of a newspaper correspondent.

Hon. Mr. FERGUSON—Yes.

Hon. Sir RICHARD CARTWRIGHT—I say the hon. gentleman is wasting the time of the House by referring to any such trash.

Hon. Mr. FERGUSON—My hon. friend need not lecture me. I am not wasting the time of the House. It is a most important subject, and he need not try to lecture me because I know my rights in this House as well as the hon. gentleman, and I have a perfect right to bring this matter up, and either Judge Cassels is wrong as he is reported—and he has given no contradiction of it—or the Minister of Justice does not want to have this investigation proceed.

Hon. Sir RICHARD CARTWRIGHT—All I can say is that I consider it a gross waste and abuse of the time of this House for hon. gentlemen to be bringing up newspaper reports which they are not prepared to vouch for. The hon. gentleman is bringing up a report which he has no possible foundation for. He has no knowledge that Judge Cassels made any such statement. He has nothing but a mere newspaper report. Such waste of the time of the House at this stage of the session is discreditable.

Hon. Mr. FERGUSON—There is no rule of the House or of parliament such as the hon. gentleman refers to.

Hon. Sir RICHARD CARTWRIGHT—I did not say there was a rule.

The SPEAKER—There is nothing before the Chair.

Hon. Mr. POWER—I think probably the hon. gentleman has overlooked the fact that Judge Cassels closed his work in the Exchequer Court some time ago, and that there is nothing at all to prevent him from going on and dealing with this investigation now; but Judge Cassels has preferred to take his holidays.

Hon. Mr. FERGUSON—No, he has been holding Exchequer Court since.

Hon. Mr. POWER—He has been holding his holidays. I do not find any fault with Judge Cassels for that. I simply state that fact, but, under the circumstances, the government could not be expected to appoint an ad hoc judge when Judge Cassels is not engaged in court.

CONSTRUCTION OF DRY DOCKS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (119) An Act to encourage the construction of dry docks.

He said: It has been the policy of Canada for many years to give a subsidy to dry docks, wherever there is an opportunity of having them erected, and subsidies were from time to time offered. I find the earliest subsidy was in 1882, a subsidy not exceeding 2 per cent of the cost of the work during 20 years to the time of completion, provided the subsidy shall not exceed $10,-

000. That was increased from time to time up to $20,000. This Bill proposes to increase the subsidy to $45,000. The last increase was to $30,000. So far, the subsidies have not seemed to attract any one to take up the building of dry docks. I asked the Finance Department to give me the information, and the only graving docks that have received subsidies are the Hal graving dock which has received $190,000 in the last four years, and the Collingwood dry dock which has received $50,000. The only feature about this is that it gives considerable increase and it provides for an increase also where the present existing docks are enlarged, because our boats are becoming very much larger than they were 25 years ago, and it becomes necessary, if those docks are to be of any value, that they should increase their dimensions. These are the principal features of the Bill. There is the feature that if at any time the dock is out of repair the subsidy stays, and under this Bill the government can at that time take possession and carry on the work as they think proper.

Hon. Mr. LOUGHEED—In looking over this Bill, and in giving some little attention to what my hon. friend has just observed with reference to the subsidies which, from time to time, have been not only given by the government, but advertised practically to the public to be given by the government, it strikes me that the policy pursued in the past and embodied not only in the old Act but in the present Bill, is not one calculated to assist in the development of this very important industry. It seems also to me that we are nursing to an unusual extent the idea amongst industrial enterprises, that the government must for all time exercise a kind of parental solicitude through subsidizing them and otherwise assisting them by financial subventions. I do not profess to be sufficiently familiar with the shipping interests of Canada to give any pronounced opinion as to whether it is desirable that an industry of this kind should be subsidized; but it does seem to me, speaking generally, that the development of Canada of late years has been such as to warrant the conclusion that if we are to become an industrial country, it is an unwise policy assisting all kinds of industries which, from time to time, may make demands upon the government for their parental care and assistance. Now, if this policy would conduce to the development of this particular class of industry, surely one is justified in the conclusion that the building of dry-docks would have assumed a very much larger proportion than it has up to the present time. So far as I am aware, we have only a couple of dry-docks or graving docks in Canada, one in Collingwood and one in Halifax, and I think there is one projected in Vancouver; but perhaps my hon. friend can inform me?

Hon. Mr. ROSS (Middlesex)—One at Victoria and one at Kingston.

Hon. Mr. SCOTT—The one at Victoria has never received any subsidy.

Hon. Mr. LOUGHEED—To what extent has construction preceeded there ?

Hon. Mr. SCOTT—I really could not tell the hon. gentleman.

Hon. Mr. LOUGHEED—I very much doubt whether this policy has ever induced people to enter upon an industry of this kind. I notice in this Bill that it is proposed to pay three per cent upon the cost of the work, and it is not conducive, in my judgment, to a business undertaking that the government of this country should say to the public : 'We shall practically pay the interest upon all the capital which you may put into an enterprise of that kind.' If it is applicable to dry-docks, why should it not be applicable to the various businesses which are represented in this Chamber by many hon. gentlemen who have entered upon commercial undertakings quite as important to the interests of Canada as this particular enterprise ? I am not, however, sufficiently familiar with our shipping interests to say as to whether or not this subsidy is absolutely necessary ; but it seems to me that because a generation or two generations ago a policy was adopted and placed upon our statute-book, that notwithstanding the rapid development which has taken place in this country, we must continue to support that policy for all time to the extent of paying out very large subsidies such as are provided for in this Bill.

Under section 9 of this Bill, I find a most extravagant provision. It provides that the government, notwithstanding the fact of its having paid this subsidy of three per cent upon the cost of the dock, may in the event of the dock not being operated, enter upon and take possession of the dock, carry out all the necessary improvements, no matter what the expenditure may be; that that expenditure may be paid out of the consolidated revenue, and then after the business becomes successful and self-supporting, the government may then hand the dock back to the original owners without any provision being made for the repayment and I would point that out to my hon. friend—without any provision being made for the repayment of the moneys advanced by the government in the operation of the dock, and in the carrying out of the repairs, as well as the various improvements. I would say to my hon. friend that, under the old Act, this provision, so far as I am aware, was not to be found. If it had provided that the Governor in Council should not hand the dock back until all the advances had been repaid with the current rate of interest, I could very well appreciate the utility thereof; but to say the government may make very large expenditure upon such a dock, and may hand it back without the owners being compelled to recoup the government for those payments, seems to me to be indefensible. Another proposition I find which was not in the old Act is this: the government undertakes for twenty years, notwithstanding the fact that the dock may not be operated to pay the three per cent upon the original expenditure.

Hon. Mr. SCOTT—If it is in proper order.

Hon. Mr. LOUGHEED—No, that is an arbitrary provision, and the object was this: it was pointed out upon the introduction of the Bill in the Commons that it was difficult to finance an undertaking of that kind unless there was some provision for the government to continuously pay practically the interest upon the bonds. That is really what it amounts to. Financiers would not go into an undertaking unless they had some guarantee that the interest would be regularly paid. The government, therefore, intervenes and enters into an obligation for twenty years continuously, notwithstanding the fact that dock may not be operated, to pay the 3 per cent. This, I think, is a very unwise policy. It is marked parentalism to such an extent as to be injurious, in my judgment, to the development of that proper business instinct which should characterize all undertakings.

Hon. Mr. SCOTT—The answer to it all is this: It has been a necessity. Our vessels have to go abroad when they require to be docked. They require to go to other ports, and with all the offers that we have hitherto made, we have not been able to succeed in inducing parties to put their money into this business. It is not a profitable venture. No one denies that dry docks are of very great value. Our vessels are becoming very very numerous, and from time to time they require to be overhauled. The absence of dry docks in different parts of the country becomes a very serious matter to the shipping interests. In the whole 26 years, we have only paid out $230,000, although we have had those offers standing on the statute-book all the time. We have to increase the offers if we are going to induce parties to invest their money in dry docks.

Hon. Mr. LOUGHEED—Would the hon. gentleman not consider that the shipping interests of Canada are sufficiently large to form a dry dock company to carry out an undertaking of this kind.

Hon. Mr. McSWEENEY—For the last ten years they have been trying to induce capitalists to enter into the matter and build a dry dock, but so far they have not been able to get any capital into it, and I do not know, even with this Bill that they will induce any company to go into it.

Hon. Mr. FERGUSON—We must certainly have dry docks, but what is the essential departure in this Bill from the old one? If my hon. friend made the explanation I missed it.

Hon. Mr. SCOTT—We have increased the amount from $30,000 to $45,000.

Hon. Sir MACKENZIE BOWELL—Oh, no.

Hon. Mr. SCOTT—It was $30,000 before, and now the subsidy can run up to $45,000.

Hon. Mr. FERGUSON—It was impossible to get the dry docks into operation without the increased money?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—We certainly need the dry docks.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman gave the figures as to the amount expended, did that include the interest upon the dry docks that were built by the government?

Hon. Mr. SCOTT—Oh, no.

Hon. Sir MACKENZIE BOWELL—The dry dock in Kingston was built by the government, and the Esquimault dry dock was built jointly by the British government and the Canadian government. If my recollection serves me right, the Canadian government contributed at that time $50,000 towards the construction of the dock. I am quite sure that is the case. The Point Lévis dock is a Dominion dock, not built by a company. Could the hon. gentleman tell us whether any return has ever been made of the earnings of the Esquimault dock, the Kingston dock and the Point Lévis dock? I am not per se in favour of government ownership as it is understood by some people; dry docks it seems to me are of sufficient importance to the trade and commerce of this country to justify the construction of them in various parts of the Dominion in order to assist the repairing of vessels at our seaboards. I think the first dry dock to which we gave any aid at all was the Esquimault dry dock, and that was principally in aid of the construction of a dock which could be utilized for repairs to men of war of the British government, that were in that harbour and on the coast. Previous to the construction of that dry dock, if my recollection serves me right, vessels had to go down to San Francisco for repairs. I am speaking now subject to correction. Then it was advocated that there should be a dry dock at Point Lévis. That was constructed by the government. The next was a small one at Kingston. I find that the subsidy is increased and provision made to guarantee the interest on the cost of construction which is limited to the extent of $15,000 per annum. At 3 per cent that means a capital of half a million. I suppose it would take that amount to construct a dock to answer the purposes of the increased size of ships that visit our shores. I cannot but think that when we place on the statute-book a law providing for subsidizing interests of this kind, it will be much better that the government should own the docks, and if there is any return from the works it should belong to the government that furnishes the money for construction. So far as dry docks are concerned, I am in favour of government ownership. This is a matter that in years past was considered as an important question to be dealt with by the government in aid of the shipping interests of the country. My own view is that the dry dock at Halifax should be built and owned by the government. There should also be a dry dock for the growing shipping interest at the port of St. John. The government gave a subsidy in aid of the Halifax dock, but they have not yet granted any subsidy for a dry dock in St. John. Whether this proposed increase of subsidy is to meet that case I do not know. Perhaps the government could tell us whether it is a sop for St. John at the next election. Representatives of St. John have from year to year asked for an increase of subsidy to enable them to construct a dock which the hon. gentleman from Moncton tells us they cannot find sufficient private capital to build. Montreal is a port of sufficient importance to justify the construction of a dry dock there. I am under the impression that the construction of a dry dock has been commenced at the eastern end of Lake Ontario, and that it is to receive government aid. The construction of dry docks is to my mind of growing importance. Our marine interests are sufficiently large to warrant the adoption of a broad and generous policy; but I do not believe in building these dry docks in the manner proposed now, by private parties out of government money, and if there is any profit to be derived from them the private parties get it. If dry docks are to be built either by direct subsidies or by guaranteeing the interest on the cost of construction, the country

should own them. This Bill provides for the construction of such works without making any provision for the repayment of the money; should they be commercially successful in the future, the profits will belong to the parties who own the property though constructed by public money. If we are to build these docks without any provision for repayment of the money the principle might be followed ad libitum, and every industry would be bonused by the government. That is paternal government. That principle is being carried altogether too far by the Dominion government particularly in this and in other cases. We are drifting rapidly into the position of a generous parent to all these places that require public money to establish industries out of which they and not the country are to derive the benefits and profits. These are my own views in connection with these great enterprises, and the sooner the government adopt the principle of reaping the benefit from the construction of these works, or cease the paternal system which has been characterizing the government of late, the better it will be in the interests of the country.

Hon. Mr. McMULLEN—I am entirely opposed to government ownership of public works of this kind, and public accommodation of any kind unless it is impossible to get them by any other means. Government ownership is an expensive method of providing and operating institutions like dry docks or railways or anything else. When the government come to be the owners of a dry dock, the number of hands required to manage the work will be double the number that would be employed if it were owned by a company, just as has been the case with the Intercolonial Railway. Under both parties, the Intercolonial Railway has been unquestionably a sink hole into which a great deal of the public money has been thrown. As a rule, it has been overloaded with officials, far more than on any other line in Canada proportionate to the business done. The experience has been the same with every other public work owned by the government. The government cannot possibly operate dry docks, railroads or anything of the kind as cheaply and as well as they can be operated by a company. I endorse the policy that has been adopted by the government. Dry docks are a necessity, and if the government can get them constructed by offering assistance such as is outlined in this Bill, it is a better method of getting them and will in the end lead to less loss than if the government were to construct them and pay a staff of officials to look after them. I believe in keeping out of government ownership just as long as we can all such works. I entirely endorse the policy adopted by the government and think it is the right one if we can get the accommodation required.

Hon Sir MACKENZIE BOWELL—The government is quite safe if the hon. gentleman approves the policy.

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

POST OFFICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (162) An Act to amend the Post Office Act.

He said: The principal feature of this Bill is extending the one cent system to cities and towns where drop letters are delivered by carriers. At present the rate is two cents. It is proposed to make the one cent rate for drop letters universal, whether they are delivered by carriers or not. The next clause provides that a superintendent may be appointed in the Post Office Department, after he has served five years. This reduces the term by five years. The next clause makes provision for the appointment of a financial superintendent.

Hon. Mr. LOUGHEED—Who performs that duty now?

Hon. Mr. SCOTT—I do not think there is one; it is a new office.

Hon. Mr. LOUGHEED—But there must be some inspection of the accounts?

Hon. Mr. SCOTT—Yes, there must be, but, as I understand it, there is no official who is known as a financial superintendent.

Hon. Sir RICHARD CARTWRIGHT—The practice is that the minister or the

deputy minister sends an inspector on occasions ; but there is nobody who has been specially charged with the particular duties here referred to.

Hon. Mr. LOUGHEED—Is there not a periodical inspection made ?

Hon. Sir RICHARD CARTWRIGHT—Not periodical, but as required. They find from the enormous increase of business that they should have a special officer appointed for the purpose.

Hon. Sir MACKENZIE BOWELL—This is the creation of a new office, as I understand it ?

Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Sir MACKENZIE BOWELL—There are a number of post office inspectors throughout the Dominion who visit the different offices, not periodically, but as their services are required. If any complaints be made of the management of an office, an inspector is sent there to make a report. If he finds the finances of any office in an unsatisfactory condition he reports the fact and the department takes action. If I understand the duties of this official that is to be appointed, they will be to examine the financial condition of post offices within his jurisdiction. Is the financial superintendent to be stationed here to examine the different accounts, or is he to visit the different post offices ? If his duties be to visit the different offices, it would be impossible for one man to travel throughout the whole Dominion. I presume it is the creation of a new officer at Ottawa, whose duty will be to attend to the financial state of the department. Is that what is intended ?

Hon. Mr. SCOTT—I have no special information on that point. I presume the hon. gentleman is quite right, because there is only one appointment. The hon. gentleman knows very well that the post office service has expanded enormously and is expanding all the time, and of course it requires additional officials.

Hon. Sir MACKENZIE BOWELL—I quite understand how the post office business is expanding. Any one who stands on Metcalfe or Elgin street about the time when the officials are entering or leaving the department and seeing them like bees emerging from a hive could readily judge what an army of officials there is in the department, and that the number is continually increasing so that a half-dozen financial experts will be necessary very soon.

Hon. Mr. POWER—I wish to express my gratification that the government have seen fit to place the first clause in this Bill. A good many years ago, drop letters in cities were distributed by the carriers for one cent, and I do not think that any action of parliament at the instance of the departmen with respect to postal matter was more unpopular than the abolition of the one cent rate on drop letters. The department lost revenue. People who wished to send notices about a city did not care to pay two cents. They found it cheaper to send the letters around by messengers. Now the difference is being stricken out and the public will be very much gratified to find that we have gone back to the old postal rate of one cent on drop letters.

Hon. Sir MACKENZIE BOWELL—If we make it free it will be still more popular.

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

GOVERNMENT GUARANTEED BONDS OF GRAND TRUNK PACIFIC RAILWAY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (171) 'An Act respecting the Government Guaranteed Bonds of the Grand Trunk Pacific Railway Company.' He said: Hon. gentlemen are aware that the Grand Trunk Pacific are pushing their line with very great vigour, particularly in the west, and are employing a very large number of men, and from time to time they are short of cash. The object of this Bill is to allow, practically, the bonds to be sold in anticipation, and the money deposited with the government, to be released from time to time as the work proceeds, the government being allowed a margin up to one million dollars that they may from time to time advance to the company as their necessities require. The object of the Bill is of course

to relieve the Grand Trunk Pacific from any financial trouble so long as the money is perfectly safe. The money will only be released on the certificates of the engineer who guarantees that the work has been performed.

Hon. Mr. LOUGHEED—Is not my hon. friend slightly in error in saying that the object of the Bill is to permit the company to sell those bonds?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—If I read the Bill correctly, it is to permit them to pledge the bonds. They already have the power to sell, but they have no authority to pledge and if they pledge the bonds and the bonds should again return into the hands of the company, then, according to the authority of the English courts, the bonds are regarded as having been issued, and they cannot sell them. I understand that to be the object.

Hon. Mr. SCOTT—Yes, that is the object.

Hon. Mr. LOUGHEED—What information can the hon. gentleman furnish the chamber as to the steps that have been taken by the company for either selling or pledging these bonds? As I understand, an issue of bonds was placed on the market. Has my hon. friend any information on that subject?

Hon. Mr. SCOTT—I shall endeavour to get it from the Finance Department.

Hon. Mr. LOUGHEED—Am I correct in saying that when these bonds are either sold or pledged, the amount is deposited with the government?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—So that the letter of credit which may be given by the government up to one million dollars is protected by the fund which is lodged to the joint credit of the Finance Minister and the receiver general?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—If the bonds are to be pledged, it must be for some purpose?

Hon. Mr. SCOTT—They are pledged for advances. They are either absolutely sold and the whole of the money goes into the hands of the government, or if they are only pledged for a part the same principle applies—the proceeds, to the amount advanced are placed to the credit of the receiver general and released only on certificates from the engineer who from time to time issues certificates as to the progress of the work and the amount to which the company are entitled.

Hon. Sir MACKENZIE BOWELL—Then the government, as I understand it, is to advance the money and the bonds are to be pledged to cover the advance?

Hon. Mr. SCOTT—It authorizes advances up to one million dollars on work in progress, being the result of bonds either sold or pledged with any institution. If there is a bond issue of two million dollars, a quarter of a million may be pledged on the bonds, and as explained by the leader of the opposition pledging the bonds is not considered a sale of the bonds. It has been held in an English court that when bonds are pledged that way, they cannot afterwards be used. This allows bonds to be sold to others than the pledgee. The pledgee gives up the bond when he gets his advances.

Hon. Sir MACKENZIE BOWELL—Then they may be permitted to sell the bonds before they are entitled to them, and the money is advanced. Has there not been some difficulty in the Grand Trunk Pacific securing sufficient money in the English market of late at the rate of interest guaranteed by the government, and has not an application been made by the Grand Trunk Pacific for a guarantee of an increased interest upon the bonds which they have sold in the English market? I am speaking now on authority in which the right hon. Minister of Trade and Commerce has very little faith—upon what I have read in the newspapers, and financial reports which have appeared in the London 'Journal.' If there is a difficulty in securing sufficient money to enable them to prosecute the work at the rate they deem it necessary to proceed, have they not found it necessary to ask the government to guarantee an increased interest on the bonds? That may not be correct, but the government declining to do that, may have adopted this plan in order to come to their aid. Is there not some truth in this statement?

Hon. Mr. SCOTT—I am quite unable to answer the question, because I have not seen it. The reason for this is there are times when the rate of interest moves up and down. It has varied in the last six months particularly. It is desirable at a time when the rate of interest is low, perhaps three or three and one-quarter per cent, to avoid oneself of the opportunity to pledge the bonds for a certain amount in order to make provision for three or four months ahead. It would never be safe where they have ten thousand men to pay and a large expenditure, to rely on getting the cash for the bonds from time to time as they really need the money, because the market changes so much. This is to allow a little elasticity. It does not really affect the question very much.

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

INSPECTION AND SALE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (148) An Act to amend the Inspection and Sale Act.

(In the Committee.)

Hon. Mr. SCOTT—This Bill simply provides the changes that a year's experience has shown to be necessary. I suppose when another year comes round there will probably be other changes made. There is one feature about it, the inspection was a little more close than it was, and the penalties are a good deal higher than they were. These are the principal features of the Bill.

Hon. Mr. LOUGHEED—Is the hon. gentleman of the opinion that the government will enforce this inspection Act after all these amendments?

Hon. Mr. SCOTT—I do not know—they ought to.

Hon. Mr. LOUGHEED—This Act comes before the House every session. It is an old friend. It seems to me we do little else than amend the Inspection Act, and it is practically a dead letter.

Hon. Mr. SCOTT—I hope they are making it better every time. I call attention to the fact that the penalty is largely increased. It has been a fixed sum of $50. Under this Bill it can be as low as $25 and as high as $500, depending upon the circumstances.

On clause 7,

7. Section 319 of the said Act is amended by adding thereto the following paragraph:
(c) 'culls' shall include fruit that is either very small for the variety, or immature, or the skin of which is broken so as to expose the tissue beneath, or that is so injured by insects, fungi, abnormal growths, or other causes, as to render it unmerchantable.

Hon. Mr. FERGUSON—We have been going back on this question of fruit inspection, and not only inspection but legislation with regard to fruit. I think there has been no year in the fruit trade of Canada when such unsatisfactory results have occurred as in the last year. I have been reading from time to time the reports of the officers of the Departments of Agriculture and Trade and Commerce, and I find that many unfavourable reports of our fruit have come from the other side. It is true—I know it is in the case of Eastern Canada—that the fruit of last year although a fairly good crop, was small.

Hon. Mr. SCOTT—It was so in Ontario also.

Hon. Mr. FERGUSON—There has been something in our legislation that has accentuated the trouble with regard to apples this year, in addition to the fact that the fruit was generally small. The tendency among shippers and growers of apples is, that they think the best apples they have should be marked at the highest grade, even though they are very much smaller than the normal size of apples in the average year, and on that account there is a tendency to attach a No. 1 marking to what is really only a number two apple—that is in years when the fruit is small. Two years ago, a very fatal mistake was made in the Act. The first mistake had been made years before that, but two years ago it was made worse by describing medium sized apples as No. 1 quality. Last year the new Act went into force, which only called for a medium sized apple as a No. 1. The largest apples were to go into 'fancy' and the medium as No. 1. Consequently, where the

packers may have complied with the law and filled their barrels with medium sized apples, all the law called for, they were met on the other side with a charge of fraud, because the apples were marked No. 1 when they should have been marked No. 2. Any one familiar with the subject knows that the No. 1 apple, under the Inspection Act, is really a No. 2 apple. The fancy is really the No. 1 and the No. 1 should be called No. 2. No. 1 should mean the very best apple that Canada can produce, because that is what the buyers are looking for when they find No. 1 on the package, and when No. 1 is applied to an apple that should be No. 2 our trade is injured very much. Taking that in connection with the fact that our apples last year did not grow as large as usual, we got a very bad black eye on the other side with regard to our fruit. Many circumstances conspired against the fruit trade of Canada last year. Erroneous reports were issued as to the bulk of the crop. It was believed in the early part of the season that Canada and the United States had a very short supply of fruit, and prices were very high in the first part of the season. I believe it led people to pack fruit that under ordinary circumstances would have gone to the swine. The result has been that shippers have sent to British markets more than the ordinary amount of inferior fruit, and the present grading of apples has encouraged this and as a consequence our trade has got a bad set back. There has not been a year since 1896—and I do not think it was so bad then as it was last year—when the returns all through were so unsatisfactory to the shipper and the grower.

Hon. Mr. SCOTT—Some hundreds of thousands of barrels were thrown out in Chicago. They could not be sold.

Hon. Mr. FERGUSON—I have put my view on record several times, but the minister does not take it. I think he should start with marking the best apples we can produce as No. 1 and do away with the provision which allows ten per cent of wormy or scabby apples to be put in a No. 1 barrel. The states of Oregon and Washington have a good reputation, and they have no fruit Act at all. The apples are all sent to market in boxes of a regulation size, and on each box there is a statement of the number of tiers and that discloses the size of the apple. For instance, if they can fill a box with four tiers it is a very large apple. If there are five tiers it is a medium apple ; if there are six tiers it means very small fruit, and as I say they have an excellent reputation for their fruit on the other side.

The clause was adopted.

On clause 9.

Hon. Mr. SCOTT—This clause increases the penalties for violating the sections of the Act respecting marking.

Hon. Mr. POWER—I am glad to see that the penalties for dishonesty are increased. I took the liberty the other day to refer to the fact that drunkenness was not the great vice of Canada, and that if the gentleman who are pursuing those who occasionally take a glass of liquor were to devote their efforts to teaching people who are doing business to act honestly, their energy would be better bestowed. I am glad to see that the government are looking after the dishonest men—trying to make them honest.

Hon. Mr. PERLEY—It will take more than an Act of parliament to make them honest.

The clause was adopted.

Hon. Mr. POWER—I think there was a great deal in what the hon. gentleman from Marshfield said with respect to the change which had been made in the description of the apples. I do not know anything particularly about the business, but occasionally I get a barrel of apples, and I think it is rather a pity that this grade of 'fancy' should have been introduced, because when a man buys a barrel of No. 1 apples he expects a really good apple, and I suppose the average buyer in this country or in the old country, is probably not aware that this fancy grade has been recently introduced. I am sorry the hon. gentleman from Marshfield did not move in amendment to the 8th clause that 'No. 1 quality unless such fruit includes no culls, and consists of well known specimens of one variety,

sound and of medium'—I think the hon. gentleman suggested normal instead of medium.

Hon. Mr. FERGUSON—You cannot do that, unless you do away with the grade 'fancy' and I think it would be well to strike out that provision.

Hon. Mr. SCOTT—I will call the attention of the minister to it.

Hon. Mr. McSWEENEY, from the committee, reported the Bill without ameudment.

YUKON PLACER MINING ACT AMENDMENT BILL.

The House resolved itself into Committee of the Whole on Bill (150) An Act to amend the Yukon Placer Mining Act.

(In the Committee.)

Hon. Mr. SCOTT—This Bill is made up of details, the result, of course, of a year's experience, like the Bill we have just been considering. Placer mining has from time to time come up, the object being to avail themselves of the changes that the past season has shown were actually necessary. When the Bill was up for a second reading, I was asked by the hon. leader of the opposition to state what connection the Guggenheims had with the Yukon. They are incorporated under the name of the Yukon Gold Company, and hold their properties under that name, and I noticed by a statement in one of the financial papers to-day, that they are reported to have invested seven million dollars in the Yukon.

Hon. Mr. McSWEENEY—I was told it was ten millions.

Hon. Mr. SCOTT—I saw it stated that they had invested $22,000,000 altogether, not altogether in the Yukon. They invested in mines in the United States, and in the Yukon it is said their investments amounts to seven million.

Hon. Mr. LOUGHEED—That is in a mining sense.

Hon. Mr. SCOTT—Yes. The principal point on which I was asked to procure information was how they came to acquire the property. I was informed by the department that they had no direct connection with the Department of the Interior at all; that they bought their property entirely in the open market from persons who held mining interests, and that they have practically acquired a very large portion of the territory.

Hon. Mr. McSWEENEY—They bought out the Treadgold claim.

Hon. Mr. SCOTT—I have in my hand a reference to their holding, which will give the information asked for. They have claims on the Bonanza creek, Eldorado creek, Hunker creek, Bear creek and tributaries and they have acquired about 950 claims. They have incurred a large expenditure in the introduction of machinery and the introduction of water for the purposes of working the claims. They have introduced a new style of dredge, costing a large sum of money, which does an enormous amount of work. They are operating dredges, at Bonanza, at Hunker and at Claim 37. During next season they will operates four dredges on Bonanza creek, and three on Hunker creek, representing an enormous expenditure. The mode of operating is that they take the moss and stuff off one year, and after twelve months' exposure, the ground becomes soft enough for the operation of this marvellous dredge.

Hon. Sir MACKENZIE BOWELL—Is the hon. gentleman speaking of material taken from the bottom of the creek ?

Hon. Mr. SCOTT—They have four dredges working there.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman said four on Bonanza and three on Hunker ?

Hon. Mr. SCOTT—Four altogether on the different creeks, but the department has had no direct dealings with them.

Hon. Sir MACKENZIE BOWELL—The material to which the hon. gentleman refers, I suppose must be from the excavation, not only from the bottom of the creek, but from the excavations from the drifting.

Hon. Mr. SCOTT—My hon. friend knows a good deal more about it than I do. He has been there, and I never have.

Hon. Sir MACKENZIE BOWELL—I have had the good fortune of being on both creeks to which the hon. gentleman refers, and I noticed the manner in which they worked them, and that is the reason I asked. In the interpretation clause, I notice that you exempt rivers. You say 'Creek includes all natural water courses, whether usually containing water or not, but not to include streams which may be considered rivers.' That would prevent the interpretation clause applying to the principal rivers running from the mountains. What is the reason for doing that? Is it because this large and wealthy company are utilizing the waters from the rivers?

Hon. Mr. SCOTT—I asked a question of the department whether any changes here had reference to the working of the Guggenheims, and they said, 'No, no connection whatever.' It was wholly independent of their operations.

Hon. Sir MACKENZIE BOWELL—The reason I asked the question was that I noticed in one of the reports from that section of the country, that they were about canalling or laying large water pipes from a number of streams in the Yukon, the Klondyke river for instance, running down from the Caribou district in British Columbia, and I thought probably the exemption of the rivers might be to protect them in the utilization of the waters of the river and prevent other people from using it.

Hon. Mr. SCOTT—No, it is just making a definition between a large body and a small body of water.

On clause 4,

4. Section 4 of the said Act is amended by striking out the words 'in Council' in the first line thereof.

Hon. Mr. LOUGHEED—What is the idea of empowering the commissioner to do this, instead of requiring it to be done in council as hitherto?

Hon. Mr. SCOTT—Before it was a Commissioner in Council, and now it appears to be the commissioner. I could not tell you the reason. The explanation I have before me is that the change was suggested to prevent delays in making desirable changes in the boundaries of the district.

The clause was adopted.

On clause 5,

5. Section 7 of the said Act is amended by adding thereto the following subsections:

2. In case a caveat is filed against any claim, such caveat shall lapse unless before the expiration of one month from the receipt thereof by the mining recorder proper proceedings in a court of competent jurisdiction have been taken to establish the caveator's title to the interests specified in the caveat.

3. A caveat is any instrument claiming any interest whatever in the claim with reference to which it is filed, but does not include any instrument creating any sale, mortgage or other disposition of the property.

Hon. Mr. LOUGHEED—Under section 7 of the Act how long is a caveat good for? Has my hon. friend any information as to taking proceedings under a caveat?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—The caveat apparently will lapse, unless proceedings are taken in thirty days.

Hon. Mr. POWER—Section 7 says the mine recorder shall record all documents, and so on. The caveat would naturally be filed, as well as the other documents.

Hon. Mr. LOUGHEED—But it is a well-known instrument, and the legal effect of it would be to prevent any disposition being made of the property against which it is filed. The question in my mind is whether thirty days is sufficient. Under most lien laws, where a lien is filed, a longer period is given than thirty days. It is usually ninety days.

Hon Mr. POWER—The season is long in this part of the country.

Hon. Mr. LOUGHEED—But in the Yukon Territory, where considerable distances obtain between the different offices, the question is whether thirty days would be sufficient notice.

Hon. Mr. SCOTT—I will make some inquiry.

The clause was adopted.

Hon. Mr. McMULLEN for the committee reported that they had made some progress with the Bill, and asked leave to sit again.

THIRD READING.

Bill (168) An Act to authorize the payment to the provinces of Saskatchewan and Al-

berta of part of the Assurance Fund under the Land Titles Act, 1894.—(Hon. Mr. Scott.)

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

THE SENATE.

OTTAWA, Thursday, June 25, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

INQUIRIES.

Hon. Mr. LANDRY—Has the hon. minister answers to the three inquiries I have on the Order Paper to-day?

Hon. Mr. SCOTT—I have not any answers. I asked for them but received none. They are preparing some of them.

Hon. Mr. LANDRY—No answers at all?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Then they will stand until to-morrow.

Hon. Mr. SCOTT—I will have no chance to get the answers for to-morrow.

Hon. Mr. LANDRY—Why should I not have an answer to-morrow to my second question, which reads as follows :

When does the government think it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned:

(a) The statement indicating the amounts spent on the Deschambault wharf—February 4?

(b) The correspondence exchanged between the Department of Militia and Lieutenant Colonel Davidson re the latter's dismissal and the promotion of Sir Henry Pellatt to the rank of Colonel—February 14

(c) The details asked for on the subject of the additional subscription of $200,000 to the capital stock of the Quebec Bridge and Railway Company—January 29.

(d) The statement showing what was the daily pay of the soldiers of the company No. 2 of the Ottawa Field Battery in 1865 and 1866—March 17.

If there is a reason I will postpone my motion.

Hon. Mr. SCOTT—I have already explained that I have done everything a human being could do, and I have sent the complimentary observations the hon. gentleman made to the Finance Minister, and called their particular attention to it, and marked the column in the paper, so that they would understand the strictures which I did not consider were any too strong.

Hon. Mr. LANDRY—Is that all the satisfaction I am going to get out of it?

Hon. Mr. SCOTT—I notice that Mr. Parent in his examination before the committee of the House of Commons, gave an explanation of part of the matter. I suppose the hon. gentleman saw that ?

Hon. Mr. LANDRY—I am speaking of No. 2 question.

Hon. Mr. SCOTT—That relates to the $200,000.

Hon. Mr. LANDRY—Not at all. No. 2 asks for a statement indicating the amount spent on the Deschambault wharf. It was ordered on the 4th of February. When shall I get it ?

Hon. Mr. SCOTT—They told me they had wired for it. I do not know why it has not come.

Hon. Mr. LANDRY—When did they wire ?

Hon. Mr. SCOTT—Probably a week ago, I was told they had wired.

Hon. Mr. LANDRY—No answer to No. 3?

Hon. Mr. SCOTT—No, I have no answer.

Hon. Mr. LANDRY—This information is all in the possession of the government, and they could give me the answers if they wanted to.

The inquiries were allowed to stand until Thursday next.

THIRD READING.

Bill (148) An Act to amend the Inspection and Sale Act.—(Hon. Mr. Scott.)

INSPECTION OF GRAIN ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole: consideration of Bill (CCC) An

Act to amend the Inspection and Sale Act as regards Grain.

(In the Committee.)

Hon. Mr. PERLEY—I suggested. when this Bill was before the committee last time, to strike out of clause 3 the words 'that is red in colour.'

Hon. Sir RICHARD CARTWRIGHT—I am sorry to say that I cannot agree to that. I have been conferring with the officers of the department, and they think it necessary to retain the verbiage as we have it.

Hon. Mr. PERLEY—Then we will not have a bushel of red Fife wheat in the Northwest this year.

Hon. Sir RICHARD CARTWRIGHT—I cannot agree to any amendment of that character.

Hon. Mr. YOUNG—The definition of red Fife wheat in this Bill will not change the grading in the slightest.

Hon. Mr. PERLEY—How does the hon. gentleman know ?

Hon. Mr. YOUNG—Because it has been the practice to grade it that way.

Hon. Mr. DAVIS—It will lower the grade of the wheat.

Hon. Mr. PERLEY—That will be the effect of it.

Hon. Mr. YOUNG—Not at all.

Hon. Mr. DAVIS—Well, you can take the responsibility.

Hon. Mr. PERLEY—I have an amendment here to clause 8. Under the clause as it stands in the Bill, the inspection at Winnipeg or west of Winnipeg is to be final as between the western farmer and dealer and the Winnipeg dealer. I want to change that so that the western farmer if he wishes to have his wheat further examined shall have the privilege of doing so. What does the hon. minister say to that ?

Hon. Sir RICHARD CARTWRIGHT—Did the hon. member give notice of that?

Hon. Mr. PERLEY—No, I did not.

Hon. Sir RICHARD CARTWRIGHT—Of course the hon. gentleman has a right to move it, but at this late stage, I could not accept any amendment of which notice has not been given.

Hon. Mr. YOUNG—This is the old Act; we are not making anything new in this.

Hon. Mr. PERLEY—The old Act was wrong. Do you mean to say the farmer would have any right to have the grain inspected after it left Winnipeg?

Hon. Mr. YOUNG—He has.

Hon. Mr. PERLEY—This Bill says he has not.

Hon. Mr. YOUNG—It says it shall be inspected at Winnipeg or at a point within the district.

Hon. Mr. DOUGLAS—The hon. gentleman must know that it is the privilege of any producer to have his grain inspected at Winnipeg; but supposing he has his grain at Winnipeg and wishes to send it to Ontario, and it gets off grade on the way down, and he has to have an inspection——

Hon. Mr. YOUNG—He will have that at Fort William.

Hon. Mr. DOUGLAS—After it leaves Fort William, where will he have a re-inspection? This puts it out of the power of any farmer to send grain beyond the lakes. I think this is an injustice to the whole of the western producers. The inspection should be left at Winnipeg; but if he chooses to forward the grain to Ontario, and occasion for re-inspection arises, he should have the privilege of sending it if he feels it is to his advantage. You can easily see why it is a good thing for the grain men at Winnipeg; it is destructive of the interests of any individual who has enterprise and wishes to send his own grain forward. It shuts the door immediately. It says inspection at Winnipeg shall be final, and we are prepared here to look at this matter entirely from the standpoint and interest of men who are engaged in dealing in grain. We should protect the interests of the producers of the grain, and we must have perfect liberty to send it to Halifax or Liverpool or anywhere else if we feel so disposed. We have been striving to get a new railway constructed on such easy grades and curves that will enable

it to handle the grain cheaply and expeditiously. I hope to see the day when we shall have direct dealing between the producers in the west and the buyers from Liverpool or Manchester, or anywhere else in Great Britain, and if we feel disposed to adopt such direct dealing, I want nothing in this Bill to curtail the liberty of approach to the markets of Great Britain.

Hon. Mr. YOUNG—My hon. friend and myself are agreed on general principles; but we are not agreed on the understanding of what this clause means. This is not a new clause at all. . It is a clause that has been in force for some years, and under which there is re-inspection and survey and everything else provided for by the Inspection Act. But what my hon. friend advocates is that the inspection within the Manitoba inspection division shall not be final. It would be one of the most unfortunate things, not only for the dealer but the producer, if there was not a finality of inspection somewhere within easy reach. If the producer were to send a car of wheat to Ontario, and the final inspection did not end within the Manitoba inspection division, and the man to whom it was sold in Ontario objected to the quality, how inconvenient it would be for the producer to go all the way down there or to be represented down there to establish the quality? This is the old law word for word; there is no change in it at all.

Hon. Mr. DAVIS—What is the use of putting it in if it is not new?

Hon. Mr. YOUNG—There are other clauses in that section which are new, and to make the section complete the Minister of Trade and Commerce had it re-drafted, and in this new draft he included certain clauses that are not changed in the slightest, and if my hon. friend will turn to the Inspection Act, page 26, he will find the very first clause, No. 123, reads word for word with the present Bill.

Hon. Mr. DAVIS—I do not see the sense of putting it in again, if it is in the old Act.

Hon. Mr. YOUNG—The re-wording of it was necessary, because in the old Act the wording was 'All grain produced in the Northwest Territories, as existing on the 10th day of August, 1904, and in Manitoba, passing through the Winnipeg district. Now they have added Alberta and Saskatchewan, which made it necessary to bring it in in its present form; but under the present clause we have all the opportunity that we had in the past for re-inspection, survey and everything, to protect not only the producer but the dealer, and you have a finality at Fort William for transactions outside of the inspection division, which is very important to all concerned. There have been no complaints——

Hon. Mr. DOUGLAS—Because this has not been before the public. It has not yet become law, and the finality that is here spoken of—I know what I am talking about—is against the general interests of the producer. That is my contention, and why should it be final? Supposing that I shipped three or four carloads of grain, and it is inspected within the Winnipeg district, and I am told by the phraseology of this Bill before me, that the inspection shall be final between the farmer or dealer? I may require a very different condition of things. Supposing I wished to deal with some gentleman in Ontario, a miller or some one else in the Dominion; I have not the privilege of going further outside the district of Winnipeg, and occasion may arise that will necessitate re-inspection, and I wish to preserve to the public in the west the privilege of having re-inspection, if necessity arises for the same. So this word 'final' as between the western farmer or dealer is, to my mind, a curtailing of the privileges of the whole producing west.

Hon. Sir RICHARD CARTWRIGHT—I would just say to my hon. friends, in reply, that while I fully recognize their right to bring forward any amendment that they may see fit, they, I think, will admit that in a case of this kind, particularly where it has to go before another Chamber, it is hardly fair to expect me or anybody else in charge of the Bill to pronounce authoritatively on a thing which is sprung upon us at this stage. If the hon. gentleman had given notice of this amendment, as he has done with the other amendment, I would have at any rate considered it. As it is, I am not in a position to say authoritatively

yes or no about it, except thus far, that I believe it is very decidedly in the interests of the producer that there should not be room for dispute or litigation, but that the inspector's decision should be final. Nine times out of ten, for the sake of some imaginary hard case, by allowing multiplication of these inspections, you are apt to do the producer very great harm and injustice, far more injury than you would do in an isolated case, where he may perhaps receive, or thinks he has received, some small injury. I do not want to speak too decisively about a matter that I have not had full time to consider, and this objection or any objection the hon. gentleman may make, may be considered as I have said, in another place; but I could not accept his amendment at this stage.

Hon. Mr. DAVIS—Does the minister not think there is a possibility that the government will in time extend their jurisdiction down to the seaboard, and that the time will arrive when they will require to have an inspection outside of the Manitoba district?

Hon. Sir RICHARD CARTWRIGHT—Then we are taking control over the other elevators.

Hon. Mr. DAVIS—We should have the privilege of having an inspection further on if we are willing to pay for it.

Hon. Mr. PERLEY—The next amendment is to subsection 4 of clause 9. It relates to grain specially binned. The amendment I wish to put to that is that grain may be specially binned for any person in any terminal elevator by special agreement; but shall be specially binned if found in bad condition on arrival at such terminal elevator. What does the hon. member say to that.

Hon. Sir RICHARD CARTWRIGHT—That amendment I have had carefully considered, and I find that section 126 of the Revised Statutes forbids a selection of different qualities of the same grain. Now the special binning that my hon. friend proposes would, it appears to me, frustrate the intent of the Act. The grain if sent forward after inspection should grade the same. At this stage I cannot accept the amendment.

Hon. Mr. PERLEY—Then the farmer has no rights at all.

Hon. Mr. YOUNG—The hon. gentleman means the grain dealer.

Hon. Mr. PERLEY—I mean the farmer or anybody. The clause says that the grain may be specially binned. Do I understand the minister to say that he will not consent to my amendment?

Hon. Sir RICHARD CARTWRIGHT—No, I am sorry to say I cannot see my way to accept it.

Hon. Mr. PERLEY—The next amendment I propose is to add the following to subclause 7 of clause 9.

7. All grain marked by the inspection department for cleaning, shall be cleaned as ordered, and then inspected by the inspector at such point and graded under the rules of the Inspection Act, and then binned according to the grade.

What does the hon. minister say to that?

Hon. Sir RICHARD CARTWRIGHT—As to that I made particular inquiry, as, of course, I was bound to do with any of the amendments, of which the hon. gentleman had given notice, and the information I have is to this effect; that apparently this would provide for the cleaning of each individual car, which is not practicable. The inspector is responsible if the elevator ships out wheat not clean enough, and the new Bill, as the hon. gentleman knows, provides for his having much more control over the cleaners than he had before.

Hon. Mr. DAVIS—I have given notice of the following addition which I propose to be made to section 137 of the Act.

Bleached wheat containing wheat slightly bleached by weather conditions, and tough and slightly damp wheat that has been properly treated and fit for storing, all of which in the discretion of the inspector has not been injured for milling purposes, and that otherwise would have graded No. 1 hard or No. 1 northern, and weighing not less than sixty pounds to the bushel.

In giving this notice, in some way the latter part of it has been omitted. The following words should have appeared at the end of the clause: 'Shall be put into a proper grade at the discretion of the inspector.' I understand it was the intention of the minister to create a new grade called 'bleached wheat.' Now we are un-

der the impression that while the wheat referred to in this section is in many cases as good as No. 1 and No. 2 Northern, if you make a new grade and call it 'bleached wheat,' you are establishing an inferior grade, and it will be dealt with and bought as being lower than No. 2 Northern. We think that if the wheat has the same value for milling purposes as No. 2 Northern, it should be put into that grade and we want to leave it to the discretion of the inspector. If he finds it as good as No. 2 Northern why should he classify it as 'bleached wheat?' The very name will lead people to regard it as an inferior quality of wheat. I know very well that there is in the west among the grain men—and I am speaking from personal knowledge—an idea that the more lower grades the better for the grain man. They cannot make very much money out of the higher grades of wheat, for the simple reason that the market is quoted at Fort William and there is not much profit; but when they get to the lower grades, that is where they make their money and the more lower grades there are the better for them. We all have confidence in the inspector, the farming community and the grain dealers generally, throughout the west, and we want it left to his discretion.

Hon. Mr. YOUNG—Where would the hon. gentleman put the amendment ?

Hon. Mr. DAVIS—Section 137 of the Act deals with Manitoba spring wheat. I would insert it under any of the headings in that section. The clause is already in this Bill, and my proposition is to add a few words at the end of it.

Hon. Mr. YOUNG—Would my hon. friend explain to me how an inspector can tell what grain might have graded after it has been afflicted ? The hon. gentleman is speaking of injured grain; how can an inspector tell what that grain might have graded before it was afflicted? I am asking for information.

Hon. Mr. DAVIS—As I read the clause, the description is there in the Bill as it stands. The hon. gentleman had better ask that of the minister.

Hon. Mr. YOUNG—I suppose my hon. friend will let me ask as mild a question as that?

Hon. Mr. DAVIS.

Hon. Mr. DAVIS—If the hon. gentleman does not wish to ask the minister, I will ask. In the discussion of this question the other day, the practical millers in this House, especially the hon. gentleman from Toronto (Hon. Mr. Campbell) expressed the opinion that such grain was just as valuable for milling purposes as No. 2 Northern. If so, why should it not go into No. 2 Northern grade?

Hon. Mr. YOUNG—I should like to hear from my hon. friend from Toronto.

Hon. Mr. DAVIS—I first suggested to have it No. 2 Northern, but that was objected to, so I want to leave it to the inspector. We, representing the farming interest, are willing to trust the inspector.

Hon. Sir RICHARD CARTWRIGHT—Does not the hon. gentleman think on the whole it is an advantage to have a clause introducing 'bleached wheat'?

Hon. Mr. DAVIS—I do not.

Hon. Sir RICHARD CARTWRIGHT—You would rather have it out altogether?

Hon. Mr. DAVIS—I do not mean that. It is all right to have a clause as to bleached wheat, because that draws the teeth of these gentlemen to some extent. If you leave it out they would treat such grain as they please and buy it at any price they please, but this will give it a standing of some kind. However, I claim it is a lower standard than No. 2 Northern, while it has a higher value for milling purposes than No. 2 Northern, and I would leave it to the inspector to put it where it ought to go.

Hon. Mr. TALBOT—That is right.

Hon. Mr. YOUNG—If my hon. friend's amendment puts it in say, No. 2 Northern wheat he will have to change the percentage of these grades. When you disturb the grades it is like a redistribution Bill—when you disturb one constituency you have to rearrange all the constituencies about it, and in this Bill you cannot disturb one of the grades without disturbing all of them.

Hon. Mr. DAVIS—Do people who buy wheat purchase on the name of the grade or on its value? If my hon. friend was a miller buying wheat, the name of the grade would not influence him in the price he

would pay; he would buy the wheat for its milling value.

Hon. Mr. YOUNG—The fact of the inspector calling it any one grade would not raise its value.

Hon. Mr. TALBOT—It is quite a common thing in the western provinces in the fall of the year, after the grain has been cut and put in stock, to have a snowstorm, and the grain is frequently bleached after that. The experience of the farmers is that the dealers take advantage of that, call it bleached grain and give only a small price for it, while they can fix it up for their own purposes to give it greater value.

Hon. Sir RICHARD CARTWRIGHT—The object of introducing this particular grade was to prevent advantage being taken of the farmers. As I understand, my hon. friend from Prince Albert does not quarrel much with the definition given, but he wants some further words inserted which do not appear in the amendment. Where does he want them inserted?

Hon. Mr. DAVIS—At the end of the clause of which I have given notice.

Hon. Sir RICHARD CARTWRIGHT—I do not know that that would affect the matter very much.

Hon. Mr. DAVIS—The inspector would have the option to put bleached wheat into one of the recognized grades.

Hon. Sir RICHARD CARTWRIGHT—Does it mean that he would practically obliterate No. 1 Manitoba bleached wheat?

Hon. Mr. DAVIS—The Bill already provides for bleached wheat.

Hon. Sir RICHARD CARTWRIGHT—As I understand, the hon. gentleman wants to turn No. 1 Manitoba bleached wheat into No. 1 or No. 2 Northern as the case may be?

Hon. Mr. DAVIS—Yes.

Hon. Sir RICHARD CARTWRIGHT—Is not that practically obliterating the grade which it is proposed to create?

Hon. Mr. DAVIS—It might.

Hon. Mr. TALBOT—It leaves it at the discretion of the inspector.

Hon. Sir RICHARD CARTWRIGHT—I will make a compromise with my hon. friend. I will let him put in these words, but I reserve to myself the right to communicate with my colleagues, and be guided by his opinion.

Hon. Mr. YOUNG—It is a very serious change to make. It is interfering with our standard grades, which are recognized now all over the world. If bleached wheat is allowed to go into the standard grades, it will deteriorate them, and the market value for the higher grades that we have to-day will surely suffer. It is a very serious step in the interest of the producer to penalize the man who has good grain for the doubtful advantage of the man who has poorer grain, and I question whether such a step should be taken. For many years we have had standard grades, the definition of which is fixed by law. The dealer knows what he has a right to expect year in and year out under the existing system, and if you invade and upset that, I am afraid the effect may be far reaching, and especially in those high grades. When you go down to the lower grades it is well known that from year to year they differ in quality, but we pride ourselves on preserving the uniformity of our higher grades every year. I fear that this change will not work to the advantage of the producer, because, in the end, if you prejudice a grade in the minds of the buying public the grain dealer will buy accordingly and it is the producer in the end that will suffer. The present Act is the outcome of years of experience, and I would be unfair to the House if I did not point out the danger of allowing the higher grades to be invaded. For years we fixed standards for these various grades, and it was found to work to our disadvantage, because from year to year the man on the other side of the Atlantic did not know from one year to another what 'No. 1 Hard' would be. Then we adopted the system of defining the grades by law, so that year in and year out he knows what to expect. Consequently, business is done promptly in these higher grades, and I would prefer the minister's plan of making this a special grade. The practical result of our grading is now that all wheat, whether bleached or otherwise, is put in

its proper class, that is for milling purposes; because after all the value of our different grades is largely dependent on their milling quality.

Hon. Mr. DAVIS—My hon. friend argues that this is penalizing the farmers, but he knows that any standard of grade we may fix for grain has that effect to a certain extent. There is a considerable quantity of grain grown in our country which is a great deal better than No. 1 Hard. No farmer gets any benefit from that. He knows of cases where grain almost touches No. 1 Northern, but it is thrown into a lower grade and the farmer has to accept it. I can quite understand that certain people want to keep as many low grades as possible. These grades will not always be recognized. As conditions change with change of climate and soil and longer cultivation, the time is coming when we will have to adopt other grades. After a while we will have more wheat that will come under this bleached condition than we will have of No. 1 or No. 2 Northern, but because we are gradually growing a whiter and softer, though a heavier wheat than we have hitherto been growing. It is not bleached, but it looks like it. If you have a wet harvest, two-thirds of your crop probably will be bleached. The minister thinks this clause should not be inserted, but something should be done in regard to it. I claim this is just as good a value as No. 1 Northern or No. 2 Northern, to go into that grade. If we came to the conclusion that we should maintain No. 1 and No. 2 Northern as they are at present, then we will have to make two grades of bleached wheat. We should have No. 1 Bleached and No. 2 Bleached. If that were done, it would make it a little better. Hon. gentlemen have heard it stated what bleached wheat would mean. One-third of the wheat would come under this clause, and two-thirds of it would be thrown to the 'wolves,' who stand round and take advantage of these things and buy the wheat at whatever price they please. If the minister does not see fit to change it as I have suggested, then change the phraseology and make two grades, call it No. 1 Manitoba Bleached and No. 2 Manitoba Bleached.

Hon. Mr. YOUNG—If the hon. gentleman makes two grades of bleached wheat, he will affect grade No. 3. No. 3 takes in that grade. There is a lot of our bleached grain goes into the other grades. 'No. 1 Manitoba Hard shall contain 75 per cent of hard Red Fife wheat,' and the balance, no doubt, very frequently is of a bleached character. Then, when he comes to No. 1 Northern, he finds that only 60 per cent is required of hard red Fife wheat, and the balance absorbs some of the bleached wheat—forty per cent. Then coming to No. 1 Northern, you only have to have 45 per cent of hard red Fife, and 55 will be composed of some of the grades of the bleached wheat, so that there is already a home for the slightly bleached wheat.

Hon. Mr. DAVIS—Very slightly bleached wheat.

Hon. Mr. YOUNG—If you want to overload the present grades by putting in these others, it will not be found to work very well. When the hon. gentleman says there is one grade of bleached wheat and the rest is 'thrown to the wolves,' he forgets that the inspector is standing there to grade the wheat coming in, and he attends vigilantly to all that, and grades it according to its quality. The inspector grades bleached wheat into whatever class it should go. He has the authority to do so.

Hon. Mr. CAMPBELL—I think there is no need of these words. We get large quantities of No. 2 and No. 3 Northern, and there is in those a large proportion of bleached wheat. That is where a great deal of the bleached wheat goes—wheat that is slightly bleached and properly treated. Of course it deteriorates. Every time we dampen it, it takes from the strength of it; but a great deal of that goes into No. 2 and No. 3 Northern. I do not think the words my hon. friend wishes to insert, are necessary at all.

Hon. Mr. DAVIS—My hon. friend has read this clause as proposed by the minister, without the addition I put to it. Does the hon. gentleman, as a practical man, consider that bleached wheat is as good as No. 2 Northern ?

Hon. Mr. CAMPBELL—It depends altogether on the condition of the wheat.

Hon. Mr. TALBOT—Might it be as good as No. 2 Northern ?

Hon. Mr. CAMPBELL—It might.

Hon. Mr. TALBOT—Then why will he not put it in ?

Hon. Mr. CAMPBELL—As long as it complies with the requirements of No. 1 Northern, it will be graded all right.

Hon. Mr. DAVIS—The hon. gentleman does not understand the point. In growing wheat, a certain amount of it may be a little white, and it will come down to No. 2. If you have a field of wheat on which the snow has fallen, and has afterwards dried off, the grain has as much value as it had before; but where are you going to put it ? I claim that if it has as much value as the No. 2 Northern, it should go there—that is if the inspector considers it as valuable.

Hon. Sir RICHARD CARTWRIGHT—As I understand—and I do not think my hon. friend denied that—after all said and done, it has not quite as much value if it has been bleached.

Hon. Mr. DAVIS—It has just as much value, and it has been proven that in some cases it has more value.

Hon. Sir RICHARD CARTWRIGHT—Doctors disagree, and sometimes millers disagree.

Hon. Mr. TALBOT—Much of this wheat is bought as bleached, and some of it as rejected, and then it is convertted into flour, and that flour is sold the same as if it were made of No. 1 or No. 2 Northern.

Hon. Mr. DAVIS—It does not hurt the grade at all for milling purposes, if we are willing to trust the inspector. I do not see why the hon. gentleman opposed to the Bill, should not trust the inspector. Let it go into one of the grades. I do not want to be making new grades, if we can put it into one of the existing grades.

Hon. Sir RICHARD CARTWRIGHT—The difficulty is the one I pointed out a little while ago, that so far as I can see, if you should give the grade of all the bleached wheat as No. 1 2, or 3 Northern, you practically wipe out No. 1 Manitoba bleached.

Hon. Mr. DAVIS—It would have that effect.

Hon. Mr. TALBOT—I do not consider it wipes it out. It leaves it there and lets the inspector put it where he likes.

Hon. Mr. DAVIS—If you make this No. 1 bleached wheat, you will put it below No. 2 Northern, and I claim if it has the value of No. 2 Northern, it should go there.

Hon. Sir RICHARD CARTWRIGHT—You admit it is more in the interest of the producer that this grade should be created, than that it should be left as it is?

Hon. Mr. DAVIS—Yes, I think there should be two grades. If we had a grade of say No. 2 Manitoba bleached, there would be less grain go to the wolves.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will see that we went pretty far in introducing No. 1 Manitoba bleached, and there would be serious objections to multiplying grades further. In this matter, I do not pretend to offer myself as an authority. I am obliged to stand first on the defence given by the Royal Commission, who sat on the question and who devoted a great deal of time to the consideration of the subject, and next as to the advice given by the officers who are experts, through whose hands a great many million bushels of grain pass. I have an open mind on the subject. I do not want to pretend to compete with my hon .friend's technical knowledge; but he will see himself that other gentlemen who have equal technical knowledge differ with him very materially.

Hon. Mr. DAVIS—Exactly, but I am speaking as a farmer, and I think my hon. friend is speaking as an elevator man.

Hon. Mr. YOUNG—I must object to my hon. friend's insinuations. To begin with he is out of order in making use of any expression which affects another hon. gentleman's understanding. I want to make it clear, that it matters not what you grade wheat, no grain dealer is handicapped by it. He buys wheat according to what he can

sell it for, and you can call wheat what you like. My hon. friend is altogether wrong when he thinks the dealers have the slightest interest in this. They do not care one straw. They simply find out what the wheat is worth, and they buy it cheaper if they can, in order to make a profit on it. You can call it what you like, so far as the dealers are concerned. Do not forget that. They can adjust themselves much quicker——

Hon. Mr. DAVIS—To the high grade.

Hon. Mr. YOUNG—To any grade. In the end, everything that you do which impairs the value of the grain comes right back to the farmer who produces it, because the miller buys it at so much less. You can call it anything you like, but you do not raise it in value by calling it No. 1 Hard. If you think you can make No. 2 into No. 1 by calling it so, you may do so; but you will not thereby raise its value in the markets of the world. It is a dangerous thing to do, when you are experimenting without giving the producer one single bit of advantage, because the grain dealer can adjust himself to any grade you like to establish.

Hon. Mr. DAVIS—I am sorry my hon. friend is so dense.

Some hon. MEMBERS—Order.

Hon. Mr. DAVIS—I thought I tried to make myself clear. I have already said that it did not matter what you call a grade that the people do not purchase wheat and do not mill it for the name of the grade, but for the value there is in it, and I said that if this wheat had as high a value, or a higher value than the wheat you call for under the Act as No. 1 Northern, the miller would pay as much or more for it as for the so-called grade there, if it had more value as a milling wheat.

Hon. Mr. YOUNG—That argument would apply to making a separate and distinct grade. Whatever milling value that grade has, it will find its level in the markets of the world; but when my hon. friend proposes to scatter it amongst the standard grades we have at present, I think his argument does not apply. If you leave it to one grade and let it be sold as it will be on its merits, I agree with my hon. friend. That is the proposition in the Bill.

Hon. Mr. TALBOT—It may grade more than No. 2 Northern.

Hon. Mr. YOUNG—It may.

Hon. Mr. DAVIS—Bleached wheat will be lower than No. 2 Northern.

Hon. Mr. YOUNG—You said it would be sold on its value, and if it is as good as No. 2, it will be equal in price to No. 2.

Hon. Mr. DAVIS—These grades have a standing, and the new grade has no standing.

Hon. Mr. YOUNG—Very good. My hon. friend helps me out. He admits the value of a grade: that is a reputation and a fixed price, and that the dealers have a knowledge of it. I admit it may take some time to have the full value of this new grade appreciated, but you have to deal with that question every time you establish a new grade of wheat.

Hon. Mr. DAVIS—Under the proposition I have submitted, the inspector is not forced to put it in No. 1 Northern or No. 2 Northern, but he can put it in No. 3, or he can leave it where it is; but if it is such wheat that it should go into those grades, the inspector should put it there. If the minister thinks it should not go in, all right.

Hon. Sir RICHARD CARTWRIGHT—Let the hon. gentleman leave the Bill as it is. He will observe the words he introduced are not in his original motions as printed, but I will have the matter considered.

Hon. Mr. DAVIS—I hope the hon. gentleman will not press this Bill through to a finish to-day, because I understand there are some gentlemen who are interested in this legislation on their way to Ottawa at the present time.

Hon. Sir RICHARD CARTWRIGHT—We have had this measure before us a very long time, and I must get it through this stage. I will not take the third reading till to-morrow.

Hon. Mr. DAVIS—I understand Mr. Mackenzie, the secretary of the Grain Growers'

Association, who probably knows as much as the hon. gentleman from Killarney in regard to these matters, is on his way down, representing the farmers.

Hon. Sir RICHARD CARTWRIGHT—This Bill, besides the scrutiny it undergoes here, will undergo a further scrutiny in the Commons, and there is no fear but his views will be fully ventilated there.

Hon. Mr. DAVIS—I think it will have a great deal better chance of being carried there, where they have to go back to the people for the election, than in this Chamber. I will not withdraw my motion. Let the committee vote it down.

The amendment was declared lost.

Hon. Mr. TALBOT—I have given notice that I will move that this Bill be amended by striking out section 7. A large portion of Alberta, and a considerable part of Saskatchewan is peculiarly adapted to the growth of oats. We probably grow the best oats in the world. It is quite a common thing to have over 100 bushels to the acre, weighing 45 to 52 pounds to the bushel.

Hon. Mr. ROSS (Middlesex)—No, no.

Hon. Mr. TALBOT—At the Columbian Exhibition in Chicago, in 1893, we took the highest prize for oats.

Hon. Mr. FERGUSON—Prince Edward Island did not exhibit there.

Hon. Mr. TALBOT—At the Paris Exposition, we again took the highest prize. It is sometimes, unfortunately, the case that we have an early frost, and that injures the oats. Should the frost strike the oats while they are in the milk stage, they are very greatly injured, and perhaps the crop would not average more than 34 pounds to the bushel; but should the frost strike the oats later when they are at the dough stage, they are not injured much for stock-feeding purposes, but injured for milling purposes or seed. The germ of the seed is injured. A black streak will appear in it, and when converted into rolled oats, they are rejected by the millers. For stock feeding they are not injured at all. Although I do not wish to find any fault with the Standard Board, they are men who were selected because they were wheat men chiefly from Manitoba and Saskatchewan. There are very few farmers among them. I believe out of the 25 members of the Board there were 11 farmers, but none of them oat men. The farmers in the oats growing districts would rather place the matter in the hands of parliament and have a standard fixed here, than to have it fixed by the Board at Winnipeg. That is why I move that this clause be struck out.

Hon. Mr. DAVIS—With regard to the proposed amendment, striking out the word 'oats,' we had quite a warm discussion on this question, and it occupied a long time, and we had a serious lot of trouble with the question in the other House when this matter was under discussion there. The people in Alberta object to their oats being graded. I think the hon. gentleman from North York will remember it. At one time the Alberta oats were all condemned by the board in Winnipeg. They were good, fine, plump oats, but there was a little speck in them, and they threw them down into a low grade. I understand the minister proposes to strike out that word, and I know the feeling is that it should be left in.

Hon. Sir RICHARD CARTWRIGHT—Would that objection not be largely mollified by the admission of a certain number of men on the Grain Board?

Hon. Mr. TALBOT—The people there have more confidence in parliament than in the Grain Board.

Hon. Mr. YOUNG—I have no very strong conviction one way or the other. I happen to be a member of the standard board, but I should like to point out that while Alberta raises some very fine oats, the oat crop in Manitoba is increasing very rapidly, and that there too they raise oats to a considerable extent, and also in Saskatchewan, and that the question of the grading of oats in the Manitoba inspection division is equally interesting to those farmers who raise oats in Manitoba as it is to the farmers in Alberta. The history of the Standard Board, if hon. gentlemen will remember, is this: that we fix by statute certain grades of grain and define those grades, but when, for climatic reasons, something occurs that there is a considerable quantity of grain

which does not fit into those definitions, the Standard Board is called together to make samples of what is known as commercial grades, and, strange to say, that while they are competent to deal with all kinds of grain, wheat, barley, flax and oats, by an amendment which my hon. friend from Prince Albert referred to, which was made to the Act a few years ago, oats were removed from the jurisdiction of the Standard Board. On the face of it, it does not look very logical that if the board was competent to deal with more valuable grain, they are not competent to deal with the oats and fix the commercial grades when it is found necessary.

Hon. Mr. TALBOT—They are not oat men.

Hon. Mr. YOUNG—Not all of them. My hon. friend forgets that practically the majority of the board are farmers.

Hon. Mr. TALBOT—I have heard it said we have two classes of farmers, some farmers who farm the soil, and others who farm the farmers.

Hon. Mr. YOUNG—I may ask the hon. gentleman as a favour to this House when I come to the names of the farmers who farm the farmers, to let me know. The government appointed these men because they thought they were representative and active farmers. Some of the names are: John McQueen, R. J. Phin, Charles Johnston, James Riddell, D. W. McCuaig, W. R. Motherwell, J. W. Scallion, W. F. Sirrett, Wm. Lothian, Peter Ferguson.

Hon. Mr. TALBOT—They are all wheat growers.

Hon. Mr. YOUNG—How about Motherwell?

Hon. Mr. TALBOT—He lives in a wheat country. Being Minister of Agriculture, I suppose he farms the farmers.

Hon. Mr. YOUNG—The board has not met for some years, but conditions made it important that the board should meet this year, and it was found by the board, upon looking into the situation, that a very large margin of difference existed between certain grades of oats, and if they had jurisdiction over oats they would have made some intervening grades and lessened the wide gap there was between certain grades. So keenly did they feel it, that they argued for a long while that the proper way to do would be to make the commercial grades and endeavour to get the Minister of Trade and Commerce in some unknown way to sanction this, and allow these commercial grades to stand. I was one of those who could not see how the Minister of Trade and Commerce could interfere when parliament had said distinctly that the standard board should deal with oats. However it was moved by Mr. McCuaig, president of the Manitoba Grain Growers' Association, but I think even my hon. friend will admit he was a representative of the grain producer, and it was seconded by Mr. Watts.

Hon. Mr. DAVIS—He may have been one of the farmers that farmed the farmers. I do not know him.

Hon. Mr. YOUNG—I do not know about that. I think my hon. friend can allow that name to pass unchallenged, and grade him as one of those representing the farmers' interests, and he felt it imperative on his part to move the following resolution:

Moved by Messrs. McCuaig and Watts: That under clause 72, section 2, a committee be appointed which shall, if possible, select commercial grades for weather damaged oats if the committee find, on reference to the Department of Trade and Commerce, that it is legal for the board to establish commercial grades for oats; and in any case the committee are authorized to select any commercial grades for grain other than are already established, if such shall be found necessary, and this committee shall consist of the chairman, G. R. Crowe; W. H. Fairfield, of Lethbridge; Peter Ferguson, of Strassburg; D. W. McCuaig, of Portage la Prairie; James Riddell, of Rosebank; W. A. Black and S. Pink, of Winnipeg.

Hon. Mr. DAVIS—I think from the conversations I have had with very nearly every representative from Alberta, from the minister down, all want that to be struck out and leave the clause as it was. I do not care what Mr. McCuaig or anybody else thinks, I think the people of Alberta know what is best for them.

Hon. Mr. YOUNG—If it is to apply to Alberta alone, certainly give them what they desire; but this Inspection Act is to govern the whole inspection division, which includes Manitoba, Saskatchewan and Al-

berta, and when I quote Mr. McCuaig as moving the resolution, I want to say it was not Mr. McCuaig's idea, because it was carried unanimously by the Standard Board, and they went further, because in the discussion before the Standard Board, they did agree that the matter should be referred to the Minister of Justice, to say that it was clearly out of their jurisdiction to deal with oats, and the following resolution was moved:

Moved by Messrs. Riddell and Lothian: That in case of the legal decision being adverse to this board having the right to select commercial grades of oats, then the Minister of Trade and Commerce be written by the chairman and secretary, urging on behalf of the board that the Inspection Act be amended to give this board the authority to establish commercial grades for oats.

Moved by Messrs. Watts and McLaughlin: That in the opinion of this board if the subcommittee find they have power to select commercial grades of oats, then it would be wise to call such grades No. 1 and 2 feed oats.

Now, I am giving you the history of this matter as it occurred before the board so recently as last fall. You can either strike it out or put it in. I have no feeling in the matter, but I may say that if the board had jurisdiction over oats last fall, it would have meant thousands of dollars to the farmers of the Northwest who raise oats.

Hon. Mr. DAVIS—In our part of the country, we never ask to have an inspection of oats. We can always sell oats without an inspection. If the hon. gentleman can arrange to have Manitoba oats inspected and oats from other provinces left out, we have no objection. The climatic conditions of Alberta are different, and the people of that province do not want to have the standard there the same as the Manitoba standard.

Hon. Mr. YOUNG—My hon. friend suggests that the farmers of the Northwest cannot sell any kind of grain unless it is inspected.

Hon. Mr. DAVIS—I did not say anything of the kind.

Hon. Mr. TALBOT—Manitoba and a large part of Saskatchewan are a wheat growing country. They devote their whole attention practically to growing wheat. In the spring of the year there is a rush to get the wheat in early. There is scarcely a farmer in the wheat growing section who sows oats expecting to make anything out of it. They merely expect to get enough for their own feed. They sow it long after the wheat is put in, and the result is, in the fall of the year they have a very inferior sample of oats.

Hon. Mr. YOUNG—No.

Hon. Mr. TALBOT—We in the province of Alberta can grow oats cheaply. I have been a farmer there for many years, and have not grown a thousand bushels of wheat in all that time. If I have a very large crop of oats, I want to sell some of the grain, and send a car to Winnipeg for example. It weighs 45 or 50 pounds to the bushel, but it is ranked there no better than if it weighed 33 pounds to the bushel. The reason why we have to sell our oats so cheap, is because the grain has been injured by the frost and it is not fit for making oatmeal or rolled oats; but for feed oats it is worth twice as much as the oats grown in Manitoba.

Hon. Mr. YOUNG—I disagree with the hon. gentleman; we raise as good oats in Manitoba as anywhere.

Hon. Mr. TALBOT—The records of the various fairs at which grain is exhibited, show that Alberta oats have taken the highest prizes on every occasion.

Hon. Sir RICHARD CARTWRIGHT—I would call my hon. friend's attention to the fact that in clause 18 there are several grades of oats provided for. Would not that meet his case? For instance No. 1 Canadian Western oats must weigh 42 pounds to the bushel.

Hon. Mr. TALBOT—They have to be sound. The millers like to get our oats all right because they can put them in with the hulls they can get from Manitoba and sell them for feed.

Hon. Sir RICHARD CARTWRIGHT—I am afraid I shall have to stick to the clause, for the present at least.

Hon. Mr. TALBOT—I would just remind the hon. minister that on the board of 25 members, Alberta is represented by only two men, one from the southern part where

they raise winter wheat and pay very little attention to oats, and the other a miller from the Edmonton district, where they raise some oats.

Hon. Sir RICHARD CARTWRIGHT—Will the hon. member send me the names of those who desire this amendment, so that his views may be properly represented?

Hon. Mr. YOUNG—If you strike oats out of the Bill, what do you want with the Standard Board at all?

Hon. Mr. TALBOT—We are satisfied to let parliament fix the grades according to weight. We do not want any Standard Board to bother us at all.

Hon. Mr. CAMPBELL moved that clause 16 be amended by striking out 'No. 1 Northern,' and inserting the words 'No. 3 Northern.' In submitting this proposition the committee will see that it refers to the latter part of the clause. As the Bill stands now, it provides that red varieties of wheat other than Red Fife may be graded No. 1 Northern, or lower, in the discretion of the inspector. The objection to that is that No. 1 Northern and No. 2 Northern are known all over the world, and are described in the Grain Act; No. 1 as containing 75 per cent of hard Fife wheat, and No. 2 as containing 60 per cent had Fife wheat. Here you propose to make a grade in which there may be no hard Fife at all, and you leave it to the discretion of the inspector to put it as No. 1 Northern. That will have the effect of making the price of No. 1 and No. 2 Northern uncertain. If I buy No. 1 or No. 2 Northern now, I know just what I am getting, and I buy it because there is a certain proportion of hard Red Fife wheat in it; but when you propose to make a soft spring wheat No. 1 or No. 2 Northern, you place such an uncertainty on those two grades that dealers will not know what they are going to get, and I think it would be a great mistake. I propose, in the notice which I have given, that this should not be graded more than No. 3 Northern. That has been pointed out as possibly going too low, and I would suggest, if the minister cannot see his way to making it No. 3 Northern, that we might deal with it in another way and make it No. 1 spring wheat as we have it in Ontario to-day. It is a good spring wheat, but not hard like Red Fife wheat. It has been suggested that we might modify it by putting it 'red varieties of hard spring wheat.' I suggest that No. 1 Northern should be struck out and No. 3 Northern inserted instead; but if that is too drastic I would suggest putting the word 'hard' before the words 'spring wheat.'

Hon. Mr. TALBOT—Even the hon. gentleman blushes at the suggestion.

Hon. Mr. CAMPBELL—It would then read 'red varieties of hard spring wheat other than Red Fife, &c. There are varieties of wheat which I am told are hybrid wheat. They are not Red Fife but they are a hard variety of wheat and have the same qualities as are found in hard Red Fife. If it was designated hard spring wheat it would remove the difficulty of including soft varieties of wheat. Dealers throughout the country would know then just what they were getting. I therefore move to amend that motion by inserting the word 'hard' before the word 'spring wheat.'

Hon. Mr. WATSON—I should like to ask the mover of this amendment if he is aware of any varieties of red wheat that are soft?

Hon. Mr. CAMPBELL—Yes, I am told there are in the western part of the country. I do not know the names of them.

Hon. Mr. WATSON—I do not think there are any varieties that would come under this term 'red varieties of hard spring wheat.'

Hon. Mr. CAMPBELL—Then there can be no objection to the amendment.

The committee divided on the amendment, which was rejected, contents 3, noncontents 7.

Hon. Mr. DAVIS—I move that:

Section 137 be amended by striking out the last two lines under the heading of spring wheat, where it refers to Manitoba scoured wheat, and the following inserted:

All Manitoba dried and rejected wheat after passing through the terminal elevator and being properly treated shall be graded by the inspector and put into its proper grade.

I think that is a fair proposition. The Act says that scoured wheat shall not be graded higher than No. 3 Northern. We

have a certain amount of this rejected wheat, I am happy to say not a large amount. It is a good wheat, but is sometimes smutty, and it is graded as rejected wheat. When that reaches Fort William, they have all kinds of appliances there to treat this wheat so that they can make it as though it had never been touched with smut. No matter if that wheat is No. 1 hard, it has to go into No. 3 Northern grade. I bought grain one fall for a Winnipeg firm. There was a lot of this rejected wheat, and I sent a sample of it and they said it was first class. When I asked what they would pay for it, they said 3 cents, which was about half the price. I asked if it was not worth more, and they said they wanted to make something out of it. After it is treated, such wheat can be sold as No. 1 if it is of that quality. Can anybody tell me why, after that grain is cleaned, if the inspector thinks it should go into No. 1 hard or No. 1 Northern, on what ground it should not go there. Why should the inspector be forced to grade it No. 3 Northern when the quality warrants a higher grading.

Hon. Mr. YOUNG—I am very glad to hear my hon. friend preach a new doctrine. He has been telling us that the dealers buy grain at a low price, and then, after fixing it up, sell it as belonging to a higher grade. Now he wants the farmer to have it cleaned and graded so that he can get a larger profit. This wheat is sent to the elevator for treatment and it is, like the other wheat, graded on its merits as it stands. It is sold accordingly. My hon. friend could not argue with anybody who has had practical experience that wheat which has been smutty can be treated by ordinary brushing and made as good as if it had never been afflicted. That can only be done by washing, and there is no such treatment as washing that I know of in our western country. In some countries they do treat it that way, and thereby reduce to a minimum the effect of the smut; but if you place any elevator in the position of having wheat graded up after it has been already graded in by an inspector, you destroy the principles of our Inspection Act and have a different system for this particular class of grain. Up to now, our system has worked satisfactorily, and if this wheat is as valuable as my hon. friend says, then the grade in which it goes is raised in value in the estimation of the miller; but to place it in any other grade than where it is now would be a mistake.

Hon. Mr. DAVIS—My hon. friend has a very poor opinion of the intelligence of the farmers of the west.

Hon. Mr. YOUNG—I differ from my hon. friend; I think the farmers of the west know a great deal more than he and I know together.

Hon. Mr. DAVIS—Sometimes they know a good deal. My hon. friend said you can treat the wheat to make it as good as if there had been no smut in it at all. If so, the grading should be left to the option of the inspector. We are not saying that it should be graded No. 1 or any other grade; all we ask is that if, in the opinion of the inspector, it should be so graded he should have that discretion.

Hon. Mr. YOUNG—You are providing for re-inspection.

Hon. Mr. DAVIS—Yes, for this kind of wheat. Supposing the law were as I propose to make it, and there was a possility of a farmer having his smutty wheat cleaned and getting it graded No. 1 at Fort William, does the hon. gentleman think that any intelligent farmer would sell it at half its value? No, he would send it to the elevator himself, and have it treated and graded there. He would then accept whatever grading the inspector thought it merited. What is objected to, is, that under the present law the inspector cannot put it higher than No. 3. We want to have the inspector given discretion to grade it No. 1 Northern, if he thinks it should be so graded.

Hon. Mr. POIRIER—I think the position taken by my hon. friend from Prince Albert is quite reasonable, and the change he proposes would benefit both the producer and the buyer. I am not altogether unfamiliar with the wheat question. Moreover, not long ago I was at Port Arthur and Fort William and had a long conversation with the inspector there, and I might say

in passing that he feels we are enacting too many laws fettering and confusing him to the extent of his having to classify no less than sixty or seventy sorts of wheat. I see nothing reasonable in the proposition that smutty wheat or bleached grain should be classified at the start so that the classification should be final. Such wheat is susceptible of being improved and raised to a better class. Progress is a universal law, and should apply to wheat as well as to men. If you make it a rigid rule that wheat however cleaned and purified shall not be graded higher than No. 3, then you work to the disadvantage both of the buyer and producer. The buyer can say: 'I cannot do any better with your wheat, you must sell it to me at a low price, because I cannot classify it higher than No. 3.' Let us give freedom to the inspector. Then the farmer can say: 'True, my wheat is of inferior quality; but when it is in your hands you can, by treatment, make forty, fifty, sixty or perhaps seventy per cent of it No. 2 Hard.' By giving that latitude, we will enable the farmer to get more for his wheat and the buyer to possibly make a better profit out of it. It has been said that smutted wheat cannot be so improved as to be graded to a higher class. I think it can be done by washing. At present they have not all the washing apparatus at Fort William or Port Arthur. I may say that Port Arthur has the greatest grain elevator in the world. When I was there it had no less than six million bushels of wheat accumulated. Let those elevators have proper apparatus for washing the wheat and they very likely will if trade warrant it, then everybody will benefit by giving the inspector latitude; but if you leave the law as it is you will have no apparatus for washing the wheat, and the business of the producer, the buyer and the exporter will be reduced to handling No. 3 wheat, without the possibility of giving it a higher grade. The result would be detrimental to trade generally. Although I did not like to vote on the last amendment, not being sufficiently acquainted with the details of it, on this question I shall decidedly vote in favour of my hon. friend's amendment.

Hon. Mr. POIRIER.

Hon. Mr. POWER—Not knowing anything about the grain business, I naturally hesitated to say anything with respect to this Bill; but the example of the hon. gentleman from Acadie encourages me, and I venture to make a plunge. In the first place I wish to get some information. What do the words in the amendment, 'proper grade' mean? Do they mean the grade which the wheat originally had?

Hon. Mr. DAVIS—It means this; if it had not been smutty grain it would have gone No. 1 hard. When the smut is removed, if in the opinion of the inspector it is as good as it would have been without smut, he should grade it accordingly.

Hon. Mr. WATSON—Does the hon. gentleman say that if it was No. 1 hard but smutty and was properly treated, it could be placed in No. 1 hard afterwards?

Hon. Mr. DAVIS—In the discretion of the inspector.

Hon. Mr. POWER—The hon. gentleman has answered my question. I see his idea is that after this wheat has been cleaned it is to go back to its original grade.

Hon. Mr. DAVIS—No, it is to go to the grade the inspector thinks it should have. He is to be the judge.

Hon. Mr. POWER—I do not think the amendment is worded so as to attain that object. It says 'into its proper grade.' Its proper grade may be one of three grades, the grade to which it belonged before it was damaged, its grade as damaged, and the grade to which it would belong after being cleaned. It strikes me that if a farmer sends wheat which has been damaged by smut or otherwise to an elevator and the wheat is cleaned there and he still retains the ownership, then he should be entitled to have that wheat graded according to its quality when it comes out of the elevator.

Hon. Mr. DAVIS—That is all I am asking.

Hon. Mr. POWER—If that is the hon. gentleman's intention he should alter the end of his amendment in this way; instead of saying 'put into its proper grade,' he

should say 'into the grade to which, after being treated, it properly belongs.'

Hon. Mr. DAVIS—I do not care, put it any way at all, so long as it meets the views my hon. friend expressed.

Hon. Mr. CAMPBELL—As the law now stands, all smutty wheat and scoured wheat goes in as No. 3 Northern. This proposes to place it in a higher grade if the inspector thinks it should go there. I do not think that is a good thing, for the reason that if it is smutty, it is utterly impossible for any elevator at Port Arthur to remove that smut. It is a wheat most millers will not buy. We have not bought any smutty wheat at all, because there is a smell from it that you cannot get rid of, and it should not go in a higher grade than No. 3 Northern.

Hon. Mr. DAVIS—What kind of flour do you make out of No. 3 Northern?

Hon. Mr. CAMPBELL—We make very good flour. We do not make as much flour as we do out of No. 2 Northern.

Hon. Mr. DAVIS—But you put smutty wheat in it?

Hon. Mr. CAMPBELL—No, and no one will buy smutty wheat unless he has an apparatus to clean it in the mill. You have not those appliances at Port Arthur or Fort William, nor has any elevator in the Northwest. It will have to be dried after being washed before going into a the original grade, might it not come out better than No. 3 Northern?

Hon. Mr. POWER—Supposing the wheat is of a very high grade, barring the smut, and supposing it goes through the machine and is cleaned, if it does not come out at a higher grade, might it not come out better than No. 3 Northern?

Hon. Mr. DAVIS—We know there is smutty wheat and it is used in making flour. It is not ground up for hogs.

Hon. Mr. CAMPBELL—Only by mills that have washing machines.

Hon. Mr. DAVIS—Can it be done at Fort William?

Hon. Mr. CAMPBELL—No.

Hon. Mr. DAVIS—Then what harm will this amendment do? I want to get an opportunity to do it if it can be done. Something has been said about penalizing the farmers. Say that Mr. Jones has a car of No. 1 extra hard wheat, wheat that would go that if it had not some smut balls in it. Mr. Brown has No. 1 Northern, pretty good wheat—not as good as the other man. Then Mr. Robinson, who has a car that would be No. 2 Northern, if it was not for the smut. After it is all cleaned they get the same price. The man with the good wheat does not get any more than the man with the poor wheat. If the inspector thinks a wheat should go into a certain grade, let him put it there. We are employing inspectors all the time, and if we have not confidence in the men we are employing as inspectors, we should dismiss them and get others. But everybody in the west has confidence that the inspectors will do what is right, and all we want on behalf of the people who produce the grain, is to give them the value of it. We do not want to have their grain forced into No. 3 grade if they have something which should go into a higher grade.

Hon. Sir RICHARD CARTWRIGHT—I have consulted several officers of long experience, and although they do not absolutely deny that smutty wheat in exceptional cases may be made better than No. 3 Northern, the opinion they gave was that in the vast majority of cases, it is absolutely impossible to turn smutty grain into any grade above No. 3 Northern. I give that opinion for what it is worth. The advice I get is that the practical working out of it is that you cannot turn grain, once smutty, into good grain, as a rule.

Hon. Mr. DAVIS—What is the harm of putting it in?

Hon. Sir RICHARD CARTWRIGHT—You have a high standard for No. 1 and No. 2 Northern. If it is known that grain which has been smutty and has undergone transformation processes or has been scoured, is put into a standard hitherto established, you may deteriorate the whole standard.

Hon. Mr. DAVIS—But there is nothing to force the inspector to put it there.

Hon. Sir RICHARD CARTWRIGHT—I can only say to my hon. friend, that the advice I got is that it would be dangerous to do it. They do not say it is absolutely impossible that some cases should occur. They say that in the vast majority of cases, they have no possibility of turning smutty grain into better than No. 3 Northern.

Hon. Mr. DAVIS—I do not care. I know something about it.

Hon. Mr. WATSON—I have not only grown wheat, but I have sold it, and dealt in it, and this provides that where wheat is damp and smutty and properly treated, it should be put in its proper grade. I fully agree with the Minister of Trade and Commerce that we should leave it where it is. I do not care what process wheat is put through, if it is damp and smutty it should not be put in a higher grade than 3 Northern. The only possible place to treat it at present is Port Arthur. It would have to be put in bins, and I do not think it is possible to remove the taint from wheat that is damp and smutty, and I believe it would be a great mistake to put any portion of wheat that had been smutty and tainted, and cured by any process, into the higher grades. Another feature of it is, that it would not be fair to the man who wants to grow clean and sound wheat and does not grow any smutty wheat, to have his wheat, which is not smutty, lowered by being put in with wheat of a lower grade that is smutty. That would be a great mistake. We have experimental farms and agricultural colleges educating the farmers, and it is known that it is not necessary for any farmer to grow smut. If the seed is properly treated, it is not necessary at all. I do not think we should encourage people to get a higher price than they receive at present for smutty wheat.

Hon. Mr. DAVIS—It has been mentioned that there is no scouring plant at Port Arthur. I do not know where my hon. friend got his information from, but I may tell him that there is a very large scouring plant at that place. My hon. friend may know all about the milling business, but I say that it is possible to clean smutty wheat and make it good. If you have No. 1 hard scoured you might have to lower it one grade; but I do not think it is necessary to lower it two grades or three and take 8 cents a bushel off the price. If the inspector thinks it should go in No. 3, let it go there, but if he thinks he can get it into No. 2 Northern, and thereby save the farmer $50 a car, let him do it. Why should he force it into a lower grade and have the dealers get it, and sell to the markets of the world as No. 1 hard, when the farmer is paid for it as No. 3?

Hon. Mr. WATSON—Why is the hon. gentleman advocating a grade of wheat that should not be grown in the west?

Hon. Mr. DAVIS—My hon. friend will never see the day when there will not be some of it. I have treated seed wheat as well as possible, and took all the precautions I could, and still I have smutty wheat. You can never tell.

Hon. Mr. YOUNG—I agree with my hon. friend that would likely be the result if he treated it.

Hon. Mr. WILSON—My hon. friend is not asking anything unreasonable. He is fighting in the interests of the farmer. I can fully understand that what he is asking to have incorporated in this Bill would benefit the farmers. Nearly all hon. gentlemen who have spoken have expressed a doubt about the qualification of the inspectors.

Hon. Mr. WATSON—No.

Hon. Mr. YOUNG—No.

Hon. Mr. DAVIS—Yes, you are right.

Hon. Mr. WILSON—They say distinctly this ought not to be done, and all my hon. friend asks is that it may be left in the hands of the inspector to grade it. Let him grade it as he may think fit. If the inspectors are not qualified for their position, they have no business there, and should be removed. They have no right to interfere in any way with the rights of the farming community in any section. Let us adopt some method whereby the people of the Northwest will receive justice, and have the inspection of grain placed on a proper basis. I can understand that if this wheat is sent to Port Arthur and operated upon there, it will grade as a fairly good

quality of wheat, and my hon. friend from Toronto says he has used it in his mill.

Hon. Mr. CAMPBELL—No, I do not buy it at all.

Hon. Mr. WILSON—The hon. gentleman uses smutty wheat, and he claimed that at Port Arthur they were unable to remove such impurities from wheat, yet what does he say? I, in Toronto, cannot have smutty wheat treated, but I have used it——

Hon. Mr. CAMPBELL—I said I did not use it.

Hon. Mr. WILSON—Do they not want the farmer to get the value of the grain he raises? The dealers come down to the Ontario millers, where they have an opportunity of passing low grade wheat through and selling it at a higher grade. I shall endeavour as far as I can to see that justice is done to the farming community of the Northwest.

Hon. Mr. POIRIER—A phrase in the hon. minister's answer struck me as strange. This sort of grain, he said, very seldom can be classed above No. 3; implying that in some cases it can. Now, with the law as it is, in such cases, the inspector would be forbidden to give that wheat its proper classification. Why should we therefore put on our text-book a law which forces the inspector, in some cases, to classify wheat in a lower grade than that to which it is entitled? We either have faith in the integrity and technical knowledge of our inspectors, or we have not. If we have not, let us change them. The inspector today has by this enactment to classify as No. 3, wheat which, as admitted by the hon. minister, sometimes would be entitled to a higher classification. That is not proper in my estimation.

Hon. Mr. WATSON—I would like to call the hon. gentleman's attention to the fact that we direct the inspector in our Inspection Act. In the Act we provide that No. 1 Northern shall be a certain weight, and shall contain a certain proportion of hard red Fife and sound. We also direct in the Inspection Act that he shall not put in smutty wheat in the upper grades, and if this House were to say that the inspector could, at his option, put wheat tainted with smut into the higher grades, it would injure their standard abroad. I think we should maintain those high grades. I think it would be a great mistake to give the inspector power to put anything into a higher grade which might deteriorate the grades in the markets of the world. I believe the King elevator, known as the Hospital at Port Arthur, is one of the best elevators in Canada to treat wheat. It is not very large for washing purposes, but they have the appliances there. From my own experience—and I have grown wheat and cleaned it—I do not believe, if wheat has been smutty and damp, and in store for a certain time, that it is possible to take out the taint of smut. It appears to permeate the whole kernel of the grain, and the flour will be tainted and it would be a great defect if such wheat should get into a higher grade.

Hon. Mr. DOUGLAS—I have a firm conviction that smutty wheat is diseased wheat —that it is injured by smut. The smut injures the kernel of the grain, so that I do not think it is possible that any process would ever restore it to the condition of No. 1 hard. I am satisfied on that point; but I ask the question, what has been done with it in the years that have gone by? We have a very strong conviction that scoured wheat has been, in the past, mixed with higher grades, and that the dealers have got the benefit and not the producer. I think it is a step in advance, to leave it to the judgment of the inspector, and if he finds that a quantity of grain, that would be No. 2 Northern, I do not see why we should distate to him and say he should put it in No. 3. But the reason this is opposed so strongly, is that it is not in the line of the interests of the trade. That is the whole basis upon which the opposition is presented, and I am afraid when the hon. gentleman in charge of this Bill tells us that the information he receives leans in a certain direction, that he has been well instructed from the side of the trade rather than the side of the producer.

Hon. Mr. POIRIER—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—The information I got was not from the trade.

Hon. Mr. DOUGLAS—We get information very largely right here from the trade, from the benches in this House. I have been raising wheat for the last 25 or 26 years, and know what I am talking about. I have had the honour of drafting Bills which have gone on our statute-book, and the country gives me credit for knowing something about wheat; but in this discussion I have been very much discouraged, and I have said very little, and perhaps have not done all that I ought to have done. It seems to me that the 400 dealers at Winnipeg, find it is a good business to go into the grain trade there, and they come down like modest men and say they are only asking one per cent profit in their business. A gentleman who has good reason for making the statement, a gentleman who occupied a very prominent position in Manitoba, who is a large farmer to boot, said that if they were honest, they would say they were looking for a profit of 17 cents a bushel rather than one cent for handling the grain.

Hon. Mr. DAVIS—And buying automobiles and diamond rings.

Hon. Mr. DOUGLAS—We have men from Minneapolis, St. Paul and all over the continent, and they are doing well in the business, and there are some in parliament who are doing well in the business, and we had better look to some of the producers who are here now on the benches and can speak from experience in producing and handling grain. Scoured wheat can be doctored. We have a hospital for wheat at Port Arthur as it has been called in years past, for sick grain, and it is not merely washing, but they add sulphur and lime and beautify it, and it is difficult to tell it from No. 1 hard. One dealer said to me, 'I have bought seven or eight grades of grain from a farmer, and I have only sent out three grades from the elevator,' that was on his own confession. Now it requires gentlemen here to listen to the producer and those who are seeking to advance the interest of the honest toiler in the North-west. The fact is, the grain trade has been a huge iniquity all these years, and we, as legislators, require to look carefully into this grain question. You will not find men giving up other good business and going into the grain trade if they did not think there was a good deal more money in it than in farming, and so they go to the great cities and buy grain and make great profits, and build towers on the corners of their houses.

Hon. Mr. DAVIS—And wear diamond rings.

Hon. Mr. DOUGLAS—I hope the right hon. gentleman who represents the government, and who is taking care of the Bill in this House will have an ear for the producers and those who represent the producers as well as the trade itself. I think it has not been to our benefit to have lines of elevators built by United States capital, and have United States men buying the grain and handling it. I have known young farmers to be very much discouraged in selling their grain and allowing it to be handled at Winnipeg, losing $160 on a single car, when they were not allowed to have their grain go to Owen Sound. I refer to a specific instance. They had sold grain to a miller in Owen Sound. He had agreed to take their inferior grain at a certain rate, but when it was loaded, and the car went to Port Arthur, the trade came in and said, 'Such is the pressure of business with the Canadian Pacific Railway that they cannot allow their cars to go out of the country, and you must submit to have your grain unloaded at Port Arthur. By so doing, the arrangement with the miller at Owen Sound could not be carried out, and so they lost, each of them $160 on their car. I drew the attention of the Canadian Pacific Railway to this fact, and I have in my desk a letter saying that Mr. Peters, a high official in the Canadian Pacific Railway, had nothing whatever to do with it, that the trade itself had taken the responsibility of saying the cars could not go forward, and they handled them in their own way, and through it the young men lost $160 apiece. Now, I put officials here on their guard, and pray them to give me some consideration because I know a little about it——

Hon. Mr. WATSON—Does the hon. gentleman mean to say that Mr. Peters admitted that a car of wheat, being shipped from some point in the west to Owen Sound, that any person could take possession of the car at Fort William?

Hon. Mr. DOUGLAS—The trade at Winnipeg interfered with the car.

Hon. Mr. WATSON—Was the car shipped to Owen Sound?

Hon. Mr. DOUGLAS—I can give you the names of those that interfered.

Hon. Mr. WATSON—Does the hon. gentleman say that Mr. Peters admitted by letter that somebody outside the company could interfere with a car shipped from Manitoba or Saskatchewan to Owen Sound, and that the Canadian Pacific Railway would not deliver it?

Hon. Mr. DOUGLAS—The trade interfered. The Canadian Pacific Railway had the blame laid upon them by the trade. I called Mr. Peters' attention to it, and he investigated the whole case.

Hon. Mr. WATSON—Was the car shipped to Owen Sound?

Hon. Mr. DOUGLAS—It was billed to Owen Sound.

Hon. Mr. YOUNG—I do not understand that statement.

Hon. Mr. DOUGLAS—I do not wish to give any further information. The hon. gentleman does not wish to understand.

Hon. Mr. DAVIS—And it has no bearing on the question.

Hon. Mr. YOUNG—We are here for investigation, and if such a thing as the hon. gentleman relates has occurred, it is well that we should know.

Hon. Mr. DOUGLAS—It did occur and has been investigated, and Mr. Peters' dictation in the matter was according to my own mind. I said to the parties interested: 'The Canadian Pacific Railway never did anything of the kind, but the trade did it at Winnipeg, and they assumed the position and afterwards they acknowledged they had done wrong ?

Hon. Mr. YOUNG—This is most extraordinary.

Hon. Mr. DOUGLAS—There is no need to say more about it. I think the amendment here is a reasonable one. We have confidence in the inspector, who is here on the floor of the House. We are willing to leave it in his hands, and I do not see why the minister should interfere in this case.

Hon. Mr. YOUNG—This is a serious mateer which the hon. gentleman has brought up, and if I understand his case it is this.

Hon. Mr. DOUGLAS—It is six o'clock.

Hon. Mr. YOUNG—If the hon. gentleman is here at eight o'clock, I desire to ask him a question.

Hon. Mr. DOUGLAS—I will be here.

It being six o'clock, the Speaker left the chair.

After Recess.

The committee resumed.

Hon. Mr. SCOTT—Sir Richard Cartwright will not be here this evening. I therefore move that the committee rise and report progress and ask leave to sit again to-morrow.

The motion was agreed to.

YUKON ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (169) An Act to amend the Yukon Act.

(In the Committee.)

Hon. Mr. SCOTT—We discussed this Bill pretty thoroughly on the second reading. It is practically bringing the administration of the Yukon into more modern methods. At first it was very primitive. Steps were taken then to elect part of the council; under this Bill the whole of the council are elected and the commissioner has certain powers. The hon. leader of the opposition thought we ought to have gone further and made it a province, but the answer to that is this: There are less than eight or nine thousand people there, and in Dawson only a couple of thousand, perhaps not as many, and therefore it would be premature to give them large powers, but they have responsible government. The commissioner represents the government and the mem-

bers of the council are elected. It is the evolution from governing from Ottawa and nominating the council here. The people elect a council and can define their qualifications and the term. The present term is two years; this Bill extends it to three years.

Hon. Mr. ROSS (Middlesex)—Is there to be an assembly as well as a council?

Hon. Mr. SCOTT—No, they sit as one. There is just an elective council.

On the 5th clause,

5. The salary of the commissioner and of the administrator shall be fixed by the Governor in Council and shall be payable out of the Consolidated Revenue Fund of Canada.

Hon. Mr. SCOTT—The present salary is $6,000, and $6,000 is allowed for living expenses. I presume as time goes on the expenses will be diminished.

The clause was adopted.

Hon. Mr. DERBYSHIRE, from the committee, reported the Bill with an amendment which was concurred in.

BANK ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (160) An Act to amend this Bank Act.

He said: To avoid in future the criticism which has been exercised in reference to our advancing the money to the Northwest last fall, it is proposed to empower the banks between a certain day named in October and the first of January, to advance to 15 per cent of their capital. The paid-up capital of the banks is about ninety million, and 15 per cent will amount to about 15,000,000. The banks are allowed to issue notes to the extent of the paid-up capital of the stock subscribed. That is in the neighbourhood of ninety million at present—between 90 and 100 million—a little over ninety. Between the first of October and the 21st of January the banks may have out this 15 per cent in excess of the amount which they are at present allowed to circulate. During that time they are called upon to pay a sum for the use of the extra capital, and not exceeding five per cent, which will be fixed by the Governor in Council. That is the amount they will be allowed to issue in excess of the legal amount.

Hon. Mr. CAMPBELL—It is on the combined paid-up capital and the reserve?

Hon. Mr. SCOTT—Yes, I was not aware of that. It will probably be more than the sum I mentioned first. I think it was stated in the other Chamber it might run up to more than $20,000,000. I am not sure what the reserve is.

Hon. Mr. CAMPBELL—The paid-up capital is about seventy-five million.

Hon. Mr. SCOTT—The ninety million probably includes the reserve.

Hon. Mr. CAMPBELL—The reserve runs up to more than that I think.

Hon. Mr. SCOTT—The amount in excess of the legal issue will be 15 per cent, between those periods. The clauses that follow make strict provision for a return to be made from time to time of the amount actually issued. There is a special clause in the Bill relating to the Bank of British North America. That bank holds its charter, as hon. gentlemen know, from the imperial parliament, and, therefore, it does not strictly come under the terms of our Bank Act. In the Bank Act, hon. gentlemen will probably recollect that there are clauses that except the Bank of British North America and make special provisions consequent on their Act of incorporation, which is somewhat different from the Bank Act of Canada. The reason the Bank of British North America is specially mentioned is that it does not follow on exactly the same lines. The remaining clauses are simply precautionary clauses requiring very careful returns to be made.

Hon. Sir MACKENZIE BOWELL—The Bank of British North America carry on their operations under an Imperial Act, do they not?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—This Bill is intended, I presume, to get over any such difficulty as occurred last fall.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—I remember quite well that the hon. member from St. John, some years ago, introduced an amendment to the Bank Act in which a similar provision occurred. The object was to give the banks a right to issue notes to make their circulation based upon their reserve during certain months of the year. The Bankers' Association were opposed to the Bill, and it was dropped, but I thought at the time it was a very wise provision. This Bill goes further than that; it bases the excess of circulation upon the reserve and the capital combined, 15 per cent on both, and hon. gentlemen will observe that it will, in the case of some banks at least, give an immensely increased circulation. For instance, the Bank of Nova Scotia has a reserve of over five millions, and a capital of three millions. Fifteen per cent on that will give an increased circulation of one million two hundred thousand dollars, and other banks with strong reserves will enjoy the same advantage.

Hon. Mr. SCOTT—For a little over three months.

Hon. Mr. FERGUSON—For exactly four months. I do not find any fault with that, or with the principle of the Bill that allows stable banks with large reserves to get a larger right to circulate. The Bill is not introducing a weakness, because it lies in the Act as it is now. That is the right of the bank to issue a circulation equal to their unimpaired paid up capital without any inquiry by the government as to whether that capital is unimpaired or not. This word 'unimpaired' is, I think, introduced for the first time, and seems to imply that the government are going to take precautions to inquire whether the capital is impaired or not. If that were done, it would be an excellent thing. We have had some bank failures recently, the bank of St. Jean and the Bank of St. Hyacinthe —and it turns out, although they were claiming a rest account they had none. The rest was gone and the capital was impaired, and yet up to the suspension of those two banks, they could make increased circulation if this Act were in force. Of course circulation is protected in another way by our Bank Act, but the introduction of the word 'unimpaired' points to the government taking some further action to ascertain whether an impairment has taken place or not. If not, why should this word be there. A bank will not admit an impairment until trouble occurs. The Sovereign Bank reduced its capital. Of course the reduction would at once take effect and the issue of notes, I presume, would be in accordance with the reduced capital, but we are now allowing the banks to very greatly increase their circulation, to which I do not object, but I think as a handmaid to this Bill we ought to take means to look into the affairs of the banks not only for the purposes of this Bill, but for all purposes, and find if their affairs are being properly conducted or not. Such an inquiry need not be a general investigation of the affairs of the banks. It would not be necessary, I imagine, to go into an examination of the branches and all that; but the examination of the various head offices by expert accountants independent of the banks' own management altogether would give a guarantee to the public which they do not possess at present. There are only two banks in Canada in that position, the Bank of Nova Scotia that brings in outside accountants from Great Britain to investigate its head office and audit its affairs, and the Bank of British North America that is similarly inspected, because I presume that is, if not the law, at all events the practice of Great Britain. Reference has been made by my hon. friend to the Bank of British North America. I remember investigating this subject some years ago, and found as the hon. member from Hastings has remarked, that it is based on an imperial charter; but it does seem strange that this bank, which is undoubtedly a good and stable concern, should only be allowed to have an increase of 10 per cent in its circulation. Its circulation now is limited. I suppose 10 per cent is in proportion to its present right to circulate. Its circulation is 75 per cent of its paid up capital, and the clause of this Bill dealing with the Bank of British North America gives it the right to circulate in excess of its present Act to the extent of 10 per cent on its reserve and paid up capital. This Bill does not disclose this fact, and I am not sure where I could go to get the informa-

tion; but how, being a British bank operating in Canada, does not set aside a part of its reserve as a Canadian reserve? We cannot possibly legislate for its business in Great Britain; we are only legislating for its Canadian business. Does it set aside of its reserve a part that is designated Canadian reserve? We could easily deal with that, but its general reserve as a bank operating both in Great Britain and Canada it would be rather difficult for us to deal with.

Hon. Mr. SCOTT—Under the Bank Act, there are only certain clauses referring to it. It does not come generally under all the clauses of the Banking Act, showing that wherever our banking Act is not in harmony with the original charter, we exempt them. It is only those particular clauses of the charter which are in harmony with our Bank Act that are subject to the Bank Act.

Hon. Mr. FERGUSON—This addition of 10 per cent to the right to circulate, will of course refer to the Canadian portion of the reserve only. We could not make it go beyond that.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. CAMPBELL—I see that the Bank of British North America has a right to issue 75 per cent of the paid-up capital, and then for the excess above that they are to deposit with the government bonds and securities which are available for the purpose of the government in case the bank fails. In reference to the point made about the government inspection, I think that would be a very difficult matter to do. It is a difficult thing, because, in order to make a thorough inspection of a bank with 75 or 80 branches every branch should be inspected exactly the same day, and it would require a great many inspectors to go over the banks. Take the Bank of Montreal and the Bank of Commerce, with over 150 branches, if it were not done the same day there might be manipulation of the accounts; but I have often thought that a better plan would be to insist on better returns. For instance, every bank has to furnish the Minister of Finance with a declaration within the first fifteen days of the month of full returns of that bank for the preceding month, the number of notes in circulation, the securities, the amount on deposit, and so forth. They make that up in this way: there are branches here and there all over the country. These branches all send to the head office a statement of how the affairs of the bank stand at each particular branch, and from all those different returns the head office will summarize and make one return of the whole position of the bank. Now, there is nothing localized there. It is the position of the whole bank, and I have often thought that the Minister of Finance should insist on having not only the general return made up by the head office, but a copy of the return sent in by each branch showing the state of affairs at every particular branch furnished also with the general statement, and then if the Minister of Finance suspected anything was wrong the inspector could go right to that branch and take up with them the return they furnished, look over it and ascertain the state of affairs at that branch at that time. They could check every branch at their leisure and see whether the return furnished the head office on the 30 of the month, and which was transmitted to the Finance Minister, was a correct return. I think that would be a splendid check on the banks. A great many of our banks need inspection, as the results have shown in the last few months. The capital is very often impaired, and there is no means of knowing it unless we go to every particular branch and inspect it the same day. They manipulate the accounts so that it would be impossible to ascertain it; but if the plan I suggest were carried out, and the statement of the affairs of each branch sent on the first day, and then when the head office summarized all this and sent a copy of the return of each branch to the Minister of Finance, he could examine into it at his leisure?

Hon. Mr. FERGUSON—I think that is a first rate suggestion; but when that summary comes into the head office, why should the independent audit not take place then?

Hon. Mr. CAMPBELL—Yes, the audit could be done quite readily. You can take

that statement in your hand and go over the documents and see if it is correct, and if there is anything wrong you can locate it immediately.

Hon. Mr. FERGUSON—That would be the first step towards getting an inspection at the head office.

Hon. Mr. CAMPBELL—Having the local branches send in their accounts to the head office, and then the head office transmitting a copy of that to the Finance Minister, he would be able to locate the difficulty.

Hon. Mr. BEIQUE—I do not propose to follow up this discussion, because I think it is hardly open under the present Bill. I merely desire to call the attention of the hon. gentleman from Marshfield to the fact that the word 'unimpaired' is not a new word as used in this Bill. It is to be found in the Banking Act, and if he refers to section 58 for instance, he will see any bank is prohibited to pay dividends which would have the effect of impairing the capital of the bank. So that nothing can be inferred from the use of the word in this Bill as to the intention of the government or of parliament to adopt another mode of inspecting the banks. I understand that this question of inspection of the banks will come up on a general Bill for amendment of the Banking Act, especially at the time, as was announced in the other House, when the ten years expire, or it may be taken up next year by the government.

Hon. Mr. POWER—I do not profess to know anything about banking, but I have heard from gentlemen who do know something about it, something that leads me to think that the plan suggested by the hon. gentleman from York would hardly meet the difficulty. I have understood that there has been, as a rule, no serious fault to find with the inspection of the branches of the various banks; but the difficulty has been that the headquarters are not inspected. The inspector of a bank does not inspect the headquarters. He goes out and inspects the branches. I thought the hon. gentleman was going to say that he did not think any government inspection of the head offices of the banks would be satisfactory; if he had said that I think he would have been right. The problem is to secure such an inspection of the head offices of the banks as shall let those who are directly interested know whether a bank is in a solvent condition or not, and as the hon. gentleman from Marshfield says, there are two banks, the Bank of Nova Scotia and the Bank of British North America which have adopted this plan of having an independent outside audit at their headquarters, and it seems to me that when the Banking Act is being amended there should be some provision in it to compel all the banks to adopt that or some system which would have the like effect. There should be a searching and independent inspection at the head offices of the different banks.

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

COURT OF APPEAL OF BRITISH COLUMBIA BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (165) An Act respecting the Court of Appeals of British Columbia.

He said: There are just two points about this Bill, one is naming in British Columbia a Court of Appeal instead of the Supreme Court as the ultimate court where a voter has been disfranchised for the commission of some act in violation of the Election Act, and then the salaries of the judges have been increased. The Chief Justice of the Court of Appeals in British Columbia will receive $8,000 instead of $7,000. The three Justices of the Court of Appeals will receive $7,000 instead of $6,000, and the Justice of the Superior Court will receive $7,000 instead of $6,000.

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

CHINESE IMMIGRATION ACT.

COMMONS AMENDMENT CONCURRED IN.

Hon. Mr. SCOTT moved concurrence in the amendments made by the House of Commons to Bill (OO) An Act to amend the Chinese Immigration Act.

He said: The first amendment is in paragraph 5, striking out the word 'students under 17 years of age.' It was alleged that considerable frauds were practised in British Columbia by men or grown up boys coming in as students and going to school

for a certain number of months, and in that way avoiding the payment of the $500 tax. The object is to make more strict provision to prevent such frauds. I move that the amendment be concurred in.

The amendment was concurred in.

The next change was to leave out clause 3 and substitute the following therefor:

Subsection 3 of section 7 is hereby repealed, and the following substituted:

A student of Chinese origin who upon passing into Canada has substantiated his status as such to the satisfaction of the controller, subject to the approval of the minister, and who is the bearer of a certificate of identity or other similar document issued by the government or recognized official of the government, &c.

Hon. Sir MACKENZIE BOWELL—That only provides for the student returning to the country.

Hon. Mr. SCOTT—Oh, no. The money may be deposited, and if he has been a year in the university and still continues, he can get the refund.

Hon. Sir MACKENZIE BOWELL—There is no age limit.

Hon. Mr. SCOTT—Apparently not.

Hon. Sir MACKENZIE BOWELL—There is an addition to that clause in addition to what my hon. friend read :

Notwithstanding anything in this Act, and subject to such regulations as are made for the purpose of the Governor in Council, any Chinese immigrant whose destination is a place in Canada other than the part or place at which he enters Canada, may pass through to the destination and pay the tax therein provided for, only on reaching his destination.

If he lands in British Columbia intended for any other portion of the Dominion, he pays his tax at the place at which he arrives.

This clause provides that: 'A student of Chinese origin who, upon first entering Canada has substantiated his status as such to the satisfaction of the comptroller and subject to the appoval of the Minister.' How is that to be carried out ? If, under this clause a Chinese arrives in Victoria and he satisfies the comptroller that he has complied with the terms of this clause of the Act, how is the minister to be approached to issue regulations as to his admission ? It is to be on the approval of the minister.

Hon. Mr. SCOTT—The chairman would, of course, be allowed to enter, and the papers would be sent on to Ottawa. In the meantime he would be allowed to be within Canada.

Hon. Sir MACKENZIE BOWELL—All I have to say is, you will find the working of that clause altogether impracticable.

Hon. Mr. SCOTT—I presume the whole object of the Bill is to keep the Chinamen under restriction. The whole effort is to obstruct.

Hon. Sir MACKENZIE BOWELL—Then you would have to put him in bond and place a guard over him until his credentials would reach Ottawa, and he would have to await the pleasure of the government here before he would know whether he would have a right to be in the country or not.

Hon. Mr. BOSTOCK—I do not understand the fifth clause.

Hon. Mr. POWER—It provides that a person who does a certain thing is guilty of an indictable offence and the amendment adds that he shall be liable to deportation.

Hon. Mr. CAMPBELL—Most of the Chinamen enter Canada at Vancouver or Victoria, and British Columbia gets half the tax. A great many of them find their way to Ontario and we have to take care of them down here.

Hon. Mr. POWER—They generally look after themselves.

Hon. Mr. CAMPBELL—They come to our province, but British Columbia gets the money.

Hon. Sir MACKENZIE BOWELL—Before this amendment was proposed, the capitation tax had to be paid at the port of entry, and consequently British Columbia received all the benefits from it. This Bill makes provision that if he lands in British Columbia, but his destination is Ontario, the tax shall be paid at destination instead of at the port of entry. I do not see any provision that Ontario is to get half the capitation tax under such circumstances.

Hon. Mr. BOSTOCK—The Act in the Revised Statutes provides that half the net proceeds shall, at the end of every fiscal year, be paid to the province wherein it was collected.

Hon. Mr. POWER—The amendment now under consideration meets the point raised by the hon. senator from York. It strikes out clause 4 of the Bill as we sent it down to the Commons, and it is provided that any Chinese whose destination is any part of Canada other than the port at which he entered, shall pay the tax at the place of destination, so that if his destination is in Ontario, he pays the tax there and the province gets half the amount.

Hon. Mr. FERGUSON—I do not think the province of British Columbia need worry about this. There will be a very small proportion of the Chinese that will be sent through in the first instance, and therefore the tax will almost invariably go to British Columbia, to which I do not object.

Hon. Mr. POWER—I could understand Chinamen getting rather tired of British Columbia and wishing to change.

The motion was agreed to.

THE SENATE DEBATES.

MOTION.

Hon. Mr. BEIQUE moved the adoption of the 2nd report of the Standing Committee on Debates and Reporting.

Hon. Mr. POWER—I do not rise for the purpose of opposing this report, but rather for the purpose of inquiring from the hon. Chairman of the committee whether they have under consideration any scheme for improving our system of distributing the 'Debates.' We spend a very considerable sum of money for reporting the debates of this House in two languages and we get an exceedingly small return. I do not wish to be understood as finding fault with the reporters, because the reports are not too bad at all, but we get really very little substantial return. During the present session the revised reports have been anywhere from a month to five weeks behind. The interest in a debate, after a month, has gone. No senator has any special object in distributing a speech four or five weeks old. I think this is the right time to call the attention of the Chairman to the matter. We are paying between $15,000 and $20,000 a year for the reporting and publication of our debates and I do not think that the House is getting value for the expenditure. The only thing that goes from this House that is read is the summary made by the press reporter. Practically the extended reports are not read. The only way in which we can secure any considerable reading of our reports is by having the Senate 'Debates' combined with the Commons 'Hansard.' That is the practice in England; the 'Hansards' of the two Houses are bound together in one pamphlet and distributed. The same practice prevails at Washington.

Hon. Mr. SCOTT—That is weeks afterwards.

Hon. Mr. POWER—It may be days. I am not discussing that particular aspect of it now. It is the same in Australia; and I do not see any reason why we could not make some arrangement such as they have in those countries for the distribution of our reports with those of the Commons in the same pamphlet. The Commons reports are distributed earlier on the day after the debates take place than our reports are. As I understand it, the interests of the gentlemen who now report for the Senate need not be sacrificed at all, and we could get our reports published more promptly and they would be read much more extensively than they are now. I may say, at the present time, I do not think the reports of the Commons debates are read very extensively, but a time may come when they will be more interesting reading, and more extensively circulated than they are now. At any rate if we are to get anything like the value for what our reporting costs, I see no other way of getting it than that which I have indicated. We have tried various plans during the 30 years I have been here and they have all failed. I think it is worth while to try this last suggestion, and if that fails, then the wiser way would be to abolish the Senate 'Hansard' altogether.

Hon. Mr. FERGUSON—I agree with the hon. senator from Halifax that the book

form of our debates is no good as a matter of current information. It comes out three or four weeks after the debate has taken place, and does not reach the public at a time when the questions are live ones; but I do not agree with him, nevertheless, that it is of no value. I have had occasion since I have been a member of the Senate to go back over the debates for information on subjects that were debated before I became a member of this House, and our Senate debates in bound form in the library are useful books of reference for all public men in the country. Nearly every subject that has engaged the attention of parliament since confederation is to be found in our debates in much more convenient form for reference than in the more voluminous Commons 'Hansard.' Therefore, while I quite agree with my hon. friend that the revised edition being distributed too late to be of value for current information, I should be very sorry to see it abolished. There has been a decided improvement in getting out the unrevised issue this session. It appears almost simultaneously with the Commons 'Hansard,' except when we hold night sittings. When we sit after recess, a double staff of officials would be necessary to keep up with the work, and it is one reason why we should not have night sittings. We should meet all the working days of the week and there would be no necessity for night sessions.

However, that is not the question before us. I am a member of the Debates Committee, and I had it in my mind that we had provided for the distribution of the unrevised edition every morning. I think we should have that. I am perfectly satisfied, as a member of this House, with the unrevised report. In the main it furnishes an exact account of what takes place, valuable for the press and for members of the other House, and if distributed would bring the Senate more into notice with the press and the public than at present. It should be sent to members of the press and of the House of Commons. I almost thought that was agreed on last year, and I intend to bring it before my colleagues on the committee this year, and hope that next session we will have the unrevised edition of the Senate distributed as early as the unrevised edition of the Commons 'Hansard' and also furnish it to the press and members of the Commons. It will furnish the basis of editorial comment on what is done in the Senate, for which there is no basis now, because the writers for the newspapers do not see the reports of our debates until the subjects are too stale to be of any value as news.

Hon. Sir MACKENZIE BOWELL—The distribution of the revised edition has been generally laid on the table immediately after the corrections were made, but the unrevised reports, as a rule, during the present session, have been distributed early next morning after the debates. There can be no objection taken to the delays in that respect. Whether the revised edition is circulated early enough, I am not prepared to say, because I seldom look at it. I am very glad to know there are times when I can agree with the hon. senator from Halifax. If he will move for the abolition of the official reporting altogether I shall be very glad to second his motion. It is not a new idea with me. I voted against the 'Hansard' of the House of Commons when I had the honour of having a seat there, and I think it is much less useful here than the 'Hansard' of the other Chamber. Its only use, to my mind, is the reason assigned by the hon. senator from Marshfield; that is as a book of reference as to what has occurred in the Senate. Occasionally the reports are referred to when it is desirable to call attention to some debate or proceedings in former years; but the action of the Senate on any question can usually be found in the Journals. The debates are, to my mind, useful only as a book of reference. The question is whether the reports are worth the cost of producing them.

Hon. Mr. LOUGHEED—I was not present when the motion was made for the adoption of the report, but I cannot refrain from making an observation with reference to the satisfaction which the Senate has had from the services rendered by the present reporters.

Hon. Mr. POWER—They are the same reporters we have had for over thirty years; and I am not quarrelling with the reporters.

Hon. Mr. LOUGHEED—The discussion since I have entered the chamber has been somewhat wide of the mark, inasmuch as the subject of the report is a recommendation to increase the compensation to the reporters, in view, I presume, of the length of the session. Ever since I have had the honour of occupying a seat in this chamber the idea of abolishing 'Hansard' has been discussed from time to time. I have never yet been convinced of the utility of 'Hansard' in either House except it may have been to keep hon. gentlemen in a consistent line of policy or conduct with reference to the course they have pursued on public affairs. I very much doubt even of the utility of that, because as we advance in years or knowledge, the most natural thing in the world is that we change our opinions of earlier days, and yet it has always been a prolific subject of debate in parliament that some hon. gentlemen a generation or two generations ago have occupied on public questions positions from which they may have deviated to some extent later. It seems to me there is also a very large measure of disappointed vanity shown in the sentiments which hon. gentlemen express from time to time on this particular subject. It requires a good deal of calm egotism on the part of any hon. gentleman to complain that 'Hansard' is not perused as a vloume of current interest by the public to know what members in either House may have said. We must know very well that 'Hansard' is practically a dead book so far as public interest is concerned. Outside of a matter of reference as to the course pursued by members of parliament from time to time, I am satisfied that 'Hansard' is never opened. In addition to that, it is the most common thing for hon. gentlemen to express themselves thoughtlessly on public subjects notwithstanding 'Hansard,' and, for the purpose of being consistent, to adhere to the opinions thus expressed. I think the sentiments of public men on public questions would be of a very much more advanced character were 'Hansard' abolished entirely. The business of parliament would be more satisfactorily and speedily despatched. Notwithstanding these general observations, I very heartily support the recommendation of the committee that the compensation of the reporters be increased in consideration of the very satisfactory services they have rendered, and more particularly in view of the extraordinary length of the session, which I hope the leader of the House will not allow to be repeated on a subsequent occasion.

Hon. Mr. POWER. The hon. gentleman who leads the opposition was not present in the House when I began my observations with respect to this report. I took care to guard myself from quarrelling with the report at all. I simply used that as a peg on which to hang a few questions and remarks as to what the committee proposed to do in future sessions.

Hon. Mr. ROSS (Middlesex)—I approve cordially of a 'Hansard' for this House, as I approved when I had the honour of a seat in the House of Commons of a 'Hansard' for that House. I had the honour, I think, of being Chairman of the Hansard Committee of the House of Commons for the first five or six years, or maybe more, under which it was organized, and I approve of it for this reason, that in the discussion of public questions that may arise during the interim or between sessions, or any time, the 'Hansard' is a source of information that is invaluable to public men. Let me give one instance, rather a striking one, and perhaps an exceptional one, but still useful by way of illustration. We have the Confederation Debates in the library. Most public men are in possession of copies of the Confederation Debates for their own use. I do not know any volume that gives a more comprehensive history of Canada, perhaps, for thirty or forty years prior to confederation than the debates contained in that invaluable document. In the same way, if we want to know fully the trend of public opinion in England upon any question, we refer to the 'Hansard' reports of the British House of Commons. I have had to refer to them several times this session in connection with some matters I was looking up. We have the press reports proceedings of the House of Commons. They are bare. If you have ample time, and two or three private secretaries, you can refer to the reports in the English papers, but they are clumsy and not avail-

able. You get the debates of the House of Commons and of the House of Lords in any public library, and there you have a mine of information which is invaluable. In the same way, when you want to refer to a discussion on the tariff, or take that long discussion we had on the Remedial Bill, or upon the Jesuits Estates Bill, these are historical questions. Where do you get the information on these questions? You cannot get it in the newspapers. If you do you get it in party newspapers, maybe coloured. If you have the 'Hansard,' you get the uncoloured untainted views of the members of the House of Commons as they expressed them. If it were for nothing else but to give dignity to Canadian public men, or to give permanency to their views on the different public questions, the 'Hansard' is worth a good deal. We are a growing nation. Twenty or thirty years after this, our 'Hansard' will be a source from which the writers of Canadian history will draw their supply. Take an important debate in the history of Canada, which is almost a blank in history at this moment, the process on which our constitution was evolved, the debate on the Quebec resolutions, in the conference of thirty-three members, held in Quebec. There is a volume which no historian can fill. I have tried to find from private sources how that debate was conducted and how the members arrived at their conclusions. There is nothing to show the arguments pro and con by which their conclusions were reached. Fortunately for the people of the United States, there was a private report made by Madison of the motions by which they reached the conclusions of 1786, and an important document it was, and it is referred to in the congress of the United States to indicate the basis on which the constitution was founded. These reports are invaluable on important matters which we have in the Bills which founded the west, in the Bills which gave British Columbia her constitution, and which gave Prince Edward Island her constitution, a matter into which I am looking now, in regard to which the newspaper reports are meagre. If we had had a 'Hansard' then as fully as we had in 1875 we would have had a mass of information. We are, to a certain extent, making history, and embalming as it were the views of our best men, and in the future evolution of that history and the future evolution of legislation, the process by which this stage and that stage was reached will be invaluable in shaping the history of the country. I have had occasion to refer to the past debates of the Senate, and to an outsider it is most gratifying on what broad principles some of these subjects were discussed, and what a mass of information some of the speeches contain. That is the material out of which you make law, the opinions of our leading men, and on that raw material law is founded and developed, and on that ground we have strong reason for maintaining and perpetuating the 'Hansard.'

I am very much pleased with the reports given in this House of our debates. I do not revise my own speeches. I may look into them sometimes, but I am really surprised at the accuracy with which two men are able to report from day to day the proceedings and the debates of this House, and I think we ought to be abundently satisfied with their work from a reportorial standpoint. There is one part of the reporting of the House which is far from satisfactory to me, and that is the summary made for the public press. I do not know how to overcome that. I feel as if the journalists of this country were not sufficiently interested in the debates of this Senate to give as large a place to them in their reports as they ought to. Of course to make them valuable they must be telegraphed, and that is expensive. To make them acceptable to their readers, they must be fresh. Whether the newspapers will receive a larger report of our proceedings than they now receive and pay for it, as they would have to in various ways, is a question I cannot answer; but the reports in the daily papers are exceedingly meagre. Sometimes very valuable debates are almost entirely overlooked. If that difficulty could be overcome by the expenditure of a larger sum of money then it is for us to expend it. The Senate in that respect is not sufficiently advertised. I do not mean that in a mercenary, but in a public sense. Every man who speaks in the House of Commons to any purpose is sure to be reported by the papers, because there is a

corps of newspaper reporters and correspondents in the gallery; the papers know they must meet the public demand in matters of this kind. There is not the same feeling in regard to the debates of the Senate. Perhaps we do not take sufficient pains to cultivate that feeling, and if our Debates Committee could find some way of sending forth to the country a more extensive report of the proceedings of the Senate, or find some way of interesting the journals of the country more in the debates of the Senate, it would add a good deal to the usefulness of the Upper House; it would establish more fully than it has now done the usefulness of the Senate, and I think the benefit to the pubic would be correspondingly great. Without presuming to occupy the time of the House, let me say that I hope any motion made for the abolition of the Senate debates will not prevail, and I hope the House will be reasonably generous with our reporters, particularly when the work is so well done, and if this House has the standing it ought to have, we should feel that its reports are as worthy of preservation as are the debates of the House of Commons. Let me say something germane to the remarks of the hon. genteman from Halifax, and that is that I think it would be well if the suggestion he made that the reports of the Senate were published in the same pamphlet or in the same binding as the reports of the House of Commons could be adopted. It would be a great advantage to us. I was surprised to hear that our unrevised 'Hansard' is not distributed to members of the House of Commons as their reports are to this House. That is a mistake. I think the Debates Committee should correct that at once, and the daily report should go to the House of Commons as regularly as the reports of that House are received here, and if the two could be bound or distributed together, it would be an advantage. I noticed in reading the debates of the British House of Commons on turning over a few leaves, I come to the debates of the House of Lords on the same subjects. You get the views of both the Commons and the House of Lords with very little trouble on the same topic. If you were to do that with regard to the two branches of our parliament, you would have to search two different volumes for that purpose. It would add to the number of volumes, but they are no more expensive in one form than another, and I am sure it would add to the value of the debates of this House and of the House of Commons in the country.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has given unanswerable reasons why the 'Debates' should be continued, and that is because they embalmed the opinions of our public men; but he ought to have added to that 'and then consigned to the library and locked up forever.'

Hon. Mr. BEIQUE—The hon. gentleman from Middlesex has given pretty strong reasons to my mind in favour of the continuation of the 'Hansard.' There is, however, a doubt in my mind as to whether the proceedings in committee should be continued. It is dealing with questions which would appear in the journals maybe sufficiently fully, and it is making the 'Hansard' very bulky both in this House and in the House of Commons, and if the 'Hansard' is not read more than it is, it is because it is becoming so voluminous. However, this is not the question for our present consideration. It has been suggested by the hon. gentleman from Halifax that the debates of the Senate should appear with the debates of the House of Commons and he has asked as to whether the Debates Committee intend to take any action in that direction. As Chairman of that committee I must say that I do not think it is within the province of the committee to take any action until a motion has been made in this House for the purpose of eliciting an opinion in that direction. Otherwise, we would have to confer with the House of Commons on the subject, and we should not do so without being authorized by this hon. House.

Hon. Mr. ROSS (Middlesex)—By joint action.

Hon. Mr. BEIQUE—The hon. gentleman from Halifax has expressed his opinion as to the delay in the issuing of the bound volume.

Hon. Mr. POWER—The issuing of the revised forms.

Hon. Mr. BEIQUE—The hon. gentleman will notice there has been a considerable improvement in that direction. At the commencement of the session we adopted the system obtaining in the House of Commons of having only one revised edition, and it has enabled us to have the unrevised edition the very next day after the debate, and to have the revised edition a few days afterwards. It will be found on referring to our files that we have the revised edition on our files for the tenth of the present month, which is not very far behind, and I think with some further exertion on the part of the Printing Bureau we might be very much nearer to the mark. Possibly it might be three or four days, as it is in the House of Commons. In fact the Debates Committee had the promise from Dr. Dawson when the change was made that our proceedings would be priuted as fast as those of the House of Commons, and we are entitled to insist upon that promise being carried out. The report is merely recommending that the sum of $8,000 be paid the reporters.

Hon. Mr. CAMPBELL—How much of an increase is that?

Hon. Mr. BEIQUE—It is the same amount as was paid last year. The same report was made and adopted last year. The increase last year was larger than it will be this year, on account of the length of the present session, and also because this year there were more reports of committees than last year. I have a statement showing that according to the contract with the reporters, if they were paid as per contract, they would be entitled to $6,267.50, but this amount includes the reports of the Committee on Banking and Commerce and the Divorce Committee. This $8,000 covers any additional reporting that will be required for the remainder of the session.

Hon. Mr. LOUGHEED—May I ask my hon. friend what the relative cost per page is between the Senate and Commons 'Hansard'?

Hon. Mr. BEIQUE—I have a statement showing that in 1906 the total cost per page for the report, translation and assistance, and printing in the Commons amounted to $21.15 per page, and in the Senate the cost per page was $9.68.

Hon. Mr. ROSS—Did that include translation and printing?

Hon. Mr. BEIQUE—Yes, it includes everything.

Hon. Mr. FERGUSON—Is that over a term of years?

Hon. Mr. BEIQUE—No, for 1906. I have the figures for the term of years from 1893 to 1906 of the cost per page of the Senate reports, but I have not the figures for the comparative period in the House of Commons. The amount paid to the reporters per page in the Senate came to $5.61. That is outside of the translation and printing.

Hon. Mr. GIBSON—Is the hon. gentleman aware that there is more on a page of the Commons 'Hansard' than there is on a page of the Senate 'Hansard'?

Hon. Mr. BEIQUE—Yes, I am aware of that, and I have had the correction made for comparison.

Hon. Mr. GIBSON—The hon. gentleman states that this is to include the cost of reporting the proceedings of the Committee on Banking and Commerce. There was an account put in for reporting the proceedings on the Bills of Lading Bill as a separate account, and charged for, and that was not inserted in the 'Hansard' account. I am quite aware that the reporting of the divorce committees is included in the contract, but any extra reporting of the proceedings of the Banking and Commerce Committee has been paid for.

Hon. Mr. BEIQUE—Yes, the reporters, under their contract, would be entitled to be paid separately for reporting the Divorce Committee as well as the Banking and Commerce Committee, but under the report as now before this House, it is recommended that the $8,000 cover all.

Hon. Mr. GIBSON—Including the separate account they put in?

Hon. Mr. BEIQUE—Yes, to cover the whole of the reporting done and to be done during the session.

The motion was agreed to.

CONSTRUCTION OF DRY DOCKS BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (119) 'An Act to encourage the construction of Dry Docks.'

(In the Committee.)

On clause 3.

3. The Governor in Council may, as an aid to the construction of any dry dock, authorize the payment, out of any unappropriated money forming part of the consolidated revenue fund of Canada, of a subsidy not exceeding three per cent per annum of the cost of the work, as fixed and determined under subsection 2 of this section, to any incorporated company, approved by the Governor in Council as having the ability to perform the work, which shall enter into an agreement with His Majesty to construct any such dry dock, with all necessary equipments, machinery and plant, for the reception and repairing of vessels: Provided, however, that such aid shall not be granted unless the Governor in Council is satisfied, upon a report of the minister, based upon a report of the chief engineer of the Department of Public Works, and such other evidence as he deems necessary, that such dry dock is needed in the public interest, and is, as proposed, of sufficient capacity to meet the public requirements where such dry dock is to be located: Provided also that such subsidy shall not exceed forty-five thousand dollars per annum.

2. The cost on which the subsidy shall be calculated shall be fixed and determined by the Governor in Council, upon the recommenation of the minister, based upon a report of the chief engineer of the Department of Public Works, accompanied by plans and specifications of the proposed works, and such cost shall include any sum *bona fide* expended, or to be expended, by the company in the purchase of a site for the dry dock; and the amount of the subsidy shall be so fixed and determined before the agreement for payment of the subsidy is entered into.

Hon. Mr. POWER—I should like to make an observation or two on this clause. There are at the present time, I think, perhaps half a dozen dry docks in Canada, and as a rule, those dry docks are not properties that pay very well. There is a dry dock at Halifax which was subsidized, I think, to one-third of the extent which this Bill provides as to future dry docks. The Dominion government gave a subsidy of ten thousand dollars a year, and the British Admiralty and the city of Halifax each gave ten thousand a year for a certain length of time. During the first 15 years or so of the existence of that dry dock it did a comparatively small business. The business of a dry dock depends, of course, very much on the location of the dock. It just happened that Halifax, like St. Johns, Newfoundland, is pushed out into the ocean, and is in the way of picking up lame ducks. A steamer breaks down on the Atlantic, and either St. Johns, Newfoundland, or Halifax, is very often the most convenient port to make to. Even with the advantages of its situation and all that, the dry dock at Halifax has only within a comparatively short time, begun to do any very considerable business. There is not any demand, as I understand it—there could be no urgent demand for a dry dock at any other point on the Atlantic coast or even in the Gulf of St. Lawrence, except at Quebec, and there is a dry dock at Quebec. Besides, for several years now we have had this offer contained in the Act which this Bill proposes to amend, providing that the government would pay at the rate of three per cent up to $30,000 a year. When you come to look at it, this really means that some gentlemen will form a company, and, practically, the government will build the dock, because when the government pays three per cent on the cost of the dock that comes very near to paying the whole cost.

Hon. Mr. SCOTT—There is a limit.

Hon. Mr. POWER—Unless you can show that there is a very great necessity for a dock in a given port, why should the Government of Canada pay $45,000 a year for the maintenance of a dock? I do not see why it should. If the payment of $30,000 a year, which has been tendered for a great many years by the government to any company that would build a dock where there is no dock now, will not induce a company to build one, it shows there is not any demand for such a work—I mean the business of the port does not call far a dock. In other places, these docks are built by companies without subsidies. This measure comes almost to this, that the government shall spend a very large sum of money to build a dock, perhaps three quarters of a million, and the company shall own the dock. That was the case with the bridge across the St. John river some 20 years ago. The country built the bridge, and the company owned it and the government afterwards, when they came to move their own

cars across that bridge which had been built with the public money, had to pay very heavy toll, I think $3 for each car that went over the bridge. I have never believed in government ownership, but on the other hand, I do not believe in the government paying for works and then having these works owned by a company. If the business of any place calls for a dry dock, that dry dock ought to be built with reasonable help from public authorities, but why the Dominion alone—that is what it comes to now—should pay for a dock which is owned by a private company, I do not understand.

Hon. Mr. BEIQUE—The Bill is hardly open to the criticism of the hon. gentleman. The help which may be granted by the government is merely the interest for 20 years at 3 per cent on the outlay required for the construction of the dock. It is very different from contributing any portion of the capital. It is merely the interest for a term of years on the amount actually expended. I understand this is required because the shipping interest is not of such magnitude at places where dry docks may be required as to justify the expenditure of a large sum of money by capitalists. Experience has proved it, even with the law as it has been on the statute book since 1882, when this system was inaugurated. In Montreal there is need of a dry dock, but no capitalist has been found ready to advance the money required to build it; therefore I think that this legislation is in the right direction.

Hon. Mr. ROSS (Middlesex)—There is one dry dock at Collingwood on the upper lakes, owned by a large ship building company. It is sufficient to meet the requirements of the larger vessels on Lakes Huron and Superior. The dock was built some years ago when vessels were of a smaller size, and now it is not sufficiently large to accommodate the larger vessels that ply on the lakes. What is the result? When any large vessel is damaged, it has to be taken to Detroit for repairs. That gives employment to the Detroit shipbuilders, and the business which ought to remain in Canada is diverted to the United States. It requires a large amount, seven or eight hundred thousand dollars, to build a dock with sufficient capacity for these larger vessels. This is intended, among other things, to encourage the construction of docks to meet the necessities of navigation. We should not only endeavour to encourage shipbuilding, but we should keep in our own country the repairing of our own vessels, so that Canadian shippers would not be dependent on United States shipbuilders or United States dry docks. I believe it is provided now, or to be provided by the Customs Act, that a duty of 25 per cent is to be paid on the cost of repairs made to our vessels in United States docks, when they return to Canadian waters. That also would help to divert trade to our Canadian dry docks, if they were sufficient for the purpose of repairing these vessels. We owe it to our inland shipping that we provide every facility for repairs within ourselves. The shipbuilding industry of Canada is falling off every year. If this would help to increase or improve the industry, it is well worthy of consideration. We are committed to the hilt to the policy of subsidies in Canada. In fact reference was made the other day to the extent to which paternalism is carried, but that is the policy of the country. It is also the policy of Great Britain. We have the British government subsidizing the 'Moratania' and the 'Lucitania' to the extent of 2½ per cent on the cost of their construction to enable them to compete with the shipping of other countries and hold the supremacy of the Atlantic. We have, as the result, that she still owns the swiftest vessels on the Atlantic. In a small way, let us maintain whatever ascendency we have a right to maintain on the lakes by providing for the repairs of our own shipping by our own people, and any reasonable contribution to that end would be in harmony with the policy of the government and in harmony with public opinion of the Dominion of Canada.

Hon. Mr. McSWEENEY—In St. John, they have been trying to get a dry dock, and even with the subsidy of three per cent on a million dollars and a subsidy of $2,500 a year from the city of St. John and $5,000 from the provincial government as well, they have been unable to enlist capi-

tal for such an enterprise, for there is really no money in it for any company.

The clause was adopted.

On clause 8.

8. Whenever it appears to the Governor in Council that any dock, constructed, or enlarged and extended, under the provisions of this Act, is not in repair and working order, the Governor in Council may authorize and empower the minister to cause possession to be taken of the dock on behalf of His Majesty and to expend out of any unappropriated money forming part of the Consolidated Revenue Fund of Canada sufficient to put the dock in a state of efficiency and repair.

Hon. Sir MACKENZIE BOWELL—By the next clause, after this the government are empowered to operate the works, and in the 10th clause they take power to hand the dock back to the company. Now, if you assume any one of these docks for the reasons indicated in this clause and spend a very large amount of money in repairs and making it fit for use, I can find no provision in the Bill when you hand the dock back to the company to exact from the company the amount expended on the repairs. Is it intended that the work may be returned without any consideration for the money expended in operating and keeping it in repair?

Hon. Mr. SCOTT—It is not actually necessary. Of course it would be in the discretion of the government. It is impossible to forecast what line the government would take. They probably would make a charge of so much per cent on the amount which had been added. They would hold it as a lien. It would depend altogether upon the conditions.

Hon. Mr. BEIQUE—Under clause 9, the government, after having taken possession of the dry dock, applies the earnings towards reimbursing the expenditure made by the government. Then comes clause 10 which provides that the Governor in Council may at any time direct the redelivery of possession of the dock to the company. It is expected that the Governor in Council would in doing so protect in a reasonable measure any expenditure made which had not been repaid in the meantime.

Hon. Sir MACKENZIE BOWELL—That is a mere presumption.

Hon. Mr. SCOTT—You could not lay down any arbitrary law.

Hon. Sir MACKENZIE BOWELL—If we are to judge from the action of governments in the past, that presumption is an erroneous one. The latter portion of the 9th clause does not affect the point I have raised. The earnings are to be expended in the maintenance of the dock, and if there is anything over it goes towards the payment of interest on the bonds issued to assist in the building of the dock. The point I raised was this, that in case the government took over the dock and spent a large amount of money over and above the earnings, and then handed the work back to the company, there is no provision in this Bill to exact from the company the amount expended by the government in repairing the dock and the expenses over and above the receipts.

Hon. Mr. BEIQUE—The hon. member is quite correct. I merely drew his attention to the latter part of clause 9 for the purpose of showing that the policy of the Bill is that the expenditure made by the government should all be reimbursed out of the tolls, and that, therefore, the working out of clause 10 should be made according to that as far as possible, but it is hardly practicable to adopt a clause which could apply to all cases that may arise.

Hon. Sir MACKENZIE BOWELL—It would be very easy to provide that in case the government hand it over, the company that assumes the responsibility of taking it over shall pay the expenses incurred by the government.

Hon. Mr. SCOTT—They might not be able to do so.

Hon. Mr. CASGRAIN—The hon. gentleman will see that the advances are to be repaid. Those advances must be for money expended in repairs.

Hon. Sir MACKENZIE BOWELL—It goes further; if there is a sufficient sum collected to pay the expenses, anything in excess can be applied to the payment of interest on bonds. That does not meet the point I raise.

Hon. Mr. SCOTT—You could not lay down an arbitrary principle, because you are entirely dependent upon the conditions. There are the bondholders to be considered; we cannot very well confiscate their property. Suppose the government were to take it over and say 'you have failed to keep this dock open; we will take possession of it,' on what terms is it to be restored? If the company have the means to take it back and pay all the arrears, it would be handed over on those terms and conditions, but you cannot lay down any rule, because we might have to take 50 cents on the dollar of the advances. We cannot anticipate what the conditions will be; it would be absolutely impossible.

Hon. Sir MACKENZIE BOWELL—It must be owing to my stupidity, that I am unable to make myself understood.

Hon. Mr. SCOTT—I understand perfectly. The hon. gentleman says the government should hold the dock until the advances are repaid.

Hon. Sir. MACKENZIE BOWELL—No. If the business of the dock is found sufficient to give a profit over and above the expenses, and the company asks to have the dock retransferred to them, and the company becomes owner of the dock again, there is no provision in the Bill by which the government shall require the company to refund the moneys expended upon the dock. That has nothing whatever to do with the interest on the bonds or the confiscation of property.

The clause was adopted.

On clause 11 relating to tolls and regulations,

Hon. Mr. BEIQUE—I desire to submit a small amendment to this clause. The new clauses in the Bill give the right of expropriation. The tolls can be established only after the company has submitted a tariff for the purpose. There may be cases where the government would take possession of a dry dock before there was any tariff submitted for approval, and, therefore, there would be no machinery for the government to levy tolls. I, therefore, propose to amend the clause so as to enable the government not only to compel the company to submit a tariff, but to provide that if the company make default to submit the tariff, then the government shall be in a position to make a tariff themselves.

Hon. Mr. SCOTT—Before the dry dock could be opened, there would have to be a tariff.

Hon. Mr. CASGRAIN—But if the company did not finish it?

Hon. Mr. BEIQUE—With this amendment the government would then have the power to make a tariff.

The clause was amended and adopted.

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

YUKON PLACER MINING ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into committee of the Whole on Bill (150) An Act to amend the Yukon Placer Mining Act.

Hon. Mr. BEIQUE from the committee reported the Bill without amendment.

CO-OPERATION BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. GIBSON moved the adoption of the special report of the Standing committee on Banking and Commerce on Bill (5) An Act respecting co-operation.

Hon. Sir MACKENZIE BOWELL—I propose to discuss the question raised by the hon. gentleman from Halifax and some others, as to the practice in England in referring these questions or any question to judges and to the Solicitor General. It will be remembered that the position taken by some hon. gentlemen here was that we had stepped beyond our powers as a committee, and that such action had never been heard of, and there were no precedents. I remember very well concurring in the remarks made by the hon. gentleman, that this probably was the first occasion in Canada on which a report of that character had been made, but I intend to place upon record the

action of the House of Lords and also the procedure that has taken place in somewhat analogous cases by the British House of Commons. It will be seen by the precedents I quote that the committee only asked to do that which has been done in the past in the Imperial Parliament.

The SPEAKER—I understand the hon. gentleman from Belleville has asked to supplement his remarks by a few quotations, and I suppose it is the pleasure of the House to receive them.

Hon. Mr. FERGUSON—The decision of the Chair would close out some points the hon. gentleman desires to bring up. I understand His Honour the Speaker is ready to give a decision on the point of order.

The SPEAKER—The hon. gentleman simply desired to have recorded in the Debates a couple of quotations.

Hon. Sir MACKENZIE BOWELL—The point of order, as I understand it, is that the committee has exceeded its powers, and that it had no power or authority to pass the resolution which was passed, asking the Senate to obtain the opinion of the Minister of Justice ; and it was also stated by many hon. gentlemen that we were divesting ourselves of that legislative power which is vested in the Senate in asking the opinion of others. It was also stated that in doing that, we are abnegating our functions by asking the opinion of others. What I wanted to show was that similar cases have occurred in England. May, at page 198 of the Eleventh Edition of his work, says:

> The assistants of the House of Lords are the judges, the attorneys and Solicitor General, and such of the Privy Council as are called by writ from the Crown to attend.

That is to attend meetings of the House of Lords when they are in session. The extract continues :

> The judges as assistants of the lords held a more important place in parliament in ancient times than that which is now assigned to them, having had a voice of suffrage, as well as a voice of advice. They were also occasionally made joint committees with the lord's and parliament—a practice which continued until the latter end of the reign of Queen Elizabeth. Their attendance was formerly enforced on all occasions, but now they are summoned by special order, when their advice is required.

While the old practice of summoning them to the House, and sitting in the House of Lords to consult with the Lords when discussing certain questions, has fallen into disuse, they still attend when summoned. A note at the bottom of the page refers to a speech made by Lord Lyndhurst upon this same subject, in which he points out very clearly what the Lords may do upon such an occasion. He discusses this question at some length upon a motion moved by himself to refer the question of appointing life peers. The question arose when certain gentlemen were called to the House as life peers, as being an infringement upon the old and established usage of the House of Lords, appointed not only for life, but in the ordinary way of making them hereditary. He laid down the principle very clearly that they had the full power to call to their aid either of the judges or the Attorney General or the Solicitor General, not only to listen to the debates, but to give advice upon the constitutionality of the question which they were discussing. Referring to the Bill, he said:

> In that Bill, it was provided that the judges of the court of equity should attend for the hearing of appeals in their lordships' house. He had always thought that a most desirable object. In writs of error from the courts of common law, their lordships were assisted by all the judicial strength of those courts.

Thas is, to decide a question of the constitutionality of the course which had been taken and adopted by the ministry of the day. I am reading from the Parliamentary Debates, third series, volume 117, The debate which I am quoting now is on the 23rd June, 1851. He goes on to say :

> In former times the judges were questioned by their lordships on points of equity as well as on points of law, and there was reason why it should be so, because four of the judges were not judges on questions of law only, but on questions of equity also.

Then again he says :

> He was quite sure the assistance of the learned judges of the courts of equity on the hearing of appeals would be received with great satisfaction by their lordships and by the country at large, and would inspire confidence in their lordships' decisions, both among suitors and the public.

That is just the position that the Banking and Commerce Committee desire to occupy. They desired to have the opinion of the Minister of Justice upon the constitutionality of the Act which we were then

considering, which would justify them in either supporting and passing the Act or rejecting it. He further says:

> The Bill to which he had referred contained a provison that certain persons should attend their lordship,' house to hear appeals, that they should be summoned and that in accordance with such summons they should attend their lordships and give their advice and assistance.

Again he says:

> The writ of summons was the same in their case as in that of their lordships themselves, not only that their lordships were summoned to deliberate and determine—the others to deliberate and advise, and whenever the House made an order on those parties, it was incumbent on them to attend the House.

That is precisely what the committee desires in this case. There are other points in this speech bearing upon the same subject and equally as strong as those to which I have called attention, showing conclusively that in the House of Lords for centuries back, and even up to the present time, when they have intricate constitutional questions to decide, they hesitate not to apply not only to the law officers of the Crown, but to the judges of the higher courts, and order some of them to attend the House of Lords to give advice upon these questions. Then talking of the powers of this House—because it was stated in one case that the powers of the Senate were questioned—if you refer to a debate in the House of Commons in England in 1857 on a question that was then before the House in which the power of parliament was questioned as to the course they were pursuing. Lord John Russell in discussing this question quoted the opinion given by Chief Justice Fortescue, when the question was put to him as to the power of parliament to deal with any question. His Lordship gave his opinion:

> They ought not to answer that question, for it hath not been used aforetime, that the justices should in any way determine the privileges of this high court of parliament, for it is so high and mighty in its nature that it may make law, and that that is law it may make no law, etc.

In fact, absolute power to declare that that which is not law is law. This is a question of their privilege and the determination and knowledge of their privileges belong to the Lords of parliament and not to the justices. Answering the objection that was taken at the time very clearly that we were exceeding our powers, and that we had not the right to do that which was recommended to the Senate to do, I find also that May, at page 845 states:

> No local Bill is to be read a first time until the examiner has certified compliance with the Standing Orders, and no such Bill originating in the Lords is to be read later than three days after such certificate.

He says further:

> No local Bill brought from the Commons is to be read a second time until after the certificate of the examiner, nor after certain dates (generally in June) determined by an order which is sessionally made. Bills affecting any charity or educational foundation in England or Ireland are not to be read a second time until the House has received a report from the Attorney General.

It seems to me that is clear enough as to the practice in England, even at the present day, upon certain Bills which are introduced and asked to be confirmed by the House of Commons. It may be said that this practice applies exclusively to Bills affecting a charity or granting charity to certain institutions. Be that as it may, the principle is precisely the same. We find that in the Lords, even at the present day, they summon the law officers of the Crown and even summon, when they think it necessary, the judges of the higher courts to give them advice upon questions affecting the constitution of the country, and that is laid down and justified very clearly by Lord Lyndhurst in moving the resolution to which I have referred. Then if we turn to the authority which I have just read, we find that certain Bills in the House of Commons are not now allowed to pass until the report of the law officers of the Crown has been received. I have taken the trouble to look into this matter to show clearly that the committee has not exceeded its powers in asking, nor infringed upon the rights of the Senate or the members of the Senate by asking the Senate to obtain the opinion of the law officers of the Crown upon the constitutionality of the Bill that was considered at that time. It has been charged against myself, and I think against the Chairman, that this course was adopted by us for the purpose of killing the Bill. I have every reason to believe and to know, from the feeling that existed in the com-

mittee, that the Bill would have been rejected, and it has been stated that I was desirous, in having this resolution passed to obtain an opinion which would justify the committee in recommending its passage by this House. If the Minister of Justice should decide that it is unconstitutional, this House should be bound to accept that opinion. I know from the smile on the Speaker's face that I was treading on a delicate ground when I referred to the committee, but I could not very well give expression to the views that I had desired to express without referring to it as I did. I wish it distinctly understood—and I think I speak for my hon. friend who is now on my left (Hon. Mr. Gibson) as well—that we have no desire whatever to kill the Bill. To use a common expression, I take no stock in the puerile objections taken to the Bill. I stoutly favour the principle of allowing any persons to join together for their individual benefit, so long as they do not infringe the laws of the country, or interfere with the exclusive rights of others. The establishment of a co-operative society for their benefit is not to be considered an interference with the retailers in any business, whether grocers or dry-goods or other merchants. A few individuals have just as good a right, to my mind, as merchants to co-operate for their own individual advantage and obtain goods in the cheapest market possible. I am strongly of the opinion, from the authorities which I have cited, that though probably the report we are asked to adopt might be improved in form by slight amendment, we are quite correct, and that this House would be justified in pursuing the course that has been suggested, of obtaining the opinion of the Minister of Justice. I know that some gentlemen here who discussed this point the other night, said that we were not only abnegating our functions as legislators, but that we were admitting that there was superior knowledge to be obtained from other people to that which we possessed ourselves. It is possible that the gentlemen who uttered those sentiments may have a higher opinion of their own ability and discernment, and power to construe the constitution of this country than the Lords of England or the members of the Imperial House of Commons, who seek the advice of the law officers of the Crown when they deem it necessary, in order to keep themselves right in the course they are pursuing, in placing laws upon the statute-book.

Hon. Mr. FERGUSON—In case the remarks I made might have been misunderstood, if the hon. gentleman refers to anything I said, I never meant to insinuate, or to say in any way that the object of the committee in recommending that it be sent to the Minister of Justice was to kill the Bill. I never insinuated anything of the kind, but I did say that if we had the Bill in our possession, and if we sought to refer it, I did not see where the Bill would find a standing place when it came back to us, and that that motion would be equivalent to a six months' hoist as far as this Senate is concerned.

Hon. Mr. LANDRY—It could always be replaced on the orders of the day.

Hon. Mr. FERGUSON—It would mean a delay, and mean the handing of it to an officer over whom we had no control, and a long time would be taken up in consideration of it, which might have that effect. I never concurred in the view that we had not the power to send it to the Minister of Justice, but we had the Bill in our possession. There was no doubt in my mind if we had the Bill in our possession we had the power.

Hon. Sir MACKENZIE BOWELL—I had no reference to the hon. gentleman at all. It was not stated in the House. It was stated among the members that for other that for a political purpose, that we were trying to kill the Bill. The Bill has never left the committee. The Bill is still standing for consideration by the committee, and the moment we get a report from the Minister of Justice, if we ever get it, it will be referred to the committee at once, and they will deal with it, and if no answer is given by the Minister of Justice or he declines to give an answer, then it will be the duty of the committee to proceed with the Bill and deal with it.

The SPEAKER—The point of order, as raised by the hon. gentleman from Halifax, covers, as far as my understanding of it

goes, the right of this House or of the committee to refer this Bill to the Minister of Justice, as in the case of a reference to the supreme court under our rules. At first sight this report seems to warrant the interpretation given to it by the hon. gentleman from Halifax. On reading the report more closely, I came to the conclusion that this was not, and could not be the intention of the committee, because the Bill is not reported.

The report reads :

The Standing Committee on Banking and Commerce, to whom was referred the Bill (No. 5 from the House of Commons) intituled: 'An Act respecting Co-operation,' have in obedience to the order of reference of 24th of March last, examined the said Bill, and now beg leave to report as follows:

It does not say 'beg leave to report the same.'

The report adds :

This committee deems it advisable that the Senate, before proceeding with the further consideration of the said Bill, should refer the said Bill to the Minister of Justice, with a request that he will give his opinon as to the exclusive right of the provincial legislatures to deal with the subject thereof.

The point raised by the hon. gentleman from Halifax is based on an erroneous interpretation of the report, inasmuch as the Bill is not before us, and, in consequence, I declare that the point of order is not well taken. To my mind, the House and the committee have the right, for their information, to seek the opinion of the Minister of Jusice on a Bill which is before them. But although I thus decide, I would draw the attention of this honourable House to the fact that the report as made is most exceptional; it asks the Senate to take action upon a Bill which has not been returned to the Senate, and to my mind the better course would have been for the committee, if it felt that it had not the authority to seek that advice, to ask leave to obtain it, and, in consequence, I would suggest that the report be either referred back for reconsideration to the committee, or that it be referred back with an authorization to the committee to seek the advice of the Minister of Justice. I would favour the first course.

Hon. Mr. GIBSON—As chairman of the committee, with the approval of the House, I accept the suggestion made by his honour the Speaker. It was not the intention of the committee to lay the Bill before the Minister of Justice. Had that been done without the authority of the Senate, the Bill would have accompanied the report? What we simply asked for was leave from the Senate to submit the Bill to the Minister of Justice. If we had brought the Bill into the House, then the Bill would have been before the Senate, but we did not act upon the Bill further than we had reached the dilemma, as far as the committee was concerned, as to whether we had the power after all the objections taken, and the conclusion of the committee was simply as there was such a contradiction of opinion amongst the gentlemen representing the various governments, that we thought the wisest course to take was to bring in the report asking leave of the Senate to submit the Bill to the Minister of Justice for his consideration and approval. I am quite willing, as chairman of the committee, if I may be permitted by the House, to accept the recommendation of His Honour the Speaker, that we ask the leave of this House to seek the opinion of the Minister of Justice with respect to this Bill. I think that will cover the ground.

THE SPEAKER—As the hon. gentleman has moved concurrence in the report, some other hon. gentleman will have to make the motion.

Hon. Mr. CASGRAIN—I will make the motion.

Hon. Mr. WILSON—Before the motion is submitted to the Senate, I desire to refer to a statement made by the ex-premier and ex-leader of the opposition. I think he interpreted the statements made differently from what they were intended. I remember very well stating that in my opinion, as this was simply a report, and no reference to its going back to the committee, that if we passed that report we would—I think I used the word 'scuttle' the Bill. What I then said I have the pleasure of knowing that the Speaker now endorses. There was no desire, or any intention on the part of any of those who made these remarks to insinuate that there was a deliberate intention on the part of the committee to shunt this respon-

sibility off on the Minister of Justice. What we then said, and what I have now stated, is that there was a means whereby, if we passed that report, that the Bill should be brought back to the Senate and revived and considered by the Senate. That was my object. Those were the words I used, and I do not think they can be distorted in any shape or manner to convey the expression he implied by his statement here to-night.

The SPEAKER—The matter stands on a motion of the hon. gentleman from Lincoln, that the report be now concurred in.

Hon. M. BEIQUE—I suppose the matter will stand until to-morrow. Without adding any remarks at all, I would raise a question of order, on the ground that I stated in support of the point raised by the hon. gentleman from Halifax, that the report is no report; it is not within the functions of the committee, and that the committee did not report the Bill. The committee does not require any authority to ask the opinion of the Minister of Justice.

The SPEAKER—A simple motion to refer the Bill back for reconsideration would attain the same end.

Hon. Mr. FERGUSON—I think the proper way would be to send it back for reconsideration. From a remark that was dropped, it would seem to be inferred that the committee could take the action of rejecting the Bill. It is a public Bill, and the committee cannot do that. All they can do is to make amendments, which I understand has already been done, and when it goes back to them, they can further consider it, or they can get the opinion of the Minister of Justice on it, or they can report the Bill to the House. To my mind, I think the better way would be that they should report the Bill to the House and it should be referred to a committee of the whole as I have already stated, I do not think that a reference to the Minister of Justice is called for at all, for this reason, that the Bill went through the House of Commons and the Minister of Justice was a member of the House of Commons; that it was adopted by the government of which he is a member, and he must certainly have given his adhesion to the Bill, and that being so, I do not think there is any reference necessary to him at all. The committee cannot take it up and reconsider its provisions. If they have not amended it in every respect as they want to amend it, they could finish their work and report it to the House.

Hon. Mr. GIBSON—I do not think I am infringing on the rules of the House in regard to the peculiar conditions of this report. I may say that not a section of the Bill has been read by the committee. All that has been done was to hear the learned counsel who came before us to represent the various provinces, protesting in toto against the Bill. The Bill has never been dealt with by the committee as to one clause or another, and any recommendation that would go back to the committee would simply leave the Bill where it was before. We ask for leave of this House, as suggested by the hon. Speaker, if some one will make the motion to adopt the recommendation of His Honour the Speaker, to get the opinion of the Minister of Justice so that the Bill may be proceeded with. There is no attempt on the part of the committee to destroy this Bill. Many Bills come down from the House of Commons, and it is quite competent in this case as well as in every other, to make amendments to them. But we have not reached the point where an amendment has been suggested by one side or the other. We were so interested that no unfair means should be taken against the Bill that we considered we should know at least where we stood, and that we were standing on firm ground with respect to the constitutionality of the Bill itself before proceeding with it.

Hon. Mr. CASGRAIN—I move in amendment, seconded by the hon. gentleman from Toronto, that this report be not now adopted, but that it be referred back to the committee for further coonsideration. Then it can be worded properly when it is in committee.

Hon. Mr. LANDRY—I move in amendment to the amendment, that the action asked for by that report to be exercised by the Senate be left to the committee itself.

Hon. Mr. KERR—That is not our motion at all. The committee have made an application. Let us either adopt that report or refer it back to the committee, and let them deal with it again.

Hon. Mr. LANDRY—The committee want this House to ask the permission. We say, 'ask it yourselves.'

Hon. Mr. KERR—Send it back to them, and they can get the advice or not.

Hon. Mr. LANDRY—We send the report back, and you have a right to ask it yourselves.

Hon. Mr. BEIQUE—I think this sub-amendment is open to a point of order, because it is not upon the ground that the committee has the power to have any mandate or permission from this honourable House to enlighten itself. It has the right to do so, and I think it would be a bad precedent, because it would be implying that the committee has no such power.

The SPEAKER—On the assumption that the committee has the power to seek that advice, the hon. gentleman will not insist upon his sub-amendment.

Hon. Mr. LANDRY—Well, if it is understood that the committee have that power, so that they will not send it back with another prayer.

The sub-amendment was withdrawn and the amendment was declared carried.

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

THE SENATE.

OTTAWA, Friday, June 26, 1903.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

What are the names of the persons or of the companies who subscribed the $200,000 additional of capital stock required by the contract of the 19th October, 1903, entered into between the government and the Quebec Bridge and Railway Company?

What is the amount so subscribed by each of these persons or of these companies?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

Name.	Amount.	Date of subscription
	$	
Hon. S. N. Parent.	2,500	Dec. 7, 1903
H. M. Price.....	400	" 9, 1903
J. B. Laliberte.....	200	" 9, 1903
N. Rioux	400	" 9, 1903
V. Boswell.....	300	" 9, 1903
Hon. N. Garneau.....	200	" 9, 1903
R. Audette.....	400	" 9, 1903
J. Breakey	200	" 3, 1903
G. Lemoine.....	200	" 9, 1903
F. G. Fortier	100	Jan. 3, 1904
Hugh A. Allan	25,000	" 27, 1904
John Sharples.....	50,000	" 27, 1904
Charles M. Hays (in trust)..	25,000	Feb. 24, 1904
M. P. Davis.....	94,900	" 24, 1904
	200,000	

LOCATION OF GRAND TRUNK PACIFIC.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Has the line of the Grand Trunk Pacific between Quebec and Edmundston, and especially in the neighbourhood of Lakes Long and Pohénegamook, in the counties of Temiscouata and Kamouraska, been definitely located?

Since when?

At what place precisely does this line pass in the region of Lakes Long and Pohénegamook?

What is the length of the railway in question between—

(a) Quebec and Edmundston?

(b) Edmundston and Moncton?

What is the elevation, in feet per 100 feet, of the grades, especially those which are to the west of Lake Pohénegamook?

What is the number and the length of the curves or detours made to avoid the ascents and descents between Quebec and Edmundston?

At what place are the most marked curves situated?

Hon. Mr. SCOTT—The answers are as follows:

1. Part of the line of the National Transcontinental Railway between Quebec and Edmundston has been definitely located, viz.: From the Quebec bridge eastward to about 6 miles east of the south end of Lake

Pohénegamook and from Edmundston westward to the boundary between Quebec and New Brunswick. The line in the vicinity of Lake Long has been located, but has not yet been approved by order in council.

2. That part of the line between Quebec bridge and Lake Pohénegamook has been definitely located and approved by order in council at various times between May, 1907, and May, 1908, the portion in the vicinity of Lake Pohénegamook having been approved by order in council, May 30, 1908. The portion between Edmundston and New Brunswick-Quebec boundary, was approved June and July, 1907.

3. The line passes close to the south western shore of Lake Pohénegamook for about three miles, crossing the southern extremity of the lake at the boundary line between the counties of Kamouraska and Temiscouata. The line, as at present located (but not approved) passes close to the southern shore of the western part of Lake Long, and crossing said lake at the 'Narrows' passes close to the northern shore of the eastern part of said lake.

4. (a) From north abutment of Quebec bridge to Edmundston 229·44 miles. (b) 230·30 miles.

5. The grade from the south end of Lake Pohénegamook immediately westward for about 10 miles is about 1·10 feet per 100 feet compensated for curvature, rising westward. The maximum grades for the remainder of the portion in question are 0·4 feet per 100 feet rising eastwards and 0·6 feet per 100 feet rising westwards, all compensated for curvature.

6. 272 curves, total length 365,342 feet.

7. The most marked curves are at mile 17, about 2 miles east of boundary between counties of Lévis and Dorchester, Quebec. Mile 39, crossing of River Etchemin; mile 71, crossing of River du Moulin; mile 140, crossing of River du Loup; mile 174, south end of Lake Pohénegamook.

FRENCH TREATY.

Hon. Sir MACKENZIE BOWELL—Before the orders of the day are called, I should like to call the attention of the Minister of Trade and Commerce to a question that was asked in the Imperial parliament the other day in reference to the French treaty. It is as follows:

Franco-Canadian convention.

Mr. Pike Pease (Darlington, Opp.) asked the Secretary for Foreign Affairs whether any representations had been received from the governments of Germany and other foreign countries as to the probable effect upon their trade of the Franco-Canadian convention; and if so, would he state their purport to the House.

Mr. J. A. Pease (Essex, Saffron Walden), answering for Sir E. Grey, said: Some inquiries have been received from foreign countries as to how the most-favoured nation clause will be interpreted in respect to the Franco-Canadian convention. Only one communication has been received which is a representation as to the prejudicial effect of the convention upon trade with any other country; it is being transmitted to the Canadian government, and till they have received and considered it my right hon. friend can make no further statement about it.

I should like to ask the Minister of Trade and Commerce whether any such communication has been received from the home government and from what countries were the representations made, or rather from what country was the representation made to the Imperial parliament as to the ill-effect upon their trade arising out of the provisions of the Franco-Canadian treaty. If such communication has been received, will the government be prepared to lay such communication before the House? It is a matter, my hon. friend will readily understand, of very great importance, the effect which the Franco-Canadian treaty may have upon trade generally, and more particularly upon that of Canada.

Hon. Sir RICHARD CARTWRIGHT—In the first place, we have not yet received any assurance as to the passage of the treaty in question through the French Senate before whom it at present is placed. Under these circumstances, it would be rather premature to discuss the effect of a treaty which may never come into effect, for ought we know to the contrary. There has been, I believe, some communication received by the imperial authorities from Germany, and those matters are under consideration at this present moment, but I am not in a position to state to my hon. friend as yet what action, if any, the Canadian government may see fit to take about it. To the best of my recollection, it has been simply from Germany the demand has come, and, as the hon. gentleman knows, the German trade with Can-

ad is afflicted not merely with a general tariff but with a special surtax provided as an offset against the German tariff. He knows also that the Germans have it in their power to get rid of that surtax if they place Canada in the same position we occupied before they quarrelled with us because we gave Great Britain privileges which we did not extend to them.

Hon. Mr. LANDRY—Has the hon. gentleman any idea what has caused the delay in the passage of the treaty by the French Senate ?

Hon. Sir RICHARD CARTWRIGHT—I have no official information, but personally I might say it is because the French are afflicted with the heresy of protection which has made such progress in other quarters.

Hon. Sir MACKENZIE BOWELL—I should like to ask further, in case any decision is come to by the Canadian government, or any information they receive upon this question, will my hon. friend be able to lay it before parliament in order that we may understand what the objections are ?

Hon. Sir RICHARD CARTWRIGHT—I should be glad to do so if we could; but my hon. friend will understand there will probably be pour parlers and negotiations going on with the German government, and while they are being carried on, it might be inconvenient to bring down an imperfect correspondence.

Hon. Sir MACKENZIE BOWELL—I compliment my hon. friend on his government having adopted that protection heresy since they have been in power, notwithstanding their condemnation of it while they were in opposition.

Hon. Mr. FERGUSON—I think my right hon. friend long ago passed the stage when he regarded protection as a heresy.

Hon. Sir RICHARD CARTWRIGHT—By no manner of means. I have not altered my views of it in any respect.

THIRD READINGS.

Bill (71) An Act respecting the Standard Mutual Fire Insurance Company and to change its name to the Standard Fire Insurance Company.—(Hon. Mr. Kerr.)

Bill (169) An Act to amend the Yukon Act, as amended.—(Hon. Mr. Scott.)

Bill (119) An Act to encourage the Construction of Dry Docks.—(Hon. Mr. Scott.)

Bill (171) An Act respecting the government Guaranteed Bonds of the Grand Trunk Pacific Railway Company.—(Hon. Mr. Scott.)

Bill (150) An Act to amend the Yukon Placer Mining Act.—(Hon. Mr. Scott.)

INSPECTION AND SALES OF GRAIN ACT.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (CCC) An Act to amend the Inspection and Sale Act as regards grain.

(In the Committee.)

Hon. Mr. DAVIS—This is an important measure; we have a slim House, as we always have on Friday afternoon, with a possibility that by four o'clock nearly everybody who can get away will be away, and there is going to be a week's adjournment; I would therefore ask the minister if it would not be a fair proposition to postpone the consideration of this measure until we resume? I do not think a matter of this importance should be rushed through a thin House. We were making fair progress with the measure last evening, and by six o'clock the general understanding between my friends and myself was that the consideration of the Bill was to be resumed in the evening. I had an appointment out at Aylmer, where I am staying, but cancelled it and made arrangements to stay in town, and when I reached here I was very much surprised to see the Secretary of State move that the committee rise and report progress. It did occur to me that if the government decided not to continue the discussion last night, they might have treated us with sufficient courtesy to let us know previous to six o'clock that it was not their intention to proceed and they might have governed themselves accordingly. I do not ask for very much consideration from the House, but I desire to say that I am 52 years of age and have

had a little experience and do not wish to be treated like a child in matters of this kind, and as we were put off last evening, when hon. members were here prepared to vote on the motion that I moved, I think it would be nothing but fair, now that those gentlemen are not present, to postpone the further consideration of the Bill. My hon. friend from Wolseley and others interested in the Bill were here, but they could not be present to-day.

Hon. Sir RICHARD CARTWRIGHT—Of course my hon. friend will notice that this is a companion Bill to a Bill which is now before the House of Commons, and the delay may inconvenience it. Nevertheless if he states from his place that there were gentlemen who wanted to discuss this who would be deprived of the opportunity to do so, I will not press the Bill under those circumstances, but will allow it to stand at his request.

Hon. Mr. DAVIS—There are several gentlemen who wished to vote for the motion on the lines laid down by myself, and were prepared to do it last night, but were deprived of the opportunity because the measure was not taken up last night. I mention the name of Mr. Perley, who is interested in this matter, and other members from the Northwest are interested in it, and I think they will agree with me that it was only fair to postpone the matter until we can have a full discussion.

Hon. Mr. POWER—I might say for the information of my hon. friend, that the hon. gentleman from Wolseley will not be back at the close of the adjournment.

Hon. Mr. DAVIS—But there are other hon. gentlemen who will be prepared to vote on this question—enough to carry it.

Hon. Mr. WATSON—I would like to ask the hon. gentleman from Prince Albert, whether he refers particularly to the matters under discussion last night, his amendment, which reads as follows:

All Manitoba dried and rejected wheat after passing through the terminal elevator and being properly treated shall be graded by the inspector and put into its proper grade.

Hon. Mr. DAVIS—That is one of the questions. I think there are a lot of other serious questions which should not be discussed with a slim House like this.

Hon. Mr. WATSON—But that is the particular question?

Hon. Mr. DAVIS—That is the particular one under discussion.

Hon. Mr. WATSON—I was going to suggest, if the hon. gentleman was satisfied—although I have not discussed it with the minister at all—to make a separate grade, make it one, two and three scoured wheat, but do not put it in No. 1, 2 and 3 Northern.

Hon. Mr. DAVIS—That is an open matter yet. My hon. friend will remember that question has passed the committee, but there are some gentlemen coming down representing the grain growers of the west, and I should like to have an opportunity of discussing it with them.

Hon. Mr. WATSON—This clause is not passed yet. I am referring to the scoured wheat. This is the clause that was under discussion last night.

Hon. Mr. DAVIS—That is a different matter. I am not asking to have it put in No. 1 or No. 2 or anything else. That is not under discussion. I will probably be in a better position to make more concessions when we resume than I am at the present time.

Hon. Sir RICHARD CARTWRIGHT—Under the circumstances, I think I will allow the Bill to stand; but I must say to my hon. friend that I do so on the honourable understanding that he will not filibuster, and that he will, after a fair discussion, have the matter put through at the next sitting. That I take for granted my hon. friend will not object to. I am perfectly willing to have full and fair discussion, but there is a reasonable limit.

Hon. Mr. DAVIS—As far as filibustering is concerned, if I were going to do any filibustering, I would do it this afternoon, because I am pretty well loaded for that sort of thing, and I think the hon. gentleman will make better progress by permitting the committee to rise, than by proceeding all afternoon.

Hon. Sir RICHARD CARTWRIGHT—There may be truth in the hon. gentleman's statement that it is better for convenience sake, but I assume that he will give all reasonable facilities for the passage of the Bill on the next occasion.

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

WILLIAM B. SMITH PATENT BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (FFF) An Act respecting a certain patent of William B. Smith.

Hon. Sir MACKENZIE BOWELL—I would like to ascertain—I have not been able to obtain the information—what the character of this patent is? It merely refers to the number of the patent, without giving the name. I think it is well we should have an explanation now, in order that we may have time to consider the merits of the request made by Mr. Smith. My own view has long been that we are dealing with this question of patents altogether too liberally. It ties up many patents that are of some value to the parties holding them and who have neglected doing anything with them until the expiration of the term, when they come to parliament asking for an extension. In some cases they fail to make the application for renewal within the terms of the provisions of the law, and then come to parliament and ask for the renewal. We have been too lenient in many cases in extending patents. If they are of any value, and the holders fail to commence manufacturing in the country and to give the Dominion the advantage accruing from the establishment of manufacturing industries here, we should be careful about granting extensions. For that reason, I ask the hon. gentleman if he will kindly explain what this patent is and why the extension is sought.

Hon. Mr. POWER—I regret that I cannot explain the nature of the patent, but the affidavit of the president of the company gives a reasonable ground for a reference of the Bill to the committee. The letters patent were issued on the 13th August, 1901, and there was a reissue on the 12th of April, 1904. The president makes oath that he was under the impression that the period of the renewal extended from the 12th of April, 1904, and he depended on his attorney here to inform him fully about what took place. The president did not know until after the six years term had expired that it did not extend from the 12th of April, 1904, but from the date of the original issue, 1901. The company within the time limited by the Patent Act for so doing, established a plant at a cost of approximately $15,000 in the Dominion of Canada for the purpose of manufacturing and supplying the patented articles and have since that time been continuously making and supplying them to the trade of Canada at reasonable prices.

Hon. Mr. LANDRY—Where?

Hon. Mr. POWER—In Canada. The company purchased the patent for a large sum of money and has not had an opportunity of recouping itself for its expenditures and will be greatly prejudiced unless the patent be extended. The petitioners further state that none of the patented articles have been imported into Canada since the establishment of the factory.

Hon. Mr. LANDRY—Where was the affidavit made?

Hon. Mr. POWER—The affidavit was sworn to before a notary public in Chicago, on the 6th of June, 1908. The second clause of the Bill contains a provision saving the rights of persons who have commenced to manufacture and use the patented articles since the expiry of the patent.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman ascertain what the patent is and how long the company have been manufacturing in Canada?

Hon. Mr. POWER—The patentee will be represented before the committee, and will furnish all the information.

Hon. Mr. WILSON—There is a good deal in what the hon. senator from Hastings has said in reference to the renewal of these patents. If they are of any value the public ought to enjoy the benefit of them after a certain length of protection. Here we have a Bill for the renewal of a patent.

The proprietor is in Chicago, and very little information has been given to us. The Bill was introduced two or three days ago, and is now up for second reading. If the patents are of any value to the public why should we extend the time to nearly 18 years? If the patent is useful, the owners should have given the public the benefit of it. They knew perfectly well how long a patent had to live, and why did they wait until nearly a year had passed before coming to parliament for a renewal? They come at the very last moment, when parliament ought to be prorogued, urging that notices be dispensed with in order that the Bill may pass. The hon. senator from Halifax ought to give us fuller information before asking us to vote for this extension. I agree with the hon. senator from Hastings, that if we continue extending patents in this way the country will lose the advantage of many inventions. There is a law governing patents and all holders of such rights should be treated alike. These patents are recorded for a certain length of time, and if the patentees find they cannot sell them or induce somebody to put money into them, they apply for an extension to gain time. Until we have further explanation about this Bill it should not be given a second reading.

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

SECOND AND THIRD READINGS.

Bill (GGG) An Act for the relief of Arthur James Townsend, was read the second and third time and passed.

GOLD AND SILVER MARKING BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (AAA) An Act respecting the sale and marking of manufactures of gold and silver and gold and silver plated ware.

(In the Committee.)

Hon. Mr. SCOTT—When we were last in committee, two clauses were held over, 9 and 19. I now take up clause 9. I have had the proposed amendment printed and shall be glad to explain it.

Hon. Mr. KERR—We should have time to consider this important clause. The Bill has been so chopped and changed about that it is hard to understand it.

Hon. Mr. SCOTT—I have the clause now in a form that the gentleman professing to represent the Canadian manufacturers, the wholesale men, the importers and the retail merchants, desired. He attended here for the last two days with credentials, and I have had two long telegrams from Toronto approving of the Bill and the amendments proposed. The amendment is as follows :

9. This section applies only to articles composed, wholly or partly, of gold, silver, or any alloy of gold or silver, which are made or sold in Canada by or brought into Canada by dealers.

2. If such an article bears any mark it must have applied to it the following marks—

(a) A mark or marks truly and correctly indicating in the manner required by this Act, the quality of the gold, silver or alloy, hereinafter called a quality mark; and also

(b) A trade mark or trade marks registered in accordance with the Trade Mark and Design Act.

3. If the article bears—

(a) Hall-marks lawfully applied according to the laws of the United Kingdom of Great Britain and Ireland;

(b) Marks applied by the government, or under the laws of any foreign country, to indicate the quality of the gold, silver or alloy; and

(c) In both cases, if all the other provisions of this Act have been complied with as regards the article;

it need not have applied to it any of the marks mentioned in subsection 2 of this section.

That is, if there is a hall-mark, any authorized mark, either from Great Britain or any foreign country, it will be accepted as indicating the quality of the gold.

Hon. Sir MACKENZIE BOWELL—Has the quality of the gold to be marked on it in addition to the hall-mark?

Hon. Mr. SCOTT—The British hall mark is well known; of course I cannot give any explanation of a hall mark of any other country. We are quite willing to adopt the standard of any country if it indicates the quality of the gold.

Hon. Sir MACKENZIE BOWELL—If it bears the hall-mark of England, has it, in addition to that, to state the quality, whether it is of 9 or 10 carats?

Hon. Mr. SCOTT—No, that is accepted as satisfactory; no more questions are asked if it has the hall-mark. Then the fourth subsection of the amended clause is as follows:

4. If the article bears a trade mark registered in accordance with the Trade Mark and Design Act and a quality mark, or if it bears any of the marks defined by paragraphs (a) and (b) of subsection 3 of this section, it may also have applied to it either or both of the following marks—

(a) Numerals intended to indicate pattern, if such numerals are not incorporated with any quality mark;

(b) The name or initials of a dealer.

That is, if an article has the hall-mark on it to begin with, then the numerals may be added and the name of the dealer may be added. Or if it has the quality stamped on it, the dealer may have his name and the numerals. The clause is practically as we supposed we passed it, but on reading it, it did not carry out to the full extent the idea the trade wished. It is now, I think, in a satisfactory shape to the various bodies who have taken an interest in it.

Hon. Mr. KERR—I would ask that this clause be allowed to stand to enable us to communicate with the parties interested.

Hon. Mr. SCOTT—I have allowed it to stand; it is the same as before, and it must go to the Commons.

Hon. Mr. KERR—If that is so, I have to take up the time of the House to read the four clauses and see if it is different. There are four clauses handed to us as representing the ninth clause in the original Bill. The phraseology is absolutely changed.

Hon. Mr. SCOTT—Point out any material change.

Hon. Mr. KERR—The whole thing is entirely changed, and I will show my hon. friend one material change. The first Bill that was submitted here——

Hon. Mr. SCOTT—I object to our going back to what we have already adopted.

Hon. Mr. KERR—The hon. gentleman may try to put me down; but he will understand that he cannot do it that way. I will take a great deal, but I will not have any person in this House think he can put me down that way.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—I am not putting the hon. gentleman down.

Hon. Mr. KERR—Then I will show what kind of legislation it is we are talking about. I only asked for delay in order that this amended clause be submitted to those who are taking an interest in it, and who are not represented here, but who are represented as approving of it, and who are not approving of it up to the present time. Whether they approved of the change five minutes ago, I am not prepared to say; but when it is stated that the trade are united on the point, I want it understood I have in my hands the evidence that that is not so. If the hon. gentleman will allow the Bill to stand until the next sitting, it may go through without any disturbance; but when I am told I cannot have an opportunity of stating the case, and that I must be choked off, I will not have that done. Will the hon. gentleman allow it to stand over?

Hon. Mr. SCOTT—I trust the hon. gentleman will allow it to go down to-day. He has never given a name of parties who disapprove of it. I have given a list of forty or fifty men in different trades in favour of it.

Hon. Mr. KERR—I will give the hon. gentleman a name. I have here a letter addressed to me by the oldest house in Toronto, one of the most reputable houses in that city or in the Dominion of Canada, by a man who has been engaged in the business, and who stands high in the community, T. H. Lee, Son & Company. Mr. Thomas Lee is a man whose word and name goes for anything to which he gives it. The letter reads as follows:

The Hon. J. K Kerr,
The Senate, Ottawa, Ontario.

June 24, 1908.

Dear Sir,—It was with much pleasure that I learned on reading this morning's papers that you along with Senator Gibson raised an objection against the Jewellery Bill, and as reported in the papers you are fairly well seized of the purport of same when you state it is a new departure in protective legislation and also that it is a restriction of trade when it absolutely declares that a certain class of goods cannot come into Canada. Being a member of the committee who signed the amended Bill, I would like to take a few moments of your time and give you a few reasons why I was a member and why I signed the same.

In the first place the Bill was originally brought out by a few manufacturers and there was an effort made by them to railroad it through without any consideration being given to the importers, retailers or consumers, but fortunately we were able to frustrate their attempt and after it twice coming before the House and Senate it was requested that there should be a Bill drawn up which would be more satisfactory to all concerned, and I as an importer was placed upon the committee which was selected for Toronto, but unfortunately the manufacturers were in the majority and from the general tone of each meeting, certainly I could not think that the Bill as sent down for your approval was anything but unsatisfactory.

I have been in the jewellery business for about thirty years and have travelled and called upon nearly every dealer in the business from Halifax to Victoria and I have never yet had any intimation from one of them that they would like to have any such Bill, and since the present Bill was first spoken of I have had a number of conversations with quite a few of the leading retailers and they can hardly recall any one who approved of it and many who thought the Bill ridiculous. In discussing the Bill at different times with the manufacturers I have failed to obtain satisfactory answers as to the meaning of several items therein, most of the answers given were about as follows: Of course this means what is the common usage of the trade, which, of course, leaves the question very widely open as to what is the common usage of the trade. There is no doubt, as you are reported to say, that there are a great many lines of goods made in Europe which cannot be made in this country, and this class of goods it is the intention of the manufacturers through this Bill to exclude, which certainly I think very unfair to those who wish to purchase them. It is not every one who is able to buy 14 carat or even 10 carat goods, and there are lots of lower qualities of gold goods that have been sold in this country and which to-day are giving quite as good satisfaction to the wearers as lots of Canadian goods costing double the money. I would think that a duty of 22½ per cent for English, 35 per cent on the United States and other countries, with a surtax of one-third on German goods ought to be quite sufficient protection for any manufacturer, especially as the duty has to be paid upon the gold which in the majority of instances is considerably more than twice the cost of making. As an example I would like to state the case of a gold chain. The cost of making is about one-fifth of the cost of the complete article, and as the majority of these chains come from Germany, you will easily see that the manufacturer has nearly 250 per cent protection on his labour, which I think quite sufficient.

If a Bill is to be put through to protect the consumer, as the manufacturer puts it, why not have it as they are stamped and then inflict a severe penalty for infringement. The Bill as it at present stands has a great many technicalities which I am sure the majority of the trade will not thoroughly understand, and will be the means of quite a lot of annoyance, trouble and litigation without benefitting any one. I am sure if you consult with the others who signed this Bill as a committee, you will find they are of the same opinion as I and that they merely signed it as being members of that committee and not because they thought the Bill a satisfactory one. Thanking you for your attention and hoping I have not trespassed too much upon your time, I remain,

Yours respectfully,
SYDNEY H. LEE,

P.S.—No doubt both you and Senator Gibson have had considerable information given you on this subject, but as I have not written him I would ask you to kindly place this letter before him.

That letter was received by me with reference to this Bill, from one of the most reputable and largest importers in the country.

Hon. Mr. SCOTT—What is the son's name?

Hon. Mr. KERR—Sydney H. Lee, I think, and Mr. Lee signed the original proposition for the Bill, which is quite different from this one, and quite different from the one that was introduced in the House, and which was changed two or three times on a crucial point. I have not communicated with anybody in the trade about this matter, but this letter was sent to me. I know that others in the trade are also opposed to the measure. They told me so, and gave exactly the same reason Mr. Lee gives. He says the pretense here is that this legislation is intended for the protection of the public; if so, why don't they say so, and provide that those who bring goods here must put a definite mark on them, and if they misrepresent the goods, they must be held responsible and be punished for it. I could give the names of others who have stated that they are opposed to it, if it is necessary to do so, but I do not propose to do so at present. Let me recall this Bill, which is so important, which, when I asked for an adjournment on the first occasion, I was told must go through. Hon. gentlemen have before them the proposed amended Bill, which reads as follows :

Shall not be lawful for a dealer to make or to sell or to import or to attempt to import into Canada any article composed either in whole or in part of gold or of silver or of any alloy of gold or silver, except the articles mentioned in sections 13 and 14 of this Act.

That is not the basis upon which the clause is now framed.

Hon. Mr. SCOTT—It is the same.

Hon. Mr. KERR—Then we have the amendment, the one which was distributed, which we were called upon to adopt. The clause reads :

This section applies only to articles composed wholly or partly of gold or silver or of any alloy of gold or silver which such article may have applied to it.

That provides that it shall not be lawful to bring it in. The clause continues :

This article may have applied to it all or any of the marks.

Purely permissive, exactly as the trade understood it. That was the amendment drawn to meet the objection taken to the Bill in the form in which it was found. This clause says :

If such article bears any mark it must have applied to it the following mark.

The difference between 'may' and 'must' is very important. One Bill is in a certain form, and now in a certain form we have it repeated; but it also changes the third printed circular brought down, and we are asked to swallow it. I will not say that it is not decent to ask us to legislate in this way; but certainly it is not fair, and certainly is not asking us to consider it with deliberation. It certainly is not the way in which we can understand the rights of the public are being protected, and certainly the rights of the public, so far as I can see, have been left entirely out of this Bill. We are told that the parties have agreed to it, and who are the parties?

Hon. Mr. SCOTT—This is the first one I have heard opposed to it.

Hon. Mr. KERR—We were told first it was the trade, both manufacturers and importers, and all classes in the trade. I said the trade had not been consulted. What about the larger constituency, the public? What about the people who do not want to buy expensive jewellery? What about the people who want to buy cheap jewellery—people who are not being imposed upon, who are not paying 250 per cent profit to the manufacturer? Are these the people who are approving of the Bill, or is it the manufacturers with their 250 per cent on the labour part of their manufactures? Surely that statement by these gentlemen is enough to make us pause and consider, and see whether we are not going mad on a subject of this kind. We certainly should pause and see whether it is a Bill that ought to be placed on the statute-book, considering the escapades of placing on the statute-book two years ago, a measure which was ill-considered, and which has been since suspended, by a further Act, between heaven and earth for two years. We should have taken time and given the members of this House an opportunity of knowing what it is they are being asked to pass. In this particular case, we are asked to adopt section 9. Let me ask how many members of the Senate, even of those who are now present, know what it is they are voting for when they vote for section 9? How many of us can give a fair, deliberate, intelligent description of what that section is? It says:

If any article bears any mark, it must have applied to it the following marks: A mark or marks truly indicating in the manner required by this Act the quality of the gold, silver or alloy, hereinafter called a quality mark.

That is the proposed amendment. There is no difficulty about understanding that, and also a trade mark or trade marks registered in accordance with the Trade Mark and Design Act. How can the importer who buys goods in Germany, Switzerland, France or England have his goods stamped by the manufacturer with the Canadian trade mark? How can he, when he goes over to Europe and finds on the shelves of the warehouse a large quantity of goods such as he wishes to buy, how can he buy those goods, when they have their own trade mark upon them? His mark can be put on after it is manufactured. Those are marks which must be put on during the process of manufacture. The result is that an importer could only buy goods not then on hand, goods not in stock in England, or on the continent, or in any manufacturing centre, not goods of a pattern which they have, but goods for which a special pattern must be designed, containing a Canadian trade mark, and the Canadian trade mark of the man who lives in Germany or lives in Russia or France or somewhere else. Is that a sensible thing to do? Why don't you say that no goods shall be bought except from a Canadian manufac-

turer? That is, parctically, what we are trying to do, and coming at it as nearly as we can by this Bill. If the article bears hall-marks lawfully applied and so on, or marks applied by the government, or under the laws of any foreign country to indicate the gold and silver alloy, and in both cases, if all the other provisions of this Act have been complied with as regards the article, it need not have applied to it any of the marks mentioned in subsection 2 of this section. That is to say it need not have a mark indicating the quality. It need not have a trade mark if it is hall-marked or marked by the government. Then fourth, if the article bears a trade mark registered in accordance with the Trade Mark and Designs Act and a quality mark, or any of the marks defined by paragraph A and B of subsection 3 of this section, it may also have applied to it either or both of the following marks: (a) Numerals intended to indicate patents, and so on, and (b) the name or initials of the dealer. I should like to know whether the Secretary of State understands how all these marks are to be put on, and if others do? It takes a little time to master all that. If it is fairly and honestly intended to accomplish the purpose of preventing the public from being deceived, all that is necessary is to provide that it shall not have any mark calculated to mislead or deceive. I submit that is the proper method, and the only proper method of marking that I have seen, by which it shall be open to the trade to buy or import into this country, and by which the trade and the public can have a fair deal. I am opposed to section 9 as proposed. In lieu of it, as far as I can see at present, all that is necessary would be to say that no such article shall have any mark intended to mislead or deceive.

Hon. Mr. SCOTT—The position taken by the hon. gentleman from Toronto, is one in opposition to the whole Bill. It is really quite evident that he does not know anything about the Bill, from the way he talks about it. Many of the objections he urges against the Bill have been accepted by all the parties for the last three years. If there are hon. gentlemen within my voice who served on the committee two years ago, they may recognize some of the objections, but they were all threshed out. I have the Bill of two years ago, which was pretty well agreed upon, where we required the gold to be up to the standard of ten carats. The only difference is that this allows 9 carat gold, but in all other respects, the Bill is practically the same. The various members of the trade—hundreds of them—agreed to it. I thought it was not necessary to keep the bundles of letters here, and I sent them away. But the hon. gentleman sent me this communication:

Toronto, February 18, 1908.

The Right Hon. Sir Wilfrid Laurier,
President of the King's Privy Council,
Parliament Buildings, Ottawa.

Dear Sir,—This is to certify that we the undersigned members of the joint committee representing the retail and wholesale jewellers of Canada, have held a number of joint meetings, with a committee appointed by the Jewellery manufacturers of Canada for the purpose of preparing amendments to the Gold and Silver Marking Act, the operations of which were suspended for eight months from July 13 last, 1907.

The attached copy of the amendments have all been mutually agreed upon in every particular, with the exception as to whether the lowest standard quality should be nine or ten carats.

We, as retail and wholesale jewellers, agree that the quality in Canada should be the same as to the lowest quality that is adopted at the lowest hall-mark of Great Britain, viz., 9 carats.

We contend that inasmuch as a very large quantity of 9 carat gold jewellery is imported into Canada from England which is not manufactured, and could not be profitably manufactured in Canada at the present time, and which bears the hall-mark of Great Britain, that we should not be deprived from being able to sell the same and especially as the hall-mark 9 carat English standard is well known to the buying public both in England and in Canada as being reliable.

The manufacturers therefore join with us in every other particular with this exception, which they have decided to leave to your decision.

We, therefore, as a joint committee, representing the retail and wholesale jewellers of Canada, believing that our contention will be in the best interests of the entire jewellery trade of Canada and also the buying public, petition your government to have the Gold and Silver Marking Act amended according to our wishes.

Yours truly,
RYRIE BROTHERS, Limited,
Harry Ryrie, Secretary and Treasurer.
BENJAMIN KENT,
B. & H. B. Kent.
J. W. JOHNSON,
The Goldsmiths' Stock Company of Canada, Limited, Walter J. Barr, Managing director.
The T. H. LEE & SONS, COMPANY, Limited, Sidney H. Lee, Manager.
The LEVY BROTHERS COMPANY, Limited, President.

I had the original draft and read it, the one agreed to and printed in Toronto. It is signed by Ryrie Bros., Kent, Lawson, and others, among them T. H. Lee & Son, Limited.

Hon. Mr. POWER—What is the date of that letter?

Hon. Mr. SCOTT—February. The hon. gentleman takes exception to clauses of the Bill that for the first time have elicited opposition. I have had letters and telegrams from all branches of the trade, retail dealers, wholesale dealers, country merchants, protective associations and free traders that this is largely in the interest of the trade, because it will protect the public from sham jewellery coming in. I read from the Montreal 'Witness' on a former occasion a statement which, no doubt, is true, that while we import about $40,000 worth of this jewellery from Great Britain, we import $400,000 worth of it from the United States. Positive evidence was given before the committee two years ago and the articles were produced, showing that some United States manufacturers make it a practice to mark articles warranted to last sixteen years which would not last five years.

Hon. Mr. KERR—Does not my hon. friend understand that that has been done in this country, and that cases of the kind are before the courts.

Hon. Mr. SCOTT—Then we can punish them under this Act.

Hon. Mr. KERR—They can be punished under the criminal law.

Hon. Mr. SCOTT—We cannot reach the dealers in the United States, but we can prevent our dealers from selling rubbish of that sort. Representatives of the press spoke to me to-day about this Bill asking why we were keeping it back. I said no one was keeping it back, that it would be down to the Commons in good time. I had a long letter from a dealer asking the cause of the delay, and I replied that there was no delay, that the Bill was going through in its natural order. I have a telegram signed by W. K. George, in which he says: 'I heartily agree with Mr. Trower's proposed amendments to section 9 of the Stamping Act.'

Hon. Mr. KERR—Trower's amendments?

Hon. Mr. SCOTT—He did not draw them; I submitted them to him and he accepted them. He is here, he tells me, representing the three branches of the trade. The telegram continues:

> In my opinion it is imperative in the interest of the public and trade to have honest compulsory stamping as a safeguard against the dishonest manufacturer or dealer.

I had another telegram to-day which is as follows:

> The leading trade, retail, wholesale and manufacturing, are unanimously approving of your stand in supporting the proposed amendment of Mr. Trower's to section 9.

I may say it was Mr. Trower's idea, but I ask any one to compare the proposed amendment with the clause in the Bill and point out where they differ. The proposed amendment is clearer. The telegram which I started to read is signed by W. K. McNaught, and continues:

> The Act will protect the public and the honest dealer, and this cannot be got except by making it compulsory to stamp honestly if stamped at all. I trust the Act will go through as approved by all three sections of the jewellery trade, voiced by our representative.

I brought these telegrams because they happen to arrive just as I was coming to the Chamber. I have read to the House testimony from wholesalemen, manufacturers, retail dealers and others and now we have this paper which I have read, signed by Mr. Lee himself, so I think my hon. friend is not quite consistent in speaking as he does.

Hon. Mr. KERR—I have received two telegrams approving of Mr. Trower's amendment, sent by Mr. Barr and Mr. George; but I do not understand that we are to adopt the Bill because it suits them. So far as Mr. Trower is concerned, there are two of his amendments, one of which provides that the article 'must' have applied to it, &c., and the other that the article 'may' have applied to it, &c. There is a decided difference between 'may' and 'must.' The hon. Secretary of State has made a point of the fact that these gentlemen signed a memo, approving of the draft Bill, but clause 9 of the draft Bill is entirely

different from the proposed amendment we have before us. The hon. gentleman says they are agreed on the Bill—what Bill? The Bill introduced in this House?

Hon. Mr. SCOTT—Will the hon. gentleman point out where the two differ?

Hon. Mr. KERR—One says 'must' and the other says 'may.' We are told by Mr. Lee exactly how the agreement was come to.

Hon. Mr. SCOTT—The clause was changed by the Law Clerk. After reading it over, he thought it could be made clearer, and I defy any one to point out a syllable in one which differs from the other.

Hon. Mr. KERR—The hon. gentleman is changing the clause that was agreed to. How was it agreed to? Unfortunately the manufacturers were in the majority, and from the general tone of the meeting I could not think that the Bill sent down was satisfactory. The minority left the meeting when they found that their views would not prevail. We are railroading this legislation through. It is an attempt on the part of the manufacturers to exclude the importation of manufactures of gold of any description in this country if there is any kind of a mark upon it.

Hon. Mr. FERGUSON—If that is so, why are the very largest importers supporting the Bill?

Hon. Mr. KERR—Some of the largest importers are opposing it. The gentlemen who favour it are the manufacturers. It is the manufacturers who are railroading this through the committee, and they have put it into the hands of the hon. Secretary of State to get it through.

Hon. Mr. SCOTT—It is unfair to say that it was railroaded through the committee. We had the Bill a long time before us. The first change was made by the Law Clerk, who thought he could make it clearer. The only change that can be pointed out is that we have come down to the 9 carat standard.

Hon. Mr. GIBSON—I took, perhaps, as strong ground against clause 9 as the hon. senator from Toronto did. He and I have watched this thing closely and have had several interviews with the gentlemen representing all the branches of the trade. The first paragraph of the amendment applies only to goods that are marked, and the goods that are not marked need not have any registration mark; but the idea is if the goods are marked they shall be of the quality represented.

Hon. Mr. KERR—Why does the clause not say so?

Hon. Mr. GIBSON—It does by inference, because it says if an article bears a mark it must have applied to it such marks as are provided by the Act; but there is no prohibition of goods brought in here without a mark. The moment a mark is put on, then that mark must be evidence of the quality of the goods. Clause 9 as it stands now is a great improvement on clause 9 of the original Bill. The meaning is clearer to members of the trade. The objection I had to the Bill was, that they, not being lawyers, were unable to get at the true meaning of the Bill. Like the hon. Secretary of State, I have had numerous letters and telegrams urging the passing of the Bill and that it should come into force on the 1st October to have the matter settled for all time, so that the trade might know what they are about. I do not think this Bill has been railroaded through the committee. I do not know of a Bill that has had as much attention at the hands of the House as this measure has had. Mr. Trower is here in a unique capacity, representing the retailer, the wholesaler and the manufacturer, which shows that they have implicit confidence in him doing the right thing by all parties concerned. That being the case, why should the Bill stand over and run the risk of not becoming law during the present session?

Hon. Sir MACKENZIE BOWELL—The whole argument of the hon. senator from Toronto seems to be in the interest of the poor unfortunate public. He is solicitous for those who wear, or desire to wear bogus jewellery. That is the whole tenor of his argument. If this measure has any one good quality, it is that it will protect the public. The object of the manufacturer and the honest importer has been to protect the public against bogus jewellery which

has a good appearance, but has not intrinsic value. Two years ago, when we had this subject under discussion, I listened with a good deal of attention to the views of the largest importers in Canada heard before that committee, and the one divergence of opinion, so far as I can recollect, was whether the law should insist upon the importation of 10 carat goods or whether the standard should be 9 carat. I understand the manufacturers have conceded to the importers that the quality shall be fixed at 9 carat, and the importers are satisfied with that arrangement. Inferior jewellery, improperly marked, is sold by irresponsible people—I mean people that you cannot reach to prosecute them for misrepresentation. My hon. friend quoted the views of an extreme free trader a few moments ago. It would be no trouble to get letters of that kind from people who hold extreme views on questions of trade. I venture to say you could get just as stronge letters in support of the Bill from protectionists, and the protective nature of the Bill induces me to support it. I am very glad to know that my right hon. friend the Minister of Trade and Commerce, who is responsible as a member of the cabinet for this Bill, as well as the hon. gentleman who introduced it, has so far advanced in his political ideas that he has become a convert to that 'heresy' which he has so frequently condemned. I received a telegram from Mr. McNaught a few days ago, protesting against the amendment which has been adopted, and which was declared to be destructive of the whole measure. I should like to know if the amendment now proposed meets the views of Mr. McNaught and others who protested against the former clause?

Hon. Mr. SCOTT—It was a mere matter of wording.

Hon. Sir MACKENZIE BOWELL—I admit that, but the wording of a clause may destroy the very object in view.

Hon. Mr. SCOTT—I understand he has been in communication with them, and this was adopted yesterday.

Hon. Mr. BOSTOCK—I can only look at this from the point of view of one of the public. It seems to me that if the government are really anxious to protect the public, they should take this marking of Canadian jewellery into their own hands. Inasmuch as they have a mint now, all that work should be done by the government and not left to the jewellers. Under the existing Act, the manufacturers mark the quality of their own goods. We have been discussing this afternoon the question of grading grain. The government does not leave that to the dealers. It should be the same with this question of marking jewellery. In other countries it is done under the control of the government, and that system should have been included in this Bill. If we really wish to protect the public so that they would know when they buy jewellery with a mark on it they are getting what it purports to be, the government should assume the responsibility of the marking and guarantee that it represents the actual quality of the goods. The hon. senator from Hastings refers to people not being able to get back at the man who guaranteed the jewellery if the jewellery is imported into the country from the outside. But so far as the west is concerned we are almost in as bad a position with regard to jewellery manufactured in Canada, because it is made in the eastern provinces and the only person you can hold responsible is the dealer from whom you buy in the west, and he probably would refer you back to the manufacturer. So if the quality of the goods were not as represented, the purchaser in the west would be in just as bad a position as the people in the east are with regard to imported jewellery. The government should consider the matter, and take up the quest of marking jewellery themselves.

On subclause 2,

Hon. Mr. POWER—We have spent a good deal of time over this Bill, and it is the desire of every one, I suppose, that it should be as nearly perfect as possible. It is a case where a very slight change in the phraseology may mean a good deal. In the first place, our Interpretation Act does away with the use of singular and plural. Now this amendment contains the phrase 'mark or marks'; the original said 'marks,' and that is the proper phraseology.

Hon. Mr. SCOTT—I hope there will be no change. This amendment has been telegraphed to Toronto and accepted by the trade.

Hon. Mr. POWER—If we are to legislate here under duress from certain gentlemen in Toronto, I should like to know it; because I thought we were legislating here as the parliament of Canada, and that the gentlemen in Toronto and in every other city have to take what we pass; and I certainly object to any outside parties undertaking to dictate to us the language we shall use.

Hon. M. SCOTT—I regret very much that this committee should make any change, because there are a variety of marks.

Hon. Mr. POWER—Surely the word 'marks' covers all marks.

Hon. Mr. SCOTT—The hon. gentleman loves to make a change of a word in every paragraph. I hope the committee will not change this. It is very important.

Hon. Mr. POWER—If the hon. gentleman takes that line, I propose to resist this measure.

Hon. Mr. SCOTT—I am blamed by the House because I am not following the directions of the hon. gentleman from Toronto. Here is a technical matter that I do not profess to be skilled in; I cannot grasp it, the whole thing is technical from the beginning. We are legislating in order to satisfy the trade. Is it not better to give it to them as they want it, particularly as the law clerk upholds it. He says it is proper. He says it refers to several marks.

Hon. Mr. POWER—It may be perfectly true that the gentlemen in Toronto know better what they want than we do, but I do not think they are better judges of parliamentary or statutory phraseology than the Senate, and that is the point I am making. I am not asking to alter the meaning of this paragraph in the slightest degree. When our interpretation Act says the singular includes the plural, and the plural includes the singular, it is not good drafting to use both plural and singular. I am not going to move an amendment. I thought the hon. Secretary of State would alter it.

Hon. Mr. FERGUSON—We might leave it to the Commons to cross the t's and dot the i's.

Hon. Mr. POWER—If such an article bears any mark, 'it must have applied to it the following marks.' We are dealing now with goods which may be imported from any country—'a mark or marks truly indicating in the manner required by this Act the quality of the gold or silver or alloy of gold and silver, hereinafter called the quality mark.' I do not see any objection to that. They should be marked so as to show their quality, and (b) the trade or trade marks registered in accordance with the Trade Marks and Designs Act. I think there was a good deal of force in what the hon. gentleman from Toronto said with respect to that, that if you import a watch from Switzerland, the marker in Switzerland will not necessarily be familiar with our trade mark, and will not have that trade mark applied to the article. The hon. Secretary of State asks the hon. gentleman from Toronto to point out how this proposed clause 9 differs from the old clause (9). I think it differs in this way; the old clause 9 says:

If to such article there is applied any mark other than—

(a) trade marks registered in accordance with the Trade Mark and Design Act;

(b) marks truly and correctly indicating, in the manner required by this Act, the quality of the gold or silver, or alloy of gold or of silver, in the article;

(c) numerals intended to indicate pattern, such numerals not being incorporated with any mark indicating the quality of the gold or silver or alloy of gold or of silver of which the article is composed;

(d) the name or initials of a dealer, which last mentioned mark may be applied only if the article bears also a registered trade mark in accordance with the Trade Mark and Design Act.

There should be one of these marks put on the article. This amendment says that in addition to the quality mark there must be a trade mark registered in accordance with the Trade Mark and Design Act. I think the better way is to go back to the spirit of the original clause 9, to insert after the words 'Apply to it,' the following words 'One or more.' I think that is reasonable. I do not think you could expect

a foreign article to bear a Canadian trade mark.

Hon. Mr. SCOTT—I hope the committee will not accept the proposal, for many reasons. I have explained before that it should go through in the shape it is.

Hon. Mr. POWER—We have had this clause in so many shapes, that I do not know that this shape will be any better than the other shapes. I think it would be more to the purpose to point out what is wrong about the proposed amendment. It is unreasonable to expect that a foreign maker will apply to the goods which he makes, a Canadian trade mark. If he puts the quality mark on his goods that ought to be sufficient.

Hon. Mr. GIBSON—He ought to put a number on it.

Hon. Mr. POWER—He may put any mark on it that he likes.

The committee divided on the amendment, which was lost.

Hon. Mr. SCOTT—I should call my hon. friend's attention to this fact: it need not have applied to it any of the marks mentioned in subsection 2 if the article bears a trade mark registered in accordance with the Trade Mark and Design Act, and the quality mark, or any of the marks defined by paragraphs A and B. If it is the hall-mark or an approved mark of any country it need not have a trade mark. It is only in the event of its not having the quality mark.

Hon. Mr. ROSS (Middlesex)—Are we to understand that the hall-mark is sufficient?

Hon. Mr. SCOTT—Yes.

The subclause was adopted.

On subclause 3,

3. If the article bears—
(a) Hall-marks lawfully applied according to the laws of the United Kingdom of Great Britain and Ireland; or
(b) Marks applied by the government, or under the laws of, any foreign country, to indicate the quality of the gold, silver or alloy; and
(c) In both cases, if all the other provisions of this Act have been complied with as regards the article;
it need not have applied to it any of the marks mentioned in subsection 2 of this section.

Hon. Mr. POWER—I move to strike out the latter section (c) in both cases. It does not make good English.

Hon. Mr. SCOTT—It is good law.

The amendment was declared lost.

The subclause was adopted.

On subclause 4,

4. If the article bears a trade mark registered in accordance with the Trade Mark and Design Act and a quality mark, or if it bears any of the marks defined by paragraphs (a) and (b) of subsection 3 of this section, it may also have applied to it either or both of the following marks—
(a) Numerals intended to indicate pattern, if such numerals are not incorporated with any quality mark;
(b) The name or initials of a dealer.

Hon. Mr. POWER—I understand the promoter, or the gentleman who represents everybody, is satisfied to have the following words added at the end of subclause 4:

Any other mark not calculated to mislead or deceive, and not incorporated with any quality mark.

There is no reason why, if the manufacturer of a watch chooses to put on something besides the numerals and the name or initials of the dealer, he should not be allowed to put on any other mark which is not calculated to mislead or deceive.

Hon. Mr. SCOTT—I have no objection to that.

The amendment was adopted.

The subclause was adopted.

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

Hon. Mr. SCOTT—I move the suspension of the rules in regard to this Bill.

Hon. Mr. KERR—The second section of the Act is filled in, bringing it into operation on October next. The merchants may not be able to conform to the Act by that time. The former Bill was to go into force on the 21st of March. I will therefore object to the suspension of the rule.

Hon. Mr. SCOTT—Read clause 5 of the Bill.

Hon. Mr. KERR—That does not meet my objection.

Hon. Mr. POWER—I hope the hon. gentleman from Toronto will not persist in objecting to the suspension of the rule, because we have been allowed a reasonable time for the consideration of this Bill, and if he insists in his objection, the Bill cannot go to the other House for a week, and that delay is likely to prevent it receiving full consideration in the other House, which I am anxious it should have; and I should be very sorry that the enforcing of any technical rule should hinder the Bill from going down to the Commons in time to receive that consideration.

Hon. Mr. KERR—It is the first time I have ever raised an objection of the kind, but I have been told I know so little about the Bill that I should like to study it a little more, and I think it is better in the interests of the country, as well as in the interest of those who have not had committees appointed to represent their special interests, but in the interest of those who, for the first time, will hear of the Bill when it becomes law—that there should be a little more time given before the third reading.

Hon. Mr. GIBSON—I hope the hon. gentleman will not insist, because one of the conditions of this arrangement, and one of the things that was forced on the Secretary of State, was the fixing of a date whereby all the provisions for Christmas trade could be made. These men want to go to England to buy their goods for the Christmas trade under the operation of the Act. Why should it be held over until January. It is not for the Canadian people, it is for the people who go abroad and buy their goods. Why should we say 'You shall not bring any more foreign goods into Canada under this Bill until next year.' Once this Bill becomes law, they can go to the ends of the earth and make their purchases.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman might accomplish the object he has in view by suggesting to the promoters of the Bill in the Commons, when it reaches there, to bring up these matters. The point he raised, is one that has been conceded over and over again, when changes in the tariff have taken place. There have been provisions made for purchases which were made in foreign countries prior to the coming into force of the Act. That is what my hon .friend proposes. A Customs Act and a Tariff Act as a rule, go into full force and effect the moment they are sanctioned by the governor. In fact it goes further; the moment it is introduced by the Finance Minister in the Commons, telegrams have been sent to the different points to refuse entry of any goods. In other cases, provisions have been made to protect the purchaser, and you are protected, provided there is bona fide evidence that the order for the goods was given prior to the passage of the Bill. That is what the hon. gentleman asks, but he can accomplish it just as well in the Commons, as by delaying the Bill until next week. I would suggest that course to him, unless he wants to defeat the Bill.

Hon. Mr. KERR—I do not want to defeat the Bill, and I will not oppose the wishes of the House. I, therefore, do not press my objection.

The motion was agreed to, and the Bill was read the third time and passed under a suspension of the rules.

BANK ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (160) An Act to amend the Bank Act.

(In the Committee.)

On clause 1, subclause 4,

1. Section 61 of the Bank Act, chapter 29 of the Revised Statutes, 1906, is repealed, and the following is substituted therefor:

61. The bank may issue and re-issue its notes payable to bearer on demand and intended for circulation: provided that—

(a) the bank shall not, during any period of suspension of payment of its liabilities, issue or re-issue any of its notes; and

(b) if, after any such suspension, the bank resumes business without the consent in writing of the curator, hereinafter provided for, it shall not issue or re-issue any of its notes until authorized by the Treasury Board so to do.

2. No such note shall be for a sum less than five dollars, or for any sum which is not a multiple of five dollars.

3. The total amount of such notes in circulation at any time shall not exceed the amount of the unimpaired paid-up capital of the bank: provided that, during the usual season of moving the crops, that is to say, from and including the first day of October in any year to and including the thirty-first day of January next ensuing, in addition to the said

amount of notes hereinbefore authorized to be issued for circulation, the bank may issue its notes, to an amount not exceeding fifteen per centum of the combined unimpaired paid-up capital and reserve or rest fund of the bank as stated in the statutory monthly return made to the minister for the month immediately preceding that in which the additional amount is issued.

4. Whenever, under the authority of the proviso to the next preceding subsection of this section, the issue of an additional amount of notes of the bank has been made, the general manager, or other chief executive officer of the bank for the time being, shall forthwith give notice thereof by registered letter addressed to the minister and to the president of the Canadian Bankers'——

Hon. Mr. FERGUSON—I want to call the attention of the committee to the condition of the circulation last fall at the time it was held that there was such an extraordinary stringency. I take the months of November and December, which will be regarded as the months of the year in which the crop is moving and requiring a greater circulation. I find that in these months there was not an abnormal circulation. The issue of government notes in those months was less than it was in April this year. The issue of government notes on the 30th November was $62,519,400, and the circulation by the banks $84,452,899, about the same as it was in the month of October, and five millions more than during September; but the circulation of government notes continued about the same during all these months. In fact, for the nine months, the lowest amount is $61,241,544 in October last, and the highest $62,664,837 in May. These figures certainly do not indicate a great stringency as regards circulation. I notice that the effect of the action of the government last year was not to increase the circulation of the Dominion notes, although that was the form the order in council took, but to lead to a large depletion of gold from the treasury. Turning to the question of gold, I find that there was held as gold or sterling debentures in excess of what was necessary to secure the deposits in the government savings banks, $40,821,642 on the 30th of September. There was $40,421,798 of gold held on the 31st of October, $38,019,400 held on the 30th of November, $35,011,368 on the 31st of December, and on the 31st of January the lowest point, the gold reserve held by the government was $34,222,568. That was $6,700,000 less gold than was held on the 30th September. I just mention this as indicating that there does not appear to have been last fall such a great difficulty in the circulation at all events.

Hon. Sir RICHARD CARTWRIGHT—The mode in which those returns are furnished is a little apt to mislead, and for this reason; when you talk of the circulation of government notes, no such thing in reality exists except as regards ones, twos and fours. The vast bulk of what is called gold reserve ought to be called government certificates for gold held, not property of the government in any true sense, but held for the banks, who find it more convenient to hold the certificates of the government redeemable in gold than to hold the gold which in ordinary circumstances would be held in the vaults. Our system is peculiar in that respect; we have made ourselves custodians of specie, which, under ordinary circumstances would be held by a bank or banks. I am not sure in many respects that it was a wise move. I know why it was done, and it was not for any genuine scientific reason, but simply to help the Finance Minister of the day out of a difficulty and let him get a little more gold than he could otherwise conveniently secure. At this moment, the vast bulk of the gold which is held is to all intents and purposes the property of the banks and not of the government. The government must hand it over on demand, and it is not too much, having reference to the deposits, to hold. Now, the hon. gentleman will observe another thing with respect to this: that is, that in all these cases where there is a danger of a run, a panic such as occurred last November, the banks will always try and ought to try and strengthen themselves, and ought to hold more gold at those times than others. If they can they will do so, but in our system they would prefer, of course, to hold the government certificates for gold as being more convenient to keep than the ordinary specie they would hold. That so far as to government circulation. As to the other point my hon. friend alluded to, that is a possible stringency, I would point out this: He quotes perfectly correctly the total amount of circulation out in No-

vember and December, but he will note that the banks which dealt in the Northwest in particular, notably one or two of the largest of them, had gone up to the very full amount that they could issue under the law, and there was an absolute stringency as regards their notes. They could not get them out nor could they borrow them from other banks, without paying gold, which it was not advisable to do, without increasing the reserve which they deemed expedient to hold. In almost all these cases, the business of a community like the Northwest is conducted not by the whole of the banks of Canada but by a certain number of banks. They found a great stringency. No harm can exist from giving the elasticity required to be given, because under no circumstances can any of those banks, under our system, keep a dollar in circulation more than the needs of the country require. The instant they exceed the amount that is absolutely wanted, their notes come back to them and must be redeemed in gold, so that very little risk occurs, particularly in the case of those banks having large reserves, in giving them for the time the right to issue 15 per cent more than at present they are allowed to do. Hon. gentlemen will note that you cannot keep circulation out under our system to any extent more than the needs of the country require. If you attempt to do it—and I speak with knowledge—your notes will be returned to you within a very few days, perhaps a very few hours, and must at once be redeemed in gold.

Hon. Mr. FERGUSON—I am quite aware that last year and every year, some of the banks, owing to the nature of the business they transact, do not get all the notes out that they are entitled to issue. Very seldom the Bank of Montreal issues to its full power and authority. The same is true of the Merchants Bank of Canada. I suppose it is due, to some extent, to the kind of business they are doing. When my hon. friend speaks of the gold held by the government, and that they are holding it for the banks, it must be remembered that it is the legal tender notes that the banks hold that gives them the right to come back and take out gold at any time; but what happened last fall when permission was given by order in council to make an issue of notes without specie reserve, dollar for dollar was this: not that the circulation of the government notes became greater (I speak of the circulation issued from the treasury) notes of small denominations going freely into circulation with a guarantee of 25 per cent reserve held against them. The larger numbers go with a dollar for dollar provision and the banks hold this legal tender. What appears to have happened when this larger issue of notes was agreed upon by order in council, the banks got that and turned around and took the gold equivalent to it, because the gold in the hands of the government fell off and the circulation did not appear to increase. They issued legal tender certificates to the banks without a reserve, and they must have come back to the treasury and taken the gold.

Hon. Sir RICHARD CARTWRIGHT—Undoubtedly.

Hon. Mr. FERGUSON—I can well understand that that would be an excellent thing for the purpose of stiffening up the banks for runs upon them. There was a panic outside of Canada which might seize our country at any moment, and it was desirable that the banks should increase their reserve. They did it at that time, and that probably caused a good deal of confidence. They used this concession they got from the government to strengthen their reserves, but it does not appear to have gone into circulation and therefore it did not have the effect of moving the crop.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend is perhaps not aware that under the precautions taken by the Finance Minister none of this gold went to any other bank or for any other purpose than for assisting in moving the crops in the Northwest which were at that time in a state of congestion, and which could not be moved because the banks which chiefly dealt there had practically exhausted their means in the way of note issue or used up their gold reserve. Every precaution was taken, and successfully taken, to make sure that nobody got a dollar of the gold except for that particular purpose, and it was, as I have every reason to believe, successful

to a very considerable degree in lessening the extreme congestion which had taken place in the Northwest at that time. The mere fact that the government had interfered, loosened the purse strings, as hon. members from the Northwest can testify, of some of the other banks and a very considerable amount of grain was sent forward, which, without the interference of the government, could never have been sent forward and probably would have been worthless if held there until April or May.

Hon. Mr. FERGUSON—It would not appear, however, that the gold would be sent to the Northwest. It would be paper money that would be sent there.

Hon. Sir RICHARD CARTWRIGHT—Quite so; but you cannot get paper money without gold.

Hon. Mr. FERGUSON—That is what was done. It is the gold that is missing. Although the notes were issued, it appears that they were used as legal tender and the gold was immediately withdrawn. Therefore, until you have the details of how that money was distributed to the banks we are at a loss to know how it was used in the form of gold in place of paper money.

Hon. Sir RICHARD CARTWRIGHT—It was fully discussed in the lower branch of parliament, and, I may say as a matter of knowledge, none of the banks that were dealing in grain in the Northwest got any of this advance. They got it under a peculiar arrangement made with them and guaranteed by the Bank of Montreal. If the hon. gentleman has the returns for November and December before him I think he will see that under the usual head there, so much was held in gold and so much in other securities of Canada by the Bank of Montreal. I can tell the hon. gentleman that it was only for that one particular purpose the gold was used.

Hon. Mr. FERGUSON—Whatever form the transaction took, it ended in so much gold going out of the treasury. Gold would not be useful currency in the west.

Hon. Sir RICHARD CARTWRIGHT—The banks could not get extra notes without it. For the notes they had to pay gold.

Hon. Mr. FERGUSON—What happened last fall was, they got over $5,000,000 in notes without paying gold. I refer now to the peculiar arrangement that was made. What appears to have happened was this: they got notes under an order in council, and then turned around with these notes or others in their possession and took gold for them, and the gold went out of the treasury. The gold became $6,000,000 short early in the year compared with what it had been two or three months before that. My difficulty is to find why it was necessary to remove the gold. Was there any large exportation to the United States or other countries at that time? It can be traced from the returns, but it would seem to me that a great deal of this gold must have left the country just about that time.

Hon. Sir RICHARD CARTWRIGHT—No, it was handed over to the particular banks engaged in the transaction, and with that they were able to obtain the notes of other banks, which answered their purposes.

Hon. Mr. FERGUSON—It left the government and the country with that large loss of gold.

The clause was agreed to.

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

The Bill was then read the third time and passed, under suspension of the rules.

BRITISH COLUMBIA COURT OF APPEAL BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (165) An Act respecting the Court of Appeal in British Columbia

(In the Committee.)

On clause 1,

1. Paragraph (c) of section 26 of the Disfranchising Act, chapter 9 of the Revised Statutes, 1906, is repealed and the following paragraphs are substituted therefor:
(c) in the provinces of Nova Scotia, New Brunswick and Prince Edward Island, to the Supreme Court in banc;
(c1) in the province of British Columbia, to the Court of Appeal.

Hon. Mr. SCOTT—The present appeal is to the Supreme Court in British Columbia,

and the effect of this provision is to make it to the Court of Appeal. It refers to a case where a voter has voted illegally, and a test case is made, and it goes to the Court of Appeal, instead of to the Supreme Court as formerly.

Hon. Mr. POWER—It seems to me a remarkable thing as to a case of that character, where a man has voted illegally, that instead of going to the Supreme Court it has to go to the Court of Appeal. The Court of Appeal does not meet so frequently, and the question is not of such a character that it need go there.

Hon. Mr. SCOTT—I presume that is the only explanation.

Hon. Mr. ROSS (Middlesex)—It ought to go to the highest court, which is the Court of Appeal.

Hon. Mr. POWER—I am surprised to hear the hon. gentleman from Middlesex say that an appeal on a trifling matter should go to the Court of Appeal.

Hon. Mr. ROSS (Middlesex)—That is the way it is in Ontario, and it works all right.

The clause was adopted.

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

The Bill was then read the third time, and passed under suspension of the rules.

The Senate adjourned until Thursday, July 2nd, at 8 p.m.

THE SENATE.

OTTAWA, Thursday, July 2, 1908.

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

Prayers and routine proceedings.

EMPLOYMENT OF ELIE ROUSSEAU.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Was there, in 1907, amongst those who worked at Trois Pistoles wharf, in the county of Temiscouata, a workman or a day labourer answering, on the pay-list, to the name of Elie Rousseau?
2. In what capacity was he employed?
3. What was his salary, and how much did he draw?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. Yes.
2. Foreman.
3. (a) $2.50 per day. (b) $260.

REPAIRS TO DUFFERIN TERRACE.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

Are the works of repair made by the government to the land which serves as foundation for the Dufferin terrace at Quebec now finished, or at least sufficiently advanced to permit the whole terrace being open to the public at the time of the celebration of the third centenary of the foundation of Quebec?

Hon. Mr. SCOTT—The repairs to the rock which serves as a foundation for Dufferin Terrace, Quebec, have been completed, but the terrace wall and platform of the end that has been closed to the public will not be finished before August 15. The remainder of the terrace has been strengthened by the city authorities, and is finished.

RANK OF MILITARY OFFICERS.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. Is it the intention of the government to grant to each of the officers commanding higher commands, or commanding a brigade, rank corresponding to the command devolving upon them?
2. What rank is given in England to such commanding officers?
3. What rank can be granted to those who occupy similar positions in Canada?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. There is no intention of conferring higher rank at present, either on officers commanding commands or on officers commanding brigades. In the latter case, the rank of colonel can be granted under the regulations promulgated in General Orders Nos. 73 and 105 of 1908.

2. In England, as a rule, the 'Commands of the Army' are held by lieutenant-generals, and brigades are commanded by colonels with (in the regular forces) the temporary rank of brigadier-general.

3. In time of peace no officer in the Canadian militia can be appointed to a higher rank than that of colonel, except for the purpose of assuming the command of the militia; but the temporary rank of brigadier-general may be conferred upon an officer of the rank of lieutenant-colonel or colonel, when specially authorized.

BIC HARBOUR WHARF.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. When were the 2,600 feet of squared spruce delivered, which are mentioned at page V—160, of the Report of the Auditor General of March 31, 1907, under the heading 'Bic harbour: wharf at Pointe à Coté'?
2. By whom and to whom was this wood delivered?
3. To whom and when were the $468 paid, which this wood cost?
4. Was there a certificate of delivery thereof?
5. By whom was it given?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. February 25, 1907.
2. Delivered by P. E. D'Anjou to P. E. Amiot, assistant engineer.
3. To P. E. D'Anjou by cheque issued on March 9, 1907.
4. Yes.
5. By P. E. Amiot, assistant engineer.

CONSTRUCTION OF POINTE A COTE WHARF.

INQUIRY.

Hon. Mr. LANDRY inquired of the government:

1. From August 1, 1907, to December 31, 1907, did Mr. P. E. D'Anjou receive from the Department of Public Works any sum whatsoever in payment for goods delivered for the construction of the Pointe à Coté wharf, Bic harbour?
2. For what goods?
3. At what date was the delivery of these goods made?
4. In what quantity and at what price?
5. Who certified the delivery of these goods?
6. At what date was payment made for each of the items so delivered?

Hon. Mr. SCOTT—The answer to the hon. gentleman's questions are as follows:

1. Yes.
2. For hardware and lumber.
3. February 25, 1907; June 20, September 18, October 15, and October 18, 1907.
4. 2,600 feet square timber at 18 cents, $468; 207 pounds steel at 12 cents, $24.84; 20½ pounds steel maces at 11 cents, $2.23; nails, &c., at 5 cents, $5.05.
5. P. E. Amiot, assistant engineer, and Achille Durette, foreman.
6. March 9, for item of $468; July 15, for item of $27.07; November 23, for item of $5.05.

SENATORS AND MEMBERS OF THE COMMONS APPOINTED TO OFFICE.

MOTION.

Hon. Mr. LANDRY moved:

That an humble address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before the Senate a return showing:

1. The names of all senators and members of the Senate and House of Commons who have been appointed to office of emolument during the years 1896-7-8-9, 1900-1-2-3-4-5-6-7 and 8.
2. The name of the office to which each senator and member was appointed.
3. The salary attached to each office.

Hon. Mr. McMULLEN moved in amendment, that the figures 1878 be substituted for 1896, and that the return be for each year subsequent to that date.

Hon. Mr. LANDRY—I accept the amendment.

The motion was amended and agreed to.

AN ERROR IN THE MINUTES.

Hon. Mr. ROBERTSON—I want to call attention to a mistake in our last minutes. The House will remember that on Thursday last we discussed the question of adjournment, and the entry in the minutes is as follows:

The Honourable Mr. Robertson moved, seconded by the Honourable Mr. Tessier,

That when the Senate adjourns to-morrow, it do stand adjourned until Wednesday, July 8th prox., at three o'clock in the afternoon

The Honourable Mr. Perley in amendment moved, seconded by the Honourable Mr. Baird,

That all the words after "adjourned" be struck out and the following inserted in lieu thereof "until Tuesday, the 7th of July next, at three o'clock in the afternoon."

The Honourable Mr. Casgrain in amendment to the proposed amendment moved, seconded by the Honourable Mr. Talbot,

That all the words after "until" be struck out and the following inserted in lieu thereof "Thursday, the second of July next."

The question of concurrence being put on the said amendment to the proposed amendment.

The Senate divided as follows:—

Yeas, 35.

Nays, 15.

So it was resolved in the affirmative.

The question being then put on the main motion, as amended, the same was, on a division, resolved in the affirmative.

I find that when the House adjourned on Friday, His Honour the Speaker declared the Senate continued until the 2nd of July 'at 8 o'clock in the evening.' I want to know how that motion, carried by the House, was changed?

The SPEAKER—The explanation is as follows: The sub-amendment of the hon. senator from De Lanaudière was in writing, and it remained on my desk and was not transmitted to the clerk until the following day, when the clerk noticed that the motion, as I had put it, was 8 p.m., and that is as the amendment was written.

Hon. Mr. ROBERTSON—But 8 p.m. was not in the motion as sent to the Speaker?

The SPEAKER—Yes, it was in the amendment as prepared by the hon. senator from De Lanaudière. The clerk did not catch the 8 p.m., and put in 3 p.m.

Hon. Mr. ROBERTSON—It was not handed in after the House had adjourned?

The SPEAKER—No. I was notified next day that there was such an error, and when I looked for the sub-amendment I found it on my desk.

RAILWAY ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (PP) An Act to amend the Railway Act as regards the preferential charge created by the issue of securities.

(In the Committee.)

Hon. Mr. CASGRAIN—Since this Bill has been on the Order Paper, the hon. Secretary of State has obtained a letter from the Minister of Justice, and it is now a question of policy with the Senate whether they will accept or reject this Bill. It is unnecessary to repeat the arguments in favour of this Bill. I therefore move that clause 1 be adopted.

Hon. Mr. GIBSON—The hon. leader of the opposition is not present to-night, and, as he has some remarks to make on this Bill, I suggest it would be well to postpone it until, say, Tuesday next.

Hon. Mr. CASGRAIN—I do not think that Senator Lougheed will be back again this session; but if he should return he can state his objection at the third reading. The Bill may as well be disposed of one way or the other now.

Hon. Mr. GIBSON—In conversation with him, he told me that he was opposed to the Bill and would like to have an opportunity of speaking on it before the third reading.

Hon. Mr. CASGRAIN—He has already spoken against it two or three times.

Hon. Mr. LANDRY—Did the hon. gentleman say he had the opinion of the Minister of Justice on the question?

Hon. Mr. CASGRAIN—I had a letter from the Minister of Justice, and it has been read and printed in our debates.

Hon. Mr. LANDRY—When?

Hon. Mr. CASGRAIN—About two weeks ago.

Hon. Mr. GIBSON—I look upon this Bill as one of the most dangerous measures ever introduced into the Senate, and, for that reason, I think it should be withdrawn. No good reason has been given why changes of this kind should be made. As I understand the matter, it seems ridiculous that claims on account of any supplies or on account of any work that is done in connection with the railway should rank behind the securities that have been given in the way of bonds or mortgages. The thing is so ridiculous in itself that a man might step in——

Hon. Mr. POWER—I rise to a question of order. Several distinguished and hon. gentlemen of this House have expressed themselves in favour of the Bill, and it is out of order to speak of their action as ridiculous.

The CHAIRMAN—I thought so myself.

Hon. Mr. GIBSON—Then I will say that the Bill is a most extraordinary one, if the word ridiculous does not express it fully.

Hon. Mr. POWER—If the hon. gentleman will say, in his humble opinion.

Hon. Mr. GIBSON—I will not be dictated to by the hon. gentleman from Halifax or any other hon. gentleman. I think he should allow other people to express their opinions, and I have been long enough in this House to understand the procedure. I was assuming that the whole scheme of this Bill, and what has been said in favour of it, are based on a bogey. The proposition, as I understand it, is simply this: Take for instance a debt upon a railway for ties, cars or locomotives supplied, people with such claims cannot collect the money because there happen to be other people who hold the bonds of the railway. The thing is so peculiar of itself, that I wonder the members of the Senate have not taken this matter into their more serious consideration. Take a bondholder or mortgagee of a farm property. The farmer may borrow hundreds or thousands of dollars as the case may be upon his property. The fact that it is so mortgaged does not prevent him from making extensions and improvements on his property. But that is what the Bill professes to do. Whatever the debts of a railway are, they should rank upon the property. I am told that a creditor must describe every item of a railway property from one end to the other, without leaving out the station ground, or any other things, before he can enter a suit against the railway company. According to the Bill, as I understand it, the creditor must first prove that the railway has assets other than those that are available to pay the bondholders. That means he has to go to the court and prove that the railway had sufficient assets to pay its debts beyond its bonding power. I do not profess to be a lawyer; but if the law as it now is on the statute-book, has worked well for so many years, what is the reason of the change? There must be crooked work somewhere. Somebody wants to get out of paying his just debts. Why should a Bill of this importance be brought in at the eleventh hour of the session? Some railway or some private individual wants to get rid of some indebtedness. I ask the House to consider this Bill and give it the fate it deserves, by voting against it.

Hon. Mr. GIBSON.

Hon. Mr. CASGRAIN—The hon. gentleman from Beamsville has not followed the discussion, or he would not speak as he does. This is not a new Bill. This is simply reverting to the law as it was before 1903.

Hon. Mr. LANDRY—Why was it changed at that time?

Hon. Mr. CASGRAIN—It was changed inadvertently, by parliament.

Hon. Mr. LANDRY—No.

Hon. Mr. CASGRAIN—It had existed for forty years.

Hon. Mr. LANDRY—There are two or three other clauses in the Bill.

Hon. Mr. ROSS (Middlesex)—This is a very serious Bill, in my judgment. The hon. gentleman from De Lanaudière states that we are reverting to the law as it was in 1903. The change was made, I believe, by the government. I think it was a government Bill. The Railway Bill was very carefully considered. It is a very important Bill. I think the government should assume the full responsibility for any change that is now proposed. I think we should be advised that the Minister of Railways approves of what is proposed. The responsibility of the government is involved. Of course it is involved in any Bill, but it is particularly involved in an amendment to a government Bill, and although I would be disposed, if the worst came to the worst to revert to the old law of 1903, under which railway securities have sold for so many years, still I think this Bill could very well stand over. I would prefer it should stand over, and I would rather vote that it should stand over than that we should pass it, unless I have the assurance from the leader of the Senate that this matter has been carefully considered by the government, and that they are behind the hon. gentleman who has introduced the Bill. We should be slow to make amendments of this kind. We will upset a vast amount of railway securities; perhaps the security of millions of money may be more or less prejudiced by the action we are going to take. All the railways in Canada that have borrowed any money and have issued any bonds are inter-

ested in this matter. What do they say? We have not heard from them. This Bill should only pass after it has been fully considered by those who hold securities. We should not act rashly. I hope the hon. leader of the Senate, before we proceed further, will be able to tell us that the government has considered this amendment, that the Department of Railways entirely approves of it, that the government are fully aware of what is involved in it, and that this House will act upon such careful and deliberate advice as we should have in a matter of this consequence.

Hon. Mr. SCOTT—Every hon. gentleman knows that as a rule 99 per cent of the money that has built our railways, has come from the other side of the Atlantic. It is advanced on bonds that have been secured by a mortgage, a first charge upon the road. The mortgage has probably brought about the acquisition of the rails. It has furnished the construction of the railway, and in some instances the rolling stock. The mortgage has covered everything, and that was the original inception of railway mortgage bonds. As time went on, it became apparent that there were certain charges, wages of the men, &c., that did not particularly interfere with the security held by the mortgagee. After a certain time, as property was required to complete the line, personal property and so on, provision was made in the law that notwithstanding this mortgage the charges at the time to which I have last referred should be paid out of the rents and revenues. And that was the law from time immemorial up to 1903. In the clause in which the reference is made the words 'property and assets' appeared a few lines above—there was a paragraph setting forth that the property, assets, rents and revenues were security for the mortgage. A few lines below that it was set forth that the property, rents and assets should be subject, in the first place, to any penalty imposed, and afterwards to the payment of what was called working expenditure. The working expenditure includes a very long list of items, and there is no manner of doubt that the change in 1903 weakened very considerably the claims of the mortgagee, and that no mortgagee out of the hundreds perhaps thousands of parties who held security of that kind in Canada, was aware that that change was made. As hon. gentlemen who are familiar with the Railway Act know, the law requires that when a railway company issues a mortgage securing bonds, they file a duplicate of it in the office of the Secretary of State. I have looked over a number of mortgages filed since 1903, and they have evidently ignored the change in the law, convincing me that the lawyers were not aware that this change had been made. The Railway Act amendments in 1903 were prepared by the law clerk of the Railway Department. He was asked whether he had any recollection of making that particular change, and he replied that he had not—that he did not know how it got there. He had no idea that the property and assets were taken as a first charge for the working expenses and payment of penalty. I then wrote to the Minister of Justice the following letter:

Dear Mr. Aylesworth,—There is a Bill before the Senate (PP), promoted by Senator Casgrain and supported by Senator Béique and others, striking out the words 'property and assets' in the fifth line of section 138 of the Railway Act, Chapter 37, Revised Statutes.

The argument used is that the words 'property and assets' were inadvertently added to 'rents and revenues,' as no explanation can be be obtained as to how the two words came to be inserted. The law clerk of the Railway Department who drafted the Bill has no recollection of having inserted them in the Bill of 1903. If 'property and assets' are to be made subject to all the items of working expenditure as defined in the interpretation clause it will seriously affect the interests of the bondholders, as instances can be given where the amount would run into the hundreds of thousands of dollars.

I inclose you a memo, giving the points—having been asked by the Senate to obtain your views.

Yours truly,
R. W. SCOTT.

The Hon. A. B. Aylesworth,
Minister of Justice.

To this letter I received the following reply:

Ottawa, June 20, 1908.

Dear Mr. Scott,—I am duly in receipt of your letter of the 15th instant referring to the Bill (PP), now before the Senate, to strike out the words 'property and assets' in the 5th line of section 138 of the Railway Act, chapter 37 Revised Statutes, and you state that you have been asked by the Senate to obtain my views in the matter.

I think the question whether these words should or should not remain in the statute is entirely one of policy, and, therefore, one upon which I am not competent to advise parliament, except to the extent to which as a member of the House of Commons, I might venture to express in the House any opinion I might entertain.

I am quite unable to offer any suggestion as to what may have been intended by parliament when these words were inserted in the section in question in 1903. I should think it probable they were repeated in the proviso of the section because they appeared in the enumeration of the property of the company which might be made the subject of the mortgage deed.

The legal effect of the presence in the proviso of these words is, of course, as you state, that the penalties mentioned in the clause, as well as the working expenditure of the railway are made a charge upon all of the mortgaged property, prior to the mortgage encumbrance. Whether or no parliament in 1903 appreciated and intended to produce this effect I am unable to say.

I remain,

Yours, faithfully,

A. B. AYLESWORTH.

The Honourable R. W. Scott,
Secretary of State.

The memorandum attached to the correspondence is as follows:

RE MORTGAGE ON RAILWAYS.

By section 94 of the Railway Act, 1888, the mortgage deed was security upon the whole of the property, assets, rents and revenues of the company present or future, or both as described in the said deed, but such rents and revenues shall be subject in the first instance to the payment of any penalty imposed and annexed to the payment of the working expenditure of the railway.

By section 112 of the Act of 1903, providing for the creation of mortgages which may embrace the whole of the property, assets, rents and revenues of the company, present or future or both as described therein, but such property, assets, rents and revenues shall be subject to the payment of any penalty and to the payment of the working expenditure of the railway.

It is alleged that the words 'property and assets' were inserted by mistake, as it does not appear that any reference was made to the clause in either the Senate or House of Commons. It is considered that the including of 'property and assets' weakens the value of the mortgage very seriously.

From a hasty search I have made in the department—and I have looked over a number of mortgages there, I have found only one in which reference is made to the legislation of 1903. That one appears to have been the only one that accepted the legislation of 1903, the others being entirely ignorant of the change. There is one very important one drawn by a gentleman who keeps in touch with the legislation, Mr. Lash, acting for the Canadian Northern. He had prepared the mortgage that company issued on the old lines which made the mortgage a first charge on the property and assets, as well as on rents and revenues; so I have come to the conclusion that the words were introduced inadvertently, because I can find no one who is cognizant of how the change occurred, and, therefore, it becomes, as Mr. Aylesworth says, a matter of policy. I think if it were known to a mortgagee that all claims for wages, materials and supplies were to be preferred in advance of the mortgage he would hesitate about accepting the bonds. One case was mentioned the other day. It was not verified, but I presume it was founded on truth, that is, that a railway company owing a debt of over one hundred thousand dollars payable to parties in this country, claims that that amount would come in prior to the first mortgage, so you can quite see that a very serious condition might arise where heavy debts are incurred for which the road bed, the rolling stock and all other property would be liable in advance of the mortgage. Mortgagees and bondholders would be slow to accept bonds if they did not feel there was absolute security for them.

Hon. Mr. CLORAN—What about the labourers?

Hon. Mr. GIBSON—Every railway Bill passing through parliament authorizes the company to issue bonds to a certain amount per mile. It does not follow that the whole amount authorized is issued, but they may issue that much. Having satisfied the bond-holders that debts have been incurred to people in Canada for labour and material, it is only fair that those debts should come in ahead of the claim of the bond-holders. That is the whole thing. One of the toughest fights we have ever had at the other end of this building occurred some years ago in connection with the Toronto, Hamilton and Buffalo Railway Bill. In that case the railway contractor was an incorporated company from Chicago. That company sub-let the whole of the work, and we got from them a certain sum of money placed in one of the banks to cover the cost of construction between Waterford and Hamilton.

When the railway was extended from Hamilton to Welland, they left the indebtedness of that part of the line and paid the other, and then came to parliament afterwards with a plea that they wanted one million five hundred thousand extra bonds, and would be willing to pay the contractors if there were any to pay. But the real creditors were the sub-contractors in Canada, the main company being the corporation in Chicago, and under the law sub-contractors are not recognized. The result was that the people who built the railway had to take 20 cents on the dollar. That is the sort of thing we want to prevent in a Bill of this kind. We want the people of Canada to be paid for the work they do and the material they supply. I have no desire to injure the bond-holders; indeed I have always stuck up for them; but in this case, there is a black man in the fence somewhere. We had better be satisfied with the law as it stands, and people who want to lend money can lend it under the law that we have now on the statute-books. I therefore move that the committee rise.

Hon. Sir MACKENZIE BOWELL—The Minister of Justice, who is supposed to advise parliament in matters of this kind, really gives no advice or opinion at all in this matter; he simply says it is a question of policy.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The government ought to have a policy on so important a matter. At the time we consolidated the Railway Act, it was discussed clause by clause for a week or two, and at the suggestion of those who took a very deep interest in the question, scores of amendments were offered. So great was the interest taken in the measure that we actually had a conference—something unprecedented in the history of our legislation—with the House of Commons as to the effect which certain clauses would have if they remained in the Bill. One in particular was the right of appeal in cases of dispute. Now we are told that words which were placed in the statutes, of a very important character, were placed there inadvertently by somebody, an employee of the government, and not by the member of the cabinet, who is responsible not only for the consolidation of the laws, but for the amendments accepted by parliament. Yet we are asked to believe that an amendment of so important a character as this which we are now discussing was added to the Act by a law clerk or some one who drafted the Bill. When we consider the care that was bestowed upon the Act by parliament, and the varied interests affected, it seems incredible that words of such an important character as these should have found their way into the law without the knowledge and consent of the Minister of Railways. Every one knows he was an astute man and understood what he was doing, and would never have allowed such an important change to be made without his approval. Those familiar with our system of government know that in the consolidation of any Act, whatever department it may affect, the minister at the head of that department investigates every change proposed to be made, or should do so, in order that he may be in a position to explain and defend the measure in parliament. The position taken by the government in regard to this measure seems to me very extraordinary. We ask the Minister of Justice for advice on this measure, and he tells us what every one knows, that it is a matter of policy; but the government introduced the Act as it stands, and were responsible for every clause it contains, and consequently it must have been at the time the law was passed the policy of the government to protect those who were not protected under the old law. It is a grave question for the Senate to consider, whether they should allow a change to be made which will interfere with the claims of creditors when the debts have been incurred for the purpose of enabling the road to be run and to earn sufficient money to pay interest on the bonds. The suggestion made by the hon. senator from Middlesex is the correct one. It is a matter of such grave importance that the Senate should hesitate until the government has taken the whole question into its consideration, and have laid it down as the policy of the government that this change should be made. Then, when they come to that conclusion, they will be able

to give us sufficient reasons, one would suppose, to justify their action. In the meantime, I think we shall be doing justice not only to ourselves but to the creditors of every railway company in the country by adopting the motion of the hon. senator from Lincoln.

Hon. Mr. BAIRD—This Bill should not become law. It has been stated here that the words which give these claims for labour and material a preference, slipped into the Act of 1903 inadvertently. I doubt it. If something had been dropped out, I could understand that a mistake might have occurred in that way; but where a section is inserted affirming a policy, it never slipped into the Bill by mistake. There does not seem to be any good, sound reason for supporting this Bill. It would be unfair to a labouring man and the man who supplies material for the railway that the bondholders' security should come first. There does not seem to be any crying need for this legislation. There are no railway companies here demanding it. There may be some unimportant roads whose bonds are not good security, and some members who desire to put this Bill through on their behalf, but it is legislation which is dangerous and unnecessary. The Minister of Justice has pronounced no opinion upon it; he says it is a matter of policy. It is a dangerous precedent to pass such legislation, and I therefore oppose the Bill.

Hon. Mr. SCOTT—Hon. gentlemen assume that we are taking away the protection the wage earner should have. They have a claim on the earnings of the road.

Hon. Mr. DAVIS—But supposing there is no revenue ?

Hon. Mr. BAIRD—Supposing I deliver 50,000 ties, on a road, and it does not earn a revenue to pay my claim?

Hon. Mr. SCOTT—I know of only one road that is not earning a revenue, and that is in New Brunswick.

Hon. Mr. BAIRD—This railway is not far from New Brunswick.

Hon. Mr. CLORAN—I have listened on and off for three months to discussions on the Bill. Some hon. senators make it a matter of circumstances; others make it a matter of principle. This Bill is very simple, but it is a dangerous measure. If we pass it, we establish the principle in this country that labour is not as worthy af protection as capital. The bonds of the mortgagee are to have the first privilege, but the bonds and mortgages which have been enhanced by labour should not override labour. The labour and the material which have made the bonds valuable should be protected. Now this Bill tends to destroy that principle. I am not against capital, but I claim that whatever goes to enhance it should have equal privileges. We are asked by this legislation to destroy a law which was passed deliberately by this parliament five years ago. By whom was the amendment introduced? The mover of this Bill says, by a law clerk, and the hon. Secretary of State practically endorses that. I am prepared to show that it was introduced by the Minister of Railways at that time, the late Mr. Blair, and it was designed to meet cases where railroads were trying to deprive labourers and those who furnished material, of their pay, and these people had sufficient influence with the minister of that day to have their claims safeguarded. It takes four or five years to build a railroad; where is the working man to get his money out of the earnings during that time? If he has no claim on the property, he risks giving his labour for nothing. That clause was deliberately enacted by the late Mr. Blair, and it is attacking the intelligence of the department to say that the most essential clause in the whole Railway Act was inserted inadvertently. That clause changes the whole system of financing roads, and guarantees the workingmen and those who supply material. The House of Commons accepted this clause as presented by the Minister of Railways at that time, and it was adopted by the Senate also, and it is too late now to say that parliament did not know what it was doing, and that the Minister of railways of that day, who was one of the brightest administrators in the Liberal government, did not know what he was doing. The idea of falling back on the law clerk of the department and quoting him as saying that he did not know how this provision got into the Act, is an ab-

surd argument, and one which cannot be admitted. We are responsible for our own legislation, and we should not try to shift that responsibility on to others.

There is not one responsible railroad in the Dominion of Canada—take the Grand Trunk Railway, Canadian Northern, Canadian Pacific Railway, or any great corporation—asking for legislation of this kind. It is for some bankrupt concern which ventured on a scheme which did not pay. They want to save their bonds at the expense of whom? Of the people we are called here to protect —at the expense of people who are furnishing labour and supplies. You will not find any of the responsible companies asking for legislation of this kind. It is companies who have floated bonds on roads which they thought would pay, but which they found did not pay, like the one for which the hon. Senator Casgrain was solicitor or liquidator, I do not know which, the Baie de Chaleurs Railway, where they refused to pay the working men. They did not refuse, but they did not have the money to pay for labour or supplies. Is it in behalf of this or a similar company that such legislation is introduced? That is a fair question. The Grand Trunk Railway do not ask it, nor the Canadian Pacific Railway nor any other of the great railway corporations, but railway companies who floated bonds on properties that were not very solid and not very profitable. They come before parliament and ask to have their bonds held by parliament, with a privilege denied to labour and to material which enhanced the value of those bonds, and if they were in any way profitable it would be on account of the work done by the labouring man. Is it on behalf of these people the hon. mover introduces the measure?

Hon. Mr. CASGRAIN—No, no.

Hon. Mr. CLORAN—On behalf of the Grand Trunk Railway?

Hon. Mr. CASGRAIN—On behalf of the public interest and nothing else.

Hon. Mr. CLORAN—Public interest is centered not only in the men who invest in the bonds, and who have the property and other assets as security; but you or I, or anybody else, also, who enhance the value of that property by our labour or material, and why should we be deprived of equal rights with the bond-holders? I admire and respect the opinion of the Minister of Justice. In his soul and conscience he could not recommend this legislation, and he throws it to parliament to deal with as a matter of policy. I would have admired him more if he had said 'No, you cannot do it, it is wrong and against public policy.' But he gets out of the difficulty, by saying 'It is a matter of policy for parliament to decide.' But parliament decided in 1903, and is now called upon to revoke their decision. The Minister of Justice would have been a good deal bigger man in the country if he had said that the legislation of 1903 was justified, and that decision of parliament should be sustained to-day. This Act has been on the statute-book for the past five years, and I made the statement two or three months ago when the Bill was then before us, that there had been more bonds sold and more capital brought into Canada in the past five years to build railways, than there had been in the 15 years or 20 years before. But we are told that investors did not know that this provision existed in the law—that this clause was unobserved, that nobody thought of it. I hope this statement will not be sent broadcast throughout the country. It is a direct challenge against the honesty and intelligence of the counsel of every railway company. We are told that money came in from bonds floated abroad without this clause being noticed and examined by eminent lawyers, attorneys and counsel. I say it is a challenge to their honesty, integrity and ability. It is the most essential clause in the whole Railway Act, as far as the financing of a railroad is concerned, yet we are told that nobody knew anything about it. The lawyers did not see it. It passed them unobserved. The position is ridiculous, and I would not ask any attorney, no matter how young and inexperienced he might be, to accept the responsibility of advising a company be it the Grand Trunk Railway or Canadian Pacific Railway or Canadian Northern, without knowing what was the essential clause in the Railway Act in regard to finances. That cannot be accepted. It is an argument put

before the people of the country that they will not accept. They want labour protected equally with capital—no more and no less—and that is the principle that is to go forth in this country, and the Minister of Justice has saved the responsibility of the Liberal party, because he would not accept responsibility for this legislation. If it were to go before the electors of the country, that the Liberal party and Liberal government were party to a measure whereby the rights of labour were to be sacrificed unjustly and unfairly, their doom would be sealed. That is the plain English of it. I do not go behind the door. I know what it is to meet public opinion. I know what it is to meet people who want fair play and equal rights from parliament. I hold that, as members of this honourable House, it is our duty to safeguard the rights both of capital and labour, not to sacrifice one as against the other, but keep them on even ground. This legislation is calculated to bring labour down. It is calculated to take from the man who furnishes supplies his right to payment. I ask this honourable House also to consider that in passing this legislation, they will give to the people of the country a further conviction that this Chamber legislates not in the interests of the people at large, but in the interests of capital.

Hon. Mr. BEIQUE—Whatever may be the decision arrived at on this Bill, I desire that there may be no misapprehension as to the effect of the measure. My object in rising is merely to try and put the question in its proper light. From the inception of our Railway Act until 1903, what has been the condition of things? It has been this: the mortgages on railway properties were given the first charge upon the property, except some penalties and things of that kind, there were private charges on the tolls and revenues of the railway, but the parties lending the railway companies accepted that position and did it knowingly. In 1903 the Railway Act was consolidated and considerably changed. We find that parliament had made a sweeping change, as far as the position of mortgagee on railway property was concerned. This parliament, without discussing the matter at all—because not a single word on the question can be found in the debates of this House or of the other Chamber—made a sweeping change that mortgages on railway properties would no more rank as a first charge, not only for the future but for the past, which means it would affect mortgages prior to that date, that prior charges would be created which would take rank before mortgages for such things as expenses. Let us take two paragraphs. The first paragraph reads as follows:

> For all office and management expenses, including directors' fees and agency, legal and other like expenses.

Hon. Mr. FERGUSON—Strike that out and that will make it about right.

Hon. Mr. BEIQUE—I am drawing attention to the effect of the change that was made. The hon. gentleman says strike it out. It is so exorbitant, that I realize the suggestion that it cannot be countenanced. Then paragraph (b) reads as follows:

> All expense of or incidental to the working of the railway and the traffic thereon.

Which means all the traffic balances. A railway may be going on, as I have known railways to do, piling up the traffic balances for two or three years against one property to the extent of $70,000 or $80,000, and these will rank before the mortgage. The railway companies can well afford to let their traffic balances pile up against one another when they are guaranteed by the Railway Act that all claims in that direction will rank as a first charge upon the property, before all the money that has been loaned upon the road. Then let us continue the same paragraph:

> Including all necessary repairs and supplies to rolling stock, whether on the line of another railway and another company.

We have railway companies that have thousands of freight cars which are kept on United States roads. They are kept out in that way almost from the beginning to the end of the year.

Hon. Mr. CLORAN—You have also United States cars on Canadian roads.

Hon. Mr. BEIQUE—And they are paid a per diem rate. The repairs to these cars and the supplies to these cars may represent thousands and hundreds of thousands of dollars, in the course of one or two, three,

four or five years. From 1903, under the change in the Railway Act, these are made a first charge upon the properties and to rank before the mortgage.

Hon. Mr. DAVIS—Why not?

Hon. Mr. CLORAN—Why not?

Hon. Mr. BEIQUE—Because the parties who have loaned their money have loaned it on the faith of a statute which did not permit of anything of the kind, and it is the same as if I were lending $50,000 on the Russell House or any other property, and to-morrow there would be an Act of Parliament which would say: 'Well, it is true you are the first mortgagee on that property, but hereafter you will not be the first mortgagee. If any debt of the Russell House be created for supplies or otherwise it will rank before your mortgage.

Hon. Mr. ROSS (Middlesex)—Does the hon. gentleman say this clause is retroactive?

Hon. Mr. BEIQUE—Surely it is retroactive.

Hon. Mr. FERGUSON—Will this Bill be retroactive?

Hon. Mr. BEIQUE—No, it will not.

Hon. Mr. LANDRY—Why not?

Hon. Mr. BEIQUE—I cannot answer every one at the same time. If you allow me to proceed I will try to make my contention as clear as I possibly can. I say that, under that Act of 1903, the law was to the effect that mortgages were to rank as first charge upon the property, not upon the rents and revenues, but upon the property. There were, of course, millions and millions of money invested under the law as it stood then. In 1903, I say, without any discussion at all, without the attention of anybody being called to the fact, this sweeping change was made in the law. Is it to be believed, that this House or the other branch of the parliament of Canada, would make a change of that kind without noticing it, and without saying it is done for such a purpose? No; that has been done by a stroke of the pen, by adding the two words in the section in the wrong place. Now, we find, two or three or four or five years after, that this change had taken place. What is the duty of parliament? Parliament made the change, but what I call attention to—and it is a very serious point I think—is to the fact that if a change of that magnitude and importance had been made intentionally surely it would have been noted; and from the fact that it was not noted, I say it is the best evidence that it was made inadvertently, and everyone who will read the clause and carefully compare it as it was inserted in the Railway Act of 1903 with the clause as it stood before, will readily understand how the change came to be made in advertendly.

Hon. Mr. LANDRY—Was that change made by an amendment, or was it worded in the Bill as it came down?

Hon. Mr. CASGRAIN—It was printed that way by mistake.

Hon. Mr. BEIQUE—It was printed that way.

Hon. Mr. DAVIS—There was no mistake about it; it was intended at the time.

Hon. Mr. BEIQUE—That is the first point to which I draw your attention, that we have the right to infer from the fact that both branches of this parliament were entirely silent on the question, that it was made inadvertently, and especially when it has the effect of creating prior claims, which are the destruction of the right of the mortgagees and which are so exorbitant that, as one of the hon. gentlemen said: 'Strike it out, make the change as far as this paragraph is concerned.' I say this law is retroactive.

Hon. Mr. ROSS (Middlesex)—I understand that this law will only apply to mortgages or bonds issued subsequent to 1903.

Hon. Mr. BEIQUE—That is where the hon. gentleman is mistaken. That is the point I am going to take now.

Hon. Mr. ROSS—Let me modify it with this remark: I do not understand that it would be possible for this law to apply to securities that were taken before the law came into operation, unless it were so distinctly declared. A retroactive law must be expressed in terms; but, as I under-

stand it securities issued in 1903 would not come under the clause. Bonds held prior to that date would not be effected. I do not think this is retroactive. However, my hon. friend is a lawyer.

Hon. Mr. BEIQUE—My hon. friend will better understand my argument, when I say, that suppose at the time the Railway Act was passed there were no taxes levied on the railway company, and, as a matter of fact, in the province of Quebec, there were since the passing of the Act of 1903 taxes imposed on railway property at the rate of so much per mile, a heavy tax, and I think the same thing has taken place in Ontario. This tax, in virtue of the law of the province, affects the property whether it is mortgaged or not. The tax is the first charge. It is well known that the municipal or government tax is the first charge upon the property. It has a privilege upon the property. It affects the mortgagees to a certain extent. It affects the mortgages issued prior to 1903 as well as mortgages issued subsequently.

Hon. Mr. LANDRY—But only since the passing of the Act.

Hon. Mr. BEIQUE—Yes, of course. From 1903 down to the present time, and in the future any amount of claims may be piled up, which will destroy the value of the bonds issued before 1903, and I say, to that extent, the law is retroactive. This law makes no distinction as to whether the bonds have been issued before the passing of the Act or subsequent to the passing of the Act. This law declares that all the working expenses included in the paragraphs (f) and (g) which I have read—that all the claims which may be created in virtue of those paragraphs and coming within the wording of those paragraphs shall be a first charge upon the property and will therefore, in the future, stand before any mortgages or any bonds, whether they were issued prior or subsequent to the Act of 1903. Therefore, I say that this law is retroactive, and I say it is robbing, without any notice at all, the parties who had invested their money in good faith upon railway property in this country, and I must say that I am surprised when the attention of the government is called to that law, that they do not find it to be their duty to take hold of the Bill and pass it through. I am not satisfied with the Bill as it is. I have placed on the Order Paper notice of an amendment, and, possibly, the amendment might improve the measure. I say the good faith of parliament is at stake, because I say this law in its nature is a retroactive law, which had the effect of destroying the value of the bonds issued on railway property representing millions and millions of money. Now what is the effect of this Bill if it is passed? It does not affect claims that have been created from the passing of the Act of 1903 to the time that the Bill will come into operation.

Hon. Mr. GIBSON—Give us a concrete case.

Hon. Mr. BEIQUE—I can give the hon. gentleman the concrete case of the Baie de Chaleurs Railway.

Hon. Mr. CLORAN—That is the one.

Hon. Mr. BEIQUE—It is well known that in the case of the Baie de Chaleurs Railway there were two or three hundred thousand dollars of claims of all kinds for supplies and labour against it, and if that law had been in operation at that time, the effect would have been to wipe out almost entirely the bond-holders of this railway. Instead of that, the creditors have come repeatedly before parliament, and before the legislature of Quebec, for the purpose of obtaining help by way of subsidies, and help in that way was granted to a considerable extent, and properly so. But the rights of the bond-holders remained intact, as they should have remained intact. Now I know of another case.

Hon. Mr. GIBSON—Was the income of that railway not dissipated?

Hon. Mr. BEIQUE—Yes, but not by the bond-holders. The property was in dishonest hands, possibly, but is it fair or just that because the property and its assets should be dissipated the bond-holders should be robbed of their privileges? We are always saying that contracts are a sacred thing and good faith should be kept with all contracting parties and when millions

and millions of money have been invested on the faith of the Railway Act, is it the duty of parliament to say: 'You have lent your money, it is true, on the faith of a privilege; but instead of having any privilege as was stipulated for, as the Act of parliament gave it to you under the faith of the Railway Act, it will be in the future in the power of any dishonest board of directors by way of fees to themselves, by way of high salaries to their employees, and piling up counsel fees, and otherwise to defeat your mortgage,' because all these claims will rank before the mortgage. What guarantee would the bondholders have in the future? To my mind it is incumbent upon parliament to change the law, and it cannot do so too quickly.

Hon. Mr. CLORAN—Is it not the practice of capitalists in Europe or in the United States, when a company is formed to have representatives on the board of directors? Have the bond-holders not their representatives on the boards of directors?

Hon. Mr. BEIQUE—No, it is not the practice at all.

Hon. Mr. CLORAN—It is the first time I have heard that denied.

Hon. Mr. BEIQUE—It is not the practice, and it is not done.

Hon. Mr. CLORAN—My experience is different; I know foreigners who are interested in railroads, and who have their representatives on the directorate.

Hon. Mr. BEIQUE—It has been said that rolling stock should be protected. Well, under the old Act it was in the power of persons or companies selling rolling stock to protect themselves; but last session this parliament very properly improved the law in that respect, and adopted in chapter 38 of the last statute, provisions which make it perfectly easy for anybody selling rolling stock to any railway company to protect themselves. They keep a mortgage on that part of the property and that will not interfere with any vested right. The bondholders are not entitled to acquire any privilege on rolling stock purchased subsequent to the creation of the mortgage, and on which they have not invested their money. Likewise this parliament might say that any creditor advancing money or supplies to a railway company would have a privileged claim, taking rank before the mortgage, to the extent of the increased value given to the property. We have that provision under our common law in the province of Quebec and in other provinces. It is a wise provision, but it is not the question with which we are dealing. If it was only dealing with a privilege of that kind, then the proper machinery exists already for the protection of a new creditor. A registration has to be made, and it is left to the courts to decide by evidence to what extent the value of the property has been enhanced, and the mortgagee can have no cause of complaint. But here we have to do with a change which goes far beyond that and makes no distinction whether the value of the property has been enhanced or not. It opens the door to this—that supplies such as rails, ties, coal, &c., may be purchased and resold to others, and yet the creditors will rank before the mortgagee and the property, although those materials were never used to enhance the value of the property.

Hon. Mr. CLORAN—In that case the action should be taken against the directors and not against the poor man who supplies the material and labour.

Hon. Mr. BEIQUE—The hon. gentleman is dealing with something that is not practicable. Let hon. members apply themselves to correct the mistake which has been made. It is a very important law, but the first duty of this parliament is to reinstate the rights of the mortgagees, and by additional legislation protect the creditors to the extent of the additional value given to the road. I have suggested an amendment. It is to add to the first paragraph of section 138 of the Railway Act the following:

The property and assets shall also be subject to the payment of all rent, charges, or interest on the purchase money of lands belonging to the company.

Because there is no question the mortgagee is benefitted by it, and it is fair that the party who sold the land to the railway company for the right of way, should be protected and not rank after the mortgagee. Then I add:

Of all rates and taxes, and of all salaries and wages of persons employed in and about the working of the railway for a term not exceeding three months.

I am asked what about the rails? I would favour an amendment to this effect, that if rails or rolling stock had been supplied, they will be a first charge to the extent they increase the value of the property but the Bill is not against that. We must commence with the first clause, and the first clause is to reinstate the Act as it was before 1903. Now, if the Bill passes, it has not the effect of interfering with any claims which have been incurred from 1903 to this date. These will remain as a first charge on the property on the basis of the change made in the Act in 1903. It will affect future creditors, and have the effect of reinstating for the future the mortgagees to their proper rank and remedy.

Hon. Mr. McMULLEN—If this change is to be made at all, in order to reinstate bond-holders in their rights before 1903, it should be a different Bill altogether from the one now before the committee. It should provide that the rights of bondholders outstanding at the date of the passage of the Act shall not be affected by the Act. You should amend the clause by putting in a declaration that this Act shall not apply in any case to bonds outstanding at the date of the passage of this Act. You do not accomplish that by the present Bill.

Hon. Mr. BEIQUE—It will then be affecting claims incurred from 1903 to this date. Parliament therefore stands between two fires.

Hon. Mr. McMULLEN—Those who hold bonds issued subsequent to 1903, took them with their eyes open to the law as it stands, but those who purchased bonds prior to 1903 acquired them under the provisions of the law which existed before 1903. All we want to do is to reinstate those men where they stood before.

Hon. Mr. FERGUSON—The question of the retroactive character of the legislation does not come in. The Act of 1903 was not retroactive. A law to be retroactive must expressly say so, and the amendment which the hon. gentleman is trying to make is not retroactive either, but will take effect on bonds from this time forward. With regard to the change of 1903, which it has been said frequently was made inadvertently, that statement has been refuted, and yet the hon. Secretary of State in putting a case for the Minister of Justice, rather suggested that the change had been made inadvertently. We have the most conclusive evidence that it was not made through inadvertence, because there are at least three amendments in the Act which are meant to harmonize with this one, showing that the change was made as a part of the government policy. One of these amendments is in section 430, dealing with penalties, and bringing it into harmony with what is now section 138. Then we find that the interpretation clause was amended, and that the section which stands as 141 in the Act is made to harmonize with the amendment to section 138, showing that parliament and the Department of Justice made this change deliberately. The Bill before us would change one section of the Act and not affect the other three, and the Act would be incongruous, if the Bill should become law. The change in the Act in 1903 brought it up to modern ideas and creations. It is only within the last twenty or thirty years that the mechanics lien provisions have found their way into the laws of the different provinces, so that notwithstanding there is a mortgage on the house, the labour and material put into it are protected. It was the very same principle that was introduced into the Railway Act in 1903, giving wages and material priority. It is in the interest of honest bondholders, and honest railroads as well as I think, generally speaking, honest people that it should be the case. We should leave the Act as it is, and the fact that the Minister of Justice did not give his sanction to this Bill, notwithstanding that he was adroitly told by the hon. Secretary of State that the hon. senator from De Lanaudière and the hon. gentleman from De Salaberry were supporting it, and notwithstanding that he was told that the change had probably been made inadvertently, he did not give his consent to this legislation. I am quite satisfied that if the Minister of Justice were shown that in 1903 at least three other changes were made in

the Act to harmonize with the one under discussion, he would say: 'Leave the law as it stands.'

Hon. Mr. DOMVILLE—There is one thing that runs in my mind, and that is that the creditors must be paid. The hon. senator from Montreal was justified in saying that the large, respectable railways are not seeking to evade payment of their debts. They are not asking for this legislation in order that they may creep out of their liability. Let us suppose a case to illustrate how this Bill would work; a gentleman is trying to build a railway. He get his charter and goes to England and asks capitalists there on what terms they will take his bonds. They will offer him eighty or perhaps fifty cents on the dollar, and ask the promoter to agree that the road shall be built by their own contractors and further that they shall have a majority of the stock. They go still further and say that their own man shall manage the affairs of the company. Therefore, these people who take the bonds really own the whole thing, lock, stock and barrel. I can give an actual case, if it is thought necessary. What follows? The contractor may be a man of straw, or he may be backed up by people who are interested politically or otherwise in seeing that he gets that contract. He sublets the work, and it may be still further sublet. Now, where is the last subcontractor to go for his money? My hon. friend says the bonds must be inviolate and stand before everything; but he fails to tell you that the parties who took the bonds in England took them on speculation to sell them at a profit, and the whole thing is interwoven, the contract, the bonds the stock; and the public are in no way protected. It is a case of caveat emptor. It is not to be supposed that when they took up that speculation they would cut out the labourer or the man who supplies material. If you admit the contrary, they could get the road built on credit and own the property which has been made valuable by the people who supplied the labour and material, and still have a first lien on the railway. That does not seem right. I can understand that the bondholder should be protected. It is to the credit of Canada that he should be protected. The Canadian Pacific Railway, the Grand Trunk Pacific, the Canadian Northern and other important lines are not asking for this legislation; yet here is it proposed to enact a law by which the interests of our own people will be jeopardized. It would be most vicious legislation. There is neither politics nor common sense in it, and I do not not see why it should be pressed this session with so much earnestness. No good reason has been advanced in support of it, and the impression created by this discussion is that the passage of the Bill would give small speculative railroads an opportunity of evading the payment of their debts. I shall vote against it.

Hon. Mr. WATSON—A good deal of mystery surrounds the words which it is alleged slipped inadvertently into the Act of 1903. I believe they were placed there designedly and that they were so generally approved that discussion was unnecessary. Some years ago, when the Northwest Central Railway was in trouble, I had something to do with having a clause put into the Bill that if a new company took up that road, they should pay the debts of the old company. The people I am interested in seeing paid are the men who work on the road, the contractor who undertakes to build and furnish supplies, and at a time when there are no earnings at all. There is no doubt, the bond-holders of the big companies would not be affected; it is for the protection of men who are deceived for the purpose of creating an asset valuable to the bond-holder. We had within the last two or three years evidence before this House in the case of the Brockville and Westport road which was not completed. The bond-holders hold the bonds, and the road was entitled to a subsidy. I believe the line was not built up to the proper standard, and would not be accepted by the department, and parliament said, before granting that subsidy the bond-holders should agree to pay the contractors who built the road. This is not a new principle at all. In the legislation for the Grand Trunk Pacific it is provided that the subcontractors shall be paid. The Grand Trunk Pacific must see to that. Some of the arguments advanced by the hon. senator for De Salaberry are not good. He says

he proposes to allow for the payment of claims created three months back. In the case of the Northwest Central the work of construction was commenced in 1883 or 1884 and work was going on for years. So glaring was the dishonesty of the company who let the contracts that they would not pay their bills, and parliament actually placed in the statute-books a provision that the bond-holders should pay some $50,000 to sub-contractors and people who furnished supplies before the charter became operative, and the renewal became good. I am not at all surprised that these words were placed in the Act of 1903 without debate, because in both Houses those familiar with the experience of the past in connection with the construction of railroads, know how often contractors were unpaid, and the necessity for the legislation was so apparent that the words were placed in the Act without debate.

Hon. Mr. CLORAN—I wish to pay a tribute to the first statesman who introduced this protection for those who supply labour and material—the Hon. Honore Mercier.

Hon. Mr. CASGRAIN—Ever since this discussion began, I have had to reply very often to the assertion that this Bill was meant for one road more than for another. I wish to repeat once more, that when my attention was drawn to the fact that mortgages were not a first lien on railways I could not believe it true. It was pointed out to me in the law, and I then made up my mind that I would bring the matter before this House. I have done so, and when this honourable House is more enlightened on the subject, I have no doubt after the discussion which has taken place, in the near future some such amendment will be made. The next time the hon. senator from Beamsville (Hon. Mr. Gibson), who is a financial man and who unfortunately does not view this Bill as I do —goes across the water to get money to build a railway, when he tells capitalists that their mortgage will not be a first lien, but will come in after paying all the expenses of the railway, he will be told that they do not care to invest their money under such circumstances.

Hon. Mr. WATSON.

Hon. Mr. WATSON—The law has been on the statutes for five years. Does the hon. gentleman know of any case where the credit of Canada has been impaired by it?

Hon. Mr. CASGRAIN—The law as it stands to-day is not understood.

Some. hon. GENTLEMEN—Oh, oh.

Hon. Mr. CASGRAIN—The hon. Secretary of State will back me up in that statement, and so will the hon. senator from De Salaberry. The hon. senator from De Salaberry has stated that two or three years ago he brought in a Bill to the same effect as this one, in this House. I have done my duty in presenting this measure, and when the subject has been more studied it will be admitted that some change must be made in the law by which the capital invested in our railway enterprises shall be protected, and the sacredness of mortgages upheld. A good deal has been said about this law changing entirely the value of mortgages in this country. When the change was made in 1903, the same argument would have applied. The mortgagee lost his first claim on the road and still not a word was said in either House on the subject. When the hon. senator from Marshfield just now spoke of the change made in section 141, he raised some doubts in my mind. I thought perhaps there might be something in that repetition, but the hon. senator from De Salaberry does not share his opinion. As soon as this subject is well understood; as soon as people try to raise money abroad, and find how seriously the existing law interferes with their operations, petitions will be presented to parliament to restore the law as it stood before 1903, and as it had been from the very inception of the Railway Act.

Hon. Mr. GIBSON—If the hon. gentleman thinks that the people of England are such fools as to lend money to reckless people going over to float railway projects, he does not understand the nature of the English investor. Further than that, no railway promoter can go to England with any hope of succeeding in influencing capital unless he has bona fide men back of the enterprise as a guarantee that the road will be built. Neither will the money

be advanced to them until parts of the line are under construction to the satisfaction of the engineer whom the bondholders send over to look after their property. He is talking of building a railroad and owing everything. My hon. friend is willing to give the workmen three months' salary and no more. I am astonished at the suggestions which have been offered by my hon. friend who introduced this Bill, with regard to the people of England. The people of England, Ireland or Scotland, know to whom they can lend their money.

Hon. Mr. DAVIS—Will they lend any to Charlie Armstrong?

Hon. Mr. GIBSON—The hon. gentlemen could not give the explanation from a printer's point of view, how these words came to be inserted. But one would actually think these two words fell in as a typographical error.

The motion was agreed to, and the committee rose.

The SPEAKER—Is there any report to be made by the chairman of the committee?

Hon. Mr. CHOQUETTE—No, the committee simply rise.

Hon. Mr. LANDRY—No report is necessary. Bourinot says:

> If a member wishes to supersede a question entirely, he will move that the chairman do now leave the chair. A motion that the chairman leave the chair shall always be in order, and shall take precedence of any other motion. If this motion, which is equal in this effect to a motion for the adjournment of the House, be resolved in the affirmative, the chairman will at once leave the chair, and, no report being made to the House, the Bill or question disappears from the order paper.

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

THE SENATE.

OTTAWA, Friday, July 3, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FRENCH EDITION OF CIVIL SERVICE REPORT.

INQUIRY.

Hon. Mr. LANDRY inquired:

> When will the French edition of the report of the Civil Service Commission be distributed to those members of this House who have a right thereto?

Hon. Mr. SCOTT—I am quite unable to say when, nor can anybody else. The answer to the above is that the Printing Bureau has received five forms, or 80 pages of the translation. The report makes 235 pages, so that they have received less than one-third. The last 'copy' was received on May 29.

FRENCH EDITION OF JOURNALS OF THE HOUSE OF COMMONS.

INQUIRY.

Hon. Mr. LANDRY inquired:

> When will the French edition of the 'Journals' of the House of Commons for the session of 1906-7 be delivered to those who have a right to it?

Hon. Mr. SCOTT—I am quite unable to answer that question. The House opened on November 22, 1906, and closed on April 27, 1907. The Bureau is in receipt of translation up to December 17, 1906, making 65 pages out of a total of 676 pages. They have received only 65 pages of the French journals of last year.

Hon. Mr. LANDRY—They received yesterday a part of the French translation of the Journals of 1905—three years ago. That is doing justice to the French element?

Hon. Mr. SCOTT—The Bureau has nothing to do with it.

Hon. Mr. LANDRY—I do not know where the fault is. I know it is not my fault. I think we shall be obliged to change the government.

Hon. Mr. SCOTT—The government have nothing to do with it.

Hon. Mr. LANDRY—I received yesterday the French translation of the Journals of three years ago.

THE DRY DOCK AT COLLINGWOOD.

AN EXPLANATION.

Hon. Mr. ROSS (Middlesex)—I wish to make an explanation referring to the debate on the Bill for aiding dry docks. In discussing that Bill, I made the observation that I believed the dry docks on the western lakes, notably that of Collingwood, were not sufficiently large to admit the largest class of vessels for repair. I am advised now by the manager of the dry docks concerned that I was mistaken, that it is sufficiently large to receive the largest vessels on the western lakes. I make this observation lest the remark I made before may be detrimental to the Dry Dock Company.

INSPECTION AND SALE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (CCC) An Act to amend the Inspection and Sales Act as regards grain.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I want to move that the words 'when practicable' be added to the last sentence of clause 14 of the Bill. I am advised by the officers that there are occasions when it is practically impossible to find out and mark on the certificate the quantity of domestic grain.

Hon. Mr. YOUNG—Are there not other cases in which the inspector finds it impracticable to state the percentage? I move that after the word 'division' in the first line of the clause, the same expression, 'when practicable,' be inserted, so that it will be uniform in both cases. There may be occasions when it will be impossible for an inspector to determine what dirt there is in a car of wheat. He is obliged to do it wherever it is possible, so that it is placing the inspector in the same position with reference to dirty grain as with reference to domestic grain—that is he has to put the percentage on the certificate when practicable.

Hon. Mr. DAVIS—We are perfectly satisfied if it is left in the hands of the inspector.

The amendment was agreed to.

Hon. Mr. DAVIS—I move that:

Section 137 be amended by striking out the last two lines under the heading of spring wheat, where it refers to Manitoba scoured wheat, and the following inserted:

All Manitoba dried and rejected wheat after passing through the Terminal Elevator and being properly treated shall be graded by the inspector and put into its proper grade.

I do not know that I need go into any discussion on this question. The motion speaks for itself. As the Act now stands, there is a class of wheat called in our country 'rejected' wheat. We are not dealing with the lower grades at all. We do not want any misunderstanding about it. We are dealing with No. 1 rejected wheat. Now that is generally a first-class wheat. If there had not been a few smut balls in it, it would grade No. 1 Hard or No. 1 Northern. These smut balls get in it and can be taken out when properly cleaned and properly treated. We have an elevator at Fort William that can do this work. It is not always necessary to scour the wheat. It can be cleaned. The elevator is for that purpose. If a farmer wants to send his wheat down there to be treated, he can pay for it and have it done. Under the law as it stands, this class of grain to which I am alluding is forced down to No. 3 grade, which means the difference between No. 1 and No. 3, something like 10 cents a bushel. The producer says: 'If I have my wheat put through the elevator and pay for having it properly treated and cleaned, I want the elevator man to use his own judgment and put that wheat into whatever grade it should go.' I think that is a fair proposition. We are not asking to have it put in No. 1 or No. 2; we are leaving it in the hands of the inspector. We have a very competent inspector. The grain dealers and the farmers have absolute confidence in our inspector, and if he were to put the grain into No. 3 they would be satisfied, because they would know it should go there. But there is a general supposition, and there is a great deal of foundation for it, that in the past this grain has been cleaned and bought up by speculators as No. 3 grade, and very often sold to millers at a trifle below what No. 1 would bring, and there would be a good run of profit in it

for them. If there is anything in this grain, I think the farmer should get it. We are only asking to leave it in the hands of the inspector. My attention has been called to the fact that my motion would probably read better if I put it in this way :

All Manitoba dried and rejected wheat after passing through the Terminal Elevator and being properly treated shall be graded by the inspector and put into the grades to which, after being treated, it properly belongs.

Hon. Sir RICHARD CARTWRIGHT—I have carefully considered the matter, and I am sorry to say that I cannot agree to this amendment. It is a matter of great importance that the prime qualities of the wheat, No. 1 Northern and such like, should be absolutely free from any possible risk in the English market, and without in the slightest degree desiring to depreciate my hon. friend's notice, I think he would be more likely to injure the value of grain than to improve it by his motion.

Hon. Mr. DAVIS—The hon. minister cannot have very much confidence in his inspector.

Hon. Sir RICHARD CARTWRIGHT—I have a great deal.

Hon. Mr. DAVIS—If he has confidence in his inspector, he might know that the inspector would not put it into a grade for which it was not fit.

Hon. Sir RICHARD CARTWRIGHT—We are legislating for all time, and the inspector in future might not be quite as much in my hon. friend's confidence as the present inspector.

Hon. Mr. DAVIS—I might say to the minister in charge of the Bill, that on two occasions I withdrew motions that are now being placed in the Bill by our friends in the other House. I knew I was perfectly right then, and I know I am perfectly right now, and I therefore refuse to withdraw the amendment.

The committee divided on the amendment which was carried on the following division.

Yeas 16, nays 15.

Hon. Mr. FERGUSON—I desired to vote for the amendment and I was in the House when the amendment was put.

The CHAIRMAN—The amendment has been carried by 16 to 15. The next proposed amendment is the one by the Hon. Mr. Perley, which reads as follows :

That clause 16 be amended by substituting for the definition therein of No. 1 Manitoba bleached wheat, the following definition:

No. 1 Manitoba bleached wheat shall contain wheat slightly bleached by weather conditions and that otherwise would have graded No. 1 Manitoba hard or No. 2 Manitoba northern, and weighing not less than 60 pounds to the bushel. Also no grade wheat that has been properly treated and fit for storing, all of which in the judgment of the inspector has not been injured for milling purposes and that otherwise would have graded No. 1 Manitoba hard or No. 2 Manitoba northern, and weighing not less than sixty pounds (60 pounds) to the bushel.

Hon. Mr. DAVIS—This is already provided for in the Bill; but I do not know that the phraseology pleased my hon. friend from Wolseley. I suppose he wants to create another grade of wheat called No. 1 Manitoba Bleached. I might say to my hon. friend in charge of the Bill, that I have discussed this matter with the representatives of the farming community from the west, the Grain Growers' Associations both from Saskatchewan and Alberta. The secretaries of the two associations are here, and they take the same view of this matter as I take, that it should be left in the discretion of the inspector to put the grade where it belongs. My hon. friend thinks it is better, perhaps, to make a grade of Manitoba bleached wheat. I would suggest to my hon. friend, notwithstanding what is in this measure, that he should make two grades—No. 1 and No. 2 Manitoba bleached. Then it may have some value, and if my hon. friend cannot find some way of doing that, then I would call it No. 1 Manitoba bleached. The Bill merely says Manitoba bleached wheat and does not say No. 1 or No. 2 or anything else. I fancy the hon. gentleman from Wolseley intends to make it a grade of No. 1 bleached. I cannot see anything else.

Hon. Sir RICHARD CARTWRIGHT—No, I do not think I can accept it; I will take the measure as it stands.

Hon. Mr. YOUNG—I move that clause 16 be amended by inserting the word 'hard' before the word 'spring.' It would change the expression to 'red varieties of hard spring wheat.'

Hon. Sir RICHARD CARTWRIGHT—I have no objection.

The amendment was agreed to.

On clause 17,

Hon. Mr. De VEBER—I notice there are three grades of each variety of wheat, but no allowance is made for mixed grain, although the Act governing in the east makes provision for two grades of mixed. It is evidently an oversight. I therefore move that the clause be amended by adding the following:

Page 4, line 31.—After the word 'bushel' insert 'No. 1 Alberta mixed winter wheat shall be red and white winter wheat mixed, round, plump, and clean weighing not less than 61 pounds to the bushel and containing not less than 50 per cent red winter wheat.

No. 2 Alberta mixed winter wheat shall be red white winter wheat mixed, round, plump, clean, weighing not less than 59 pounds to the bushel.'

Clause 18 reconsidered and amended, as follows:

Hon. Sir RICHARD CARTWRIGHT—I have no objection to the amendment.

The clause was amended and adopted.

On clause 18,

Hon. Mr. De VEBER—The highest grade of oats is extra Canada Western, which should weigh 42 pounds. Next to that comes oats weighing 36 pounds to the bushel. I consider six pounds is too much difference between these two grades I therefore move that '36' be changed to '38.'

Hon. Sir RICHARD CARTWRIGHT—It has been pointed out to me that this provision will apply to the whole west, and it would be rather unfair to make the change.

Hon. Mr. TALBOT—It is a hardship that oats weighing 41 pounds to the bushel should get only the same price as oats weighing 36 pounds.

Hon. Sir RICHARD CARTWRIGHT—It will be sold by the pound.

Hon. Mr. TALBOT—But it is a much better grade of oats, and should be entitled to a better price.

Hon. Sir RICHARD CARTWRIGHT—Of course the whole position of Alberta oats is different from that of many of the other provinces. To us, extra No. 1 looks like a fancy grading that never would be reached.

Hon. Mr. TALBOT—I consider 42 pounds fairly low, because it is quite common in Alberta to find oats weighing 50 pounds to the bushel, and I have seen it weighing 52 pounds.

Hon. Sir RICHARD CARTWRIGHT—I am advised that it would be apt to injure the other provinces which are also governed by this Act.

Hon. Mr. TALBOT—It would not injure provinces that provide only about one-tenth of the oats. Out of the fifty million bushels we expect to produce in the west, probably forty millions would come from the province of Alberta. However, I do not insist upon this amendment at the present time.

Hon. Sir RICHARD CARTWRIGHT—I will take the matter into consideration, and will mention it to the gentleman in charge of this Bill in the other House, if that will satisfy my hon. friend.

Hon. Mr. TALBOT—That will be quite satisfactory. I now move that the clause be amended by inserting at the top of page 5 the following:

Extra No. 1 feed oats shall be sound, except as to frost, shall contain not more than two per cent of wheat nor more than two per cent of other grain, shall be reasonably clean, and shall weigh not less than 38 pounds to the bushel.

Sometimes we have in Alberta—we have had it during the 18 years I have been there, on four occasions—our grain injured by frost, at what is called the dough stage of its development. It still goes on developing, however, and is an excellent feed grain, frequently weighing 40 to 50 pounds per bushel; but it is not suitable for milling purposes as there is a black streak through the kernel; nor is it suitable for seed, because it has lost its germinating power. As it stands at the present time, that oats would be thrown on the market on the same basis as oats weighing 34 pounds.

Hon. Sir RICHARD CARTWRIGHT—I accept the amendment.

The amendment was agreed to.

Hon. Mr. TALBOT—I have given notice that the number 34 in line 5, page 5, be changed to 36, but I am not very particular about that.

Hon. Sir RICHARD CARTWRIGHT—That point I had also considered, but I am advised that this will include most unsound oats which will come into the market and which were not decent field oats; so I ask the hon. gentleman not to press it.

The amendment was dropped.

Hon. Mr. ROY, from the committee, reported the Bill with amendments.

POST OFFICE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (162) An Act to amend the Post Office Act.

(In the Committee.)

Hon. Mr. McMULLEN—I wish to say a few words before this Bill is reported. I regret that there is not some provision in the amendments to the Post Office Act to increase the allowance to country postmasters. Some little increase has been granted, and an amendment was made to the Act some time ago; but I know there are a great many of the country postmasters who have been performing the duties devolved upon them for a miserable pittance. They virtually get nothing. They are paid $15 or $25, in some cases, for running the post office the year round.

Hon. Sir MACKENZIE BOWELL—Is this subject relevant to the Bill before the House?

Hon. Mr. McMULLEN—This Bill amends the Post Office Act, and there are reductions with regard to the postal charges, and provision is also made for salaried officers, and I think it is quite proper that I should be allowed the opportunity of saying a word in connection with this amendment in regard to country postmasters.

Hon. Sir MACKENZIE BOWELL—This question has nothing to do with the Bill under consideration.

Hon. Mr. McMULLEN—It has to do with the motion that the Bill be reported. I think I am in order in expressing my view with regard to country postmasters. I know the duties imposed on the country postmasters for a great many years. I know what they have had to do in the district in which I live, and I know there is a universal complaint from rural postmasters in regard to the very limited allowance that is given for keeping the offices open the year round. I simply wish to express my regret that the government have not seen their way to recast the whole Post Office Act, giving the country postmasters a better allowance. I think the money could be devoted in that way to a better purpose than in cutting down the service in cities from 2 cents for delivering drop letters by a large staff of letter carriers. On my trip last week, I had a conversation with one postmaster who has conducted a post office for over 25 years, and he has expressed a desire to resign because of the inadequate remuneration. He feels that he is making a sacrifice that he should not be called upon to make, in order to serve the district in which he lives. For instance, he has to employ one of his daughters the year round to attend to the post office. He receives about $56 for the year's service, and that young woman has to attend to the duties of the office the year round for that amount. The other daughter left home and is earning some $300 a year. Some change should be made, and I would press upon the Secretary of State that when parliament is again amending the Post Office Act, they should consider the right of country postmasters to a better allowance than they at present receive. I made an appeal in the House of Commons years ago myself, and I have had great difficulty in getting men to fill the offices of resigned postmasters in my district. Post offices have been actually closed in the district I have the honour to represent, because people could not be got to take them at the small allowance that was granted. In several large, well settled districts the post office has actually been closed, because of the limited allowance. That should not be the case. When our post office revenue is in

the flourishing condition in which it is to-day, carrying to the treasury of this Dominion a respectable sum, I say there is no class more entitled to fair consideration by the government than the rural postmasters. They are a necessity. We cannot do without country post offices. It is desirable they should be continued where they exist, and I desire to throw out the suggestion that the government should take this matter up when they are again amending the Post Office Act and try and arrange for a better allowance.

Hon. Mr. DERBYSHIRE—I should like to add to what the hon. gentleman from Wellington has said, that the money received by these people who have charge of the country post offices would not pay for sweeping out the dirt which is left on the floor by the people who come there to get their mail. The postmaster has to furnish the office himself and keep it cleaned and heated.

Hon. Mr. SCOTT—I shall be glad to call the attention of the Postmaster General to the remarks of my hon. friend. The subject is one that rests largely with the administration of the Post Office Department. I presume that when a postmaster or postmistress resigns, the department has no difficulty in getting a successor at any time. They can always resign the office.

Hon. Mr. McMULLEN—Yet in some sections of our country they are suffering for want of post office accommodation, because they can get nobody to take the office. I know one place where an office had been in existence 20 years, but it is closed to-day because they cannot get anybody to accept the position of postmaster.

Hon. Sir MACKENZIE BOWELL—That may be, but there are many cases in the country where storekeepers fight hard to get the position in order to bring customers to their stores. In many cases in the country, people ask for post offices for the accommodation we give them. I am not finding fault with the argument of the hon. gentleman; but we know that to be the case. There are other instances where the government might have gone one step further and changed the law and made the circulation of newspapers free as it had been under the Conservative administration. I know a locality in my own constituency where the post office was vacant for six months, and the only reason for it was that the government could not find a Liberal in the neighbourhood to take it, and they would not appoint a Conservative.

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

The Bill was then read the third time and passed.

PATENT OF WILLIAM B. SMITH BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CLORAN, from the Committee on Miscellaneous Bills, reported Bill (FFF) An Act respecting a certain patent of Wm. B. Smith with amendments.

Hon. Mr. POWER moved that the rules be suspended in so far as they relate to this Bill.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman promised some explanation about this patent which we are asked to extend.

Hon. Mr. POWER—I gave a rather fuller explanation than usual when the matter was last before the House, and my statement was that when the Bill came before the committee the explanations would be made there. I understand that the counsel on behalf of the promoters appeared before the committee and made the necessary explanations. I do not know enough about the details of the matter to give further explanation.

Hon. Mr. CLORAN—The amendment to the Bill was adopted by the committee on the recommendation of the law clerk. The Bill contained a contradiction. The object of the Bill is to authorize the Commissioner of Patents to sign the certificate, on the payment of fees which are overdue, and that the company are manufacturing under the patent. The company have a factory in Hamilton, costing $15,000, and they are doing continuous business. The only thing wrong is, the attorney of the company failed to pay the ordinary fees at the end of six years, and the petitioners now ask parlia-

ment to permit the commissioner to sign the certificate on the payment of fees.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman from Halifax was quite correct in saying that he gave as much explanation as is usually given, and that is none at all.

Hon. Mr. POWER—I gave an explanation.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman read an affidavit made in Chicago, but we know nothing about the man who made the affidavit. The hon. gentleman says the explanation was given before the committee, but the Senate knows nothing of that, and the only explanation given by the chairman of the committee is that some change has been made in the phraseology of the Bill. I object to the frequent renewing and extending of these patents on what I consider to be very frivolous excuses. I have not yet learned what business these petitioners are carrying on, or to what extent they are manufacturing in Canada. We are told that they have invested $15,000, and are carrying on their work; if so, there is no necessity for them to come here. There must have been some failure on their part in complying with the provisions of the law. The Senate ought not, without adequate information, extend these patents. If an article that is patented is of no use to the people, then the patentee having failed to avail himself of the provisions of the Act enabling him to manufacture in this country, the public ought to be free to use the article when the patent expires, instead of having to pay treble, and sometimes quadruble the cost of its manufacture. We should put a stop to these applications for the renewal of patents. Every manufacturer knows the disadvantage under which the country labours in the production of patented articles for which large prices have to be paid, and the patentee having, probably, made a fortune, the public should have the benefit of the article at the expiration of the patent.

The SPEAKER—Is there any objection to the suspension of the rules?

Hon. Sir MACKENZIE BOWELL—Yes, I object until I know something more about the Bill.

THE EXPORT OF PULP WOOD FROM CANADA.

DEBATE RESUMED.

The order of the day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Baird, that in the opinion of the Senate it is advisable that a commission be appointed consisting of representatives from the different legislatures of the several provinces, together with such other persons as may have the management of the Crown lands of Canada, with power to report on the best means to adopt for the preservation of our forests in the best interests of Canada, in view of the large amount of logs and pulpwood that are annually exported from Canada.

Mr. McMULLEN said: I consider this question to be one of the most important that can be brought before parliament. We know from the history of other countries the loss and suffering caused by the disappearance of the forests, and also that we have been very rapidly denuding our own country of the timber. The time has arrived when we should very seriously, as a Dominion and as provinces, consider the whole question, and not permit the timber to be cut, destroyed, removed and exported without more careful supervision than has prevailed for many years past. Older countries than our own are beginning to realize the grave mistakes they have made in this direction. Evaporation is very much greater in open land than in forests, the difference being one hundred for open fields, as against twenty-four for forests. Twenty-five per cent more of the rain fall is absorbed in wood land than is kept in the open fields. No country has had larger forests than Russia, and now Russia is beginning to suffer seriously from the disappearance of the timber, more particularly in the southern portion of the country. Streams that many years ago were fit for navigation are almost completely dried up simply because the sources from which they drew the supply of water have been destroyed by the removal of the forests. I see by the forest reports, that in 1885 Russia had 527,427,000 acres or 42 per cent of the entire empire under forest. On the North American continent, including

Canada, we had altogether about 380,000,000 of acres under forest or about 17 per cent of the entire continent. Of this amount there is now 85,000,000 held as forest reserves, largely in the United States. Out of that, last year, they sold of timber that had reached a matured condition that, if left would rot or become destroyed, $500,945. In British India they have 140,000,000 acres, or about 25 per cent of the entire country under forest. In Germany, the government control company grounds as well as private grounds, and before the owner of a property can remove a tree he must apply to the forest superintendent for permission. They have begun to realize that the forests are not only a blessing but an absolute necessity to the country, and they will not permit trees to be removed even on private lands at the will of the owner. It can only be done after an application and complying with the rules prescribed by the forest inspector. They have forestry schools in Germany, and nurseries for raising young trees, and they distribute young trees from those nurseries to any person who will replant them. In that way they are largely increasing their forests and encouraging the growth of timber. Austria has also suffered by the destruction of her forests. In India, the British government have established a forestry department by law; 55,000,000 of acres have been placed under control of forest rangers. This has been done for the purpose of protecting the country from the results of clearing it completely of its timber, and a condition of things that would seriously militate against the prosperity of the agriculturalists. Austria has established agricultural schools, with a forestry branch for the preservation of forests and for the purpose of re-foresting lands suited for the purpose. I think we have made mistakes in Canada that should not be repeated. We have sold to lumbermen the right almost unreservedly to cut timber on large areas of country, and in many cases the land is completely cleared of everything in the way of forest. I have seen some of this improvidence myself. I think we should have been more careful. While it was quite right we should part with a portion of the timber, greater care should have been taken, and more stringent provision should have been made. When our lumbermen went into our forests to take what they wanted for lumber, they should have been prevented from slashing and destroying a great portion of the growing timber and leaving the land completely cleared of all the valuable trees. Fire, of course, has done immense harm in Canada, and we regret to-day the very serious injury that has been done in the past in the north portion of Ontario and by fires which are raging now. It is to be regretted that stringent provisions were not made to prevent occurrences of this kind. I dare say that we have lost more of our forests by destructive fires than we have by the mere cutting of the timber. It is a deplorable thing to have to confess, but I believe it is true. Vigorous means should be taken at once to put a stop to setting out forest fires at a season of the year when they may possibly spread and do such unlimited destruction as they have done in the past. We have an immense area of land along the north shore of Lake Superior, and any person who has travelled through that district, as I have, must have noticed the enormous destruction that has taken place there by fire, and the immense stretch of land on which very little if any timber of value is now grown. There are sections of that country that could be turned to good use, if we had an efficient forestry organization whereby portions of that country could be re-forested. For my own part, I look forward with very grave apprehension to the time when our Rocky Mountains will become denuded of all their timber. We know perfectly well, that at the present time they attract great falls of snow and rain, and they are the source of a very large number of magnificent streams such as the Bow River, the South Saskatchewan, the North Saskatchewan and other rivers which are almost entirely supplied from the melting snows from the mountains. If we go on clearing those mountains I have no doubt that the result will be suffering something like France is experiencing to-day. France has come to realize that the denuding the country of its forests has brought about an unfortunate condition of things. Great draughts have prevailed, and she is taking very active

steps now to replant with trees every piece of land that is not desirable for agricultural purposes. The sides of her hills and mountains have been replanted, because she begins to realize that it is only in that way that she can bring about a better water supply than exists at present. We know that our own Department of the Interior has done something in the way of tree planting in the Northwest. I am exceedingly pleased to notice by a report recently issued, that a good deal has been done in that way, and it is growing rapidly. In 1901 there were some 54 applicants for trees to set out. The government farms have plantations where young trees are produced. There were 47 of those that supplied 581,000 trees in 1901. In 1902 there were 550 applications, 421 granted, and there were 468,000 trees distributed among the settlers, for the purpose of creating storm guards and affording a shelter against the severe weather that very often prevails out there. In 1902 there were 1,070 applications for trees and 616 were granted, and 920.000 trees distributed. In 1905, there were 2,118 applications, and 1,122 were granted trees, and 2,000,000 trees were set out that year. In 1906 there were 2,900 applications, and 1,127 were granted the number of trees that they required, and there were 234,125 distributed. In 1907, there were 3,750 applications for trees, and 1,371 were granted the trees and over 2,000,000 trees were distributed. In 1908 there was a corresponding increase, and the demand is, no doubt, going on increasing. The way that is done under the Department of the Interior is, they keep a number of men, so that when application is made for a certain number of trees to plant, immediately an inspector is sent out to view the land and gives directions in what way it is to be prepared for the trees, and after the preparation is made, the trees are supplied and planted, and by taking that course, there have been over 80 per cent of the trees that were given out growing and doing well, and many places have been greatly improved in appearance because of it. The United States are beginning to realize also that they are likely to suffer, not merely because they have denuded their country of its forests, but for want of timber. They cut last year in the United States 40,000,000,000 feet board measure of lumber, which was an enormous output in one year. There were 100,000,000 ties cut also for railroads. Some railway companies are getting so anxious about the supply of tie timber that they are beginning to plant out trees themselves in order to grow their own ties. The Santa Fe line has already taken this step, because they see what is ahead of them, and realize that unless something is done they will soon be without tie timber in the country. It would require the cut of one million acres of land to supply the United States with the quantity of ties they need each year. There were 3,500,000 telegraph poles cut in the United States last year. That is an enormous drain upon the timber. It is to be hoped that the system of putting telegraph wires underground will be largely adopted. It is being adopted by the cities and towns, but by the country being denuded of timber, and for the want of telegraph poles, it may just happen they will have to put all telegraph lines underground, because they will not have poles to string them on. There were 165,000,000 cubic feet of timber used in the mines in the United States last year. This also was a very large draw upon the timber reserve of that country. The tanners of the United States used last year 1,370,000 cords of bark. That means the stripping of an enormous quantity of the hemlock of that country for the purpose of supplying tannic acid, which, of course, adds to the enormous drain upon the timber. They cut last year twelve million bundles of shingles and four million bundles of lathes. Vehicle and machinery timber is becoming scarcer in the United States every year. The price has risen from 25 per cent to 65 per cent since 1899, and they now, by a close estimate, conclude that if they continue to draw upon that kind of timber the present growth will not last more than about 16 years, and they will not have the hardwood timber required in the manufacture of agricultural implements and for vehicles of all kinds, and so on, that it will be completely used up in from 16 to 20 years. In 1906 there were 268,000,000 tight barrel staves cut,

and a very large proportion exported from the United States. The Sunday issue of a journal that has a large circulation, the average circulation in the States, require the pulp wood of twenty acres for one issue. They cut up in one year spruce pulpwood to the extent of 1,785,608 cords. For all purposes, in the United States, there were 4,000,000 cords of pulpwood used last year, which shows that they are making a very heavy drain upon their own resources as well as taking a very large portion from us. It takes two thousand cords of pulpwood to supply one daily newspaper a year. Pulpwood is not quite 5 per cent of the entire cut of timber of the United States. This shows what an enormous amount of timber is used each year in that country. They made 315,000,000 lead pencils last year in the United States in which they used 3,700,-0000 cubic feet of red cedar, a wood that is so desirable in the manufacture of pencils. At this rate, it is estimated the cedar supply of the United States for that purpose will give out in twelve years. In all, the United States has about 450,000,000 acres of timber lands left, of which 165,000,000 of this is now a national reserve. The government at Washington have been taking active steps to protect the country from being shorn of all its timber and they have been making large reserves, and they have that amount under reserve. It is estimated that 100,000 acres of wood land is cut every day in the year in the United States, estimating what is taken for all purposes, including pulpwood lumber, and including the cut for all purposes. At the present rate all commercial timber will be cut in about 20 years. Canada should preserve her forests, especially all lands unfit for cultivation. During the time of this discussion, when the hon. gentleman from Russell (Hon. Mr. Edwards) spoke upon it, he rather deprecated the idea of putting an export duty upon pulpwood. He is a free trader above all things. I think that in view of the increased demand upon Canada by the United States for the export of pulpwood from our country, and in view of the fact that on this continent now we control the principal supply of pulp timber that is left, we should carefully look after our inheritance in this respect, and not allow it to be destroyed or exported to other countries, when we, in future years, will require to draw an increased quantity from our resources for home use. We admit that in the case of a man who has 100 acres or 200 or 300 acres of land, with a large amount of pulpwood upon it, it may be considered a hard matter to refuse to permit him to make the best use he can of what he has become the owner of. But I think we should rather consider our forests as belonging to the entire Dominion. I think it is admitted that we should dictate to those that are in possession of forest lands; that they have to be carefully and prudently dealt with, and the timber removed only to a limited extent. In the past it has been generally made the chief concern of the governments of the provinces, what would be the best return they could get out of the timber, if the timber were sold to advantage to the lumbermen. They have no doubt contributed very largely to the resources of our province. Very large amounts of money have been paid to each provincial treasury from the sale of timber limits, and the policy of that day may have been pardonable under some certain conditions, but I do think we should now call a halt in this line and put our entire forests under the control of a well disciplined staff of men who will look carefully after what we have and not allow the timber to be removed at the rate which it has been in past years. The United States is taking very vigorous measures at the present moment to re-plant their country. They have given out within the last few years over 3,000,000 trees, and they have a very large number of nurseries now, from which they anticipate being able to give out one and a half million every year, to those who wish to plant their lands, which in many cases they are doing. They have altogether in their nurseries over 8,000,000 trees at the present moment. There never was an Act passed by the government of Ontario that redounds more to the statesmanship of the men who conceived it, and advantage to that province, than the law declaring that saw logs could not be exported in the rough. Immediately after the passage of that law, to which no doubt our

United States friends took a strong exception and went to the court in the hope that they would be re-instated in their right to cut timber and take it wherever they liked, but the law was upheld, the result was that a very large number of saw mills were established in Canada by United States mill men, and a very large amount of lumber is now being manufactured and sent into our Northwest from New Ontario, the section that was most directly affected by the passage of that law. I know that there are now eight or ten saw mills operating there—some of the largest in Canada. The mill at Rainy River is one of the largest mills in Canada. There is not a larger mill in Ottawa. They have over 16 miles of railway track within their own lumber yard. They are sending very large lots of lumber to Winnipeg and the west every year, and the United States. Some of these manufacturers hold large limits in Minnesota, and they are cutting their logs there and taking them into Canada, sawing them in Canada and sending the lumber to Manitoba. I know that for a certainty. The reason they build their saw mills on the Canadian side was on account of the Act of the Ontario government preventing them exporting saw logs cut on Canadian limits. They have gone into competition in the purchase of limits and the limits have been sold at a higher price, because these men were bound to keep the mills running, and they control a large area of timber sold within recent years.

In March, 1871, when Sir Francis Hincks was Minister of Finance, this question of the exportation of timber in the rough was brought up and they passed a law imposing $1.50 a cord upon tan bark. At that time, the United States people were cutting a very large portion of our hemlock timber, they felled trees and took the bark off and the trees were left to rot upon the ground, and there was a general suspicion that if that were allowed to go on unchecked, there would not be a hemlock tree left in Canada in a short time. I have an extract taken from a speech delivered by Sir Francis Hincks when he was Finance Minister, delivered on the 10th March, 1871, which reads as follows:

Within a few years a swarm of speculators have carried on to a very large extent the trade of exporting bark to the United States, thus stripping our forests of all the hemlock to an alarming extent. Large quantities of well-timbered hemlock land have fallen into the hands of speculators who after taking all the bark leave the timber rotten and the land totally unfit for settlement. Trespassers also for the sake of gain enter upon unoccupied lands belonging to the Crown and to individuals and destroy all the hemlock timber. Now there is an extract from this hemlock bark which is exported to the United States. The United States government no doubt very wisely looking entirely to their own interests, have imposed a pretty smart duty upon this extract that is manufactured in this country, but admit the hemlock bark duty free. We propose to countercheck this action on their part by putting a duty of $1.50 a cord upon hemlock bark. This is not a question really affecting the revenue. We neither hope nor expect to get any revenue in this way nor do we desire it, but it is very undesirable that our hemlock trees should be all cut down and the bark sent out of the country. I may say that while the representations on this subject chiefly came from the Eastern Townships, we received some representations to the same effect from the province of Ontario.

That is a paragraph cut from his speech at that time, and a duty of $1.50 per cord was at that time imposed on hemlock bark exported from Canada. I contend that we should impose a heavy duty on pulpwood. The United States manufacturers will denude our country of pulpwood and preserve their own if they are permitted to do so. They are doing the same with pulp and paper as they did in the past with the extract of hemlock; they put on a heavy duty on pulp and paper exported from Canada, but they are allowed to take away the raw material—millions of cords of pulpwood without the payment of an export duty. We have a right to meet our neighbours on their own ground, and in return for the heavy duties they impose on our pulp and paper we should put on an export duty on pulpwood. We should also take very earnest and active steps to put a stop to the destruction of our pulp timber by fire. I hope that along the line of the Grand Trunk Pacific and National Transcontinental Railway due care is being taken that the timber is not being destroyed by fire and otherwise. We should look upon our timber as one of the chief sources of our national wealth. Morover, the farmers of this country should be encouraged to plant trees wherever they can be got to grow, so long as they are planted where they do not interfere with

farming operations. It would beautify the farms and be advantageous to the farmer and a shelter for his cattle. I should like to see the government of the Dominion as well as the local governments take steps in this direction, and I have no doubt it would result in a national benefit. It has been noted in the United States that cyclones are devastating the country in many places to an increasing extent every year. Some attribute this to the enormous net work of telegraph and telephone wires; to railroads and wire fences, and some to the fact that the country has been so largely denuded of forests. I have no doubt the disappearance of the forests has had something to do with it, and we shall discover in this country that we have made a very serious mistake if we permit our timber lands to be destroyed not only by the axe of the lumberman but by fire. The lumbermen slash, cut and hack everything they consider worth removing, without regard to the future. An export duty on pulpwood should be imposed at once. The government should not leave a moment in meeting our friends across the border on their own ground, and have our pulpwood manufactured into pulp and paper in our own country. I am fully in accord with a movement of that kind and trust that the government will take prompt steps in the direction I have indicated.

Hon. Mr. BOLDUC—Living in a section of the country where a great deal of pulpwood is sold by the farmers, I consider it my duty to offer a few remarks on this subject. I do not find much fault with the resolution as written, but I do find fault with some of the speeches in which the government are urged to impose an export duty on pulpwood. I agree with those who regard our forests as one of our best assets, and that we should take every precaution to preserve them and encourage the manufacture of our pulp timber in this country. I do not see what we can do here to prevent the local governments from disposing of their timber berths as they please. In Ontario, the legislature has passed laws requiring logs cut on government lands to be manufactured in the province. If the same thing were done in all the provinces, we would not need to place an export duty on timber. As stated by the hon. senator from Russell when this subject was last under discussion, there is far more timber destroyed by fire than by the axe, and too much care cannot be exercised to prevent forest fires. More fire rangers should be employed on the timber limits to protect them. Imposing an export duty on pulp wood would be a very serious matter to the poor settler. In the section of the country from which I come, I have known many instances where a farmer having four or five acres to clear has been able to cut 50 or 60 cords of pulpwood. What could he do with that pulpwood if he had not the United States market? He would have to burn at least half of the logs on the land he clears. Spruce of first-class quality for pulpwood may have no value for saw logs. Crooked logs, gum seamed and twisted spruce are of no value for lumber; but they can be sold in the United States market at the price paid for logs of the best quality. The government are urged to impose an export duty on pulpwood in order that our labouring population may have more employment. If that is the object, we can accomplish it better by imposing an export duty on sawn lumber. To saw a thousand feet of lumber costs about 90 cents to a dollar. The felling of the trees is as expensive for the production of saw logs as for the production of pulpwood. Out of a thousand feet of logs, you have two cords of pulpwood. It costs about $2 a cord to peel it, so that for one dollar expended on the saw logs you have to pay three or four dollars per thousand feet to the settler for preparing the pulpwood. His only tools are his axe and saw, and a little iron hook, altogether costing about $2.50. That gives you about $4 for preparing one thousand feet of pulp wood, as compared with one dollar per thousand for preparing the logs.

Hon. Mr. BAIRD—What do you get per cord for pulpwood in your part of the country?

Hon. Mr. BOLDUC—About $7.25 a cord —that is about $14.50 per thousand feet. The settler who has to clear about five acres of land will get eight or ten cords

per acre. Without any expense and with the help of his family he will peel all that wood in the summer time, and be able to haul it in winter. You can understand his position, when he can make out of the clearing of five acres of his land about $300. What would be the result if an export duty were placed on that pulpwood? He could not dispose of it. He could perhaps sell some of it at $3 or $4 a cord. We have but few pulp manufacturers in the country and they own large timber berths and do not care to buy from the farmers. Supposing the settler is near a saw mill, and has timber equal to about 25,000 feet of lumber, half of it would not be fit to be sawn; yet the timber which would have no value at the saw mill is fit for pulpwood, and you would prevent the poor settler disposing of his own property to the best advantage. Is that fair ? There is no doubt we have the power to impose an export duty, but is it right that we should do so? Is it just that we should deprive the poor settler of the opportunity of making a few dollars out of the timber on his land? If it is just to impose an export duty on pulpwood, why not say to the farmer : 'You are selling your oats at 45 or 50 cents a bushel; why not use it on your farm and produce pork and beef.'

Hon. Mr. McMULLEN—That is his own production but the pulpwood is not.

Hon. Mr. BOLDUC—Both belong to the farmer, and he has to remove the pulpwood for the purpose of clearing his land. We have, in the district that I represent, about 90 per cent of all the asbestos produced in the world. It sells at prices ranging from $10 or $20 and upwards, the finest quality being worth about $350 a ton. Why not say to this man you are selling your produce in the rough. If you build factories instead of selling at $20 or $50 a ton you will realize $500 or $600 and give employment to the labouring population in the neighbourhood. You have as much right to impose an export duty on asbestos for these reasons, as to impose a duty on the pulpwood that the settler has to sell. You are going against the interest of the poorest class of the community, the man who has only his axe with which to make a living for his family. You tell him : 'You have no right to sell your pulpwood except in the country and instead of getting $7.25 a cord we will, by law, compel you to sell it for $4 per cord.'

Hon. Mr. BAIRD—It might go up in price if export duties were put on. Our neighbours must have it.

Hon. Mr. BOLDUC—The hon. gentleman says our neighbours will have to pay the higher price. If it is money you are trying to get, why do we look for money not fairly earned? We are not in a necessitous condition. Our government has a surplus every year, and why should we try to injure our trade with the United States for the sake of making a few more dollars every year?

Hon. Mr. DeBOUCHERVILLE—Unfortunately I was not in the Chamber when the hon. gentleman was speaking, but I should like to ask him if he has spoken of the system established in Quebec by the Hon. Mr. Marchand, by which he increased the rate of stumpage, but remitted the stumpage to those who manufactured the logs in the province. This was afterwards repealed. If the hon. gentleman did not speak of that, would he give us some information of what happened then? Was it not a good move.

Hon. Mr. BOLDUC—I am not at all against the imposition of a high duty by local governments, but, as the hon. gentleman reminds me, some years ago Mr. Marchand, who was then prime minister of Quebec, imposed a duty by way of stumpage of $1.50 a cord on each cord of pulpwood exported to the United States, with the proviso that on the pulpwood converted into pulp in the province the duty would be reduced to something like 60 cents a cord. I have no objection to that at all. Every local government has a right to dispose of its property in the best way they choose; but I am against the principle of trying to impose an export duty on the wood sold by the poor settler, thus depriving him of the opportunity to earn a living for himself and family.

Hon. Mr. DeBOUCHERVILLE—This plan of the Hon. Mr. Marchand did not deprive him of anything.

Hon. Mr. BOLDUC—Not at all.

Hon. Mr. DeBOUCHERVILLE—I think the hon. gentleman made a lapsis linguae. The stumpage was not on the wood exported. It was an increase in the stumpage all over the province, and if the wood was used in the province, then the government would remit the difference. Could the hon. gentleman tell us why this system did not continue?

Hon. Mr. BOLDUC—I explained the difference was $1.50 a cord when the wood was exported, and it was reduced to 60 cents when manufactured in the province. This is about the same arrangement that they have in Ontario. It is so much per thousand feet, I believe, the limit holder has to manufacture the logs in the province, and the exportation of logs is prohibited.

Hon. Mr. ROSS—Yes.

Hon. Mr. BOLDUC—I have no objection to that, but what I do object to is that instead of permitting the settler to make money out of the timber on his land, when he has to clear it, that you deprive him of that privilege and force him to burn it. I am strongly against that.

Hon. Mr. ROSS (Middlesex)—This question has been discussed in many aspects, both by the mover of the resolution, and the hon. gentleman from Wellington who has spoken this afternoon. I need not point out the climatical effect of the denudation of our forest. We know that. It is on record in this country. It is on record in the older countries of Europe, that the denudation of the forest has a very serious effect, a very debilitating effect on the climate. There is another loss too that we may feel later on in this country, in the development of our water-power system and our electrical power system, because if the forests are cut down, our rivers will flow very strongly for a few months in the spring and then dry up. There will be a lack of that constant supply of water which is essential to the success of a water-power system; indeed I think in New Ontario, in the neighbourhood of Port Arthur, they are endeavouring to overcome that difficulty by making reservoirs of the big lakes and of the upper sources of the river, whereby they can let down in the summer seasons the water they have stored there, that otherwise would have flowed steadily away during the spring season. This costs money, and makes electrical power much more expensive. A very serious matter in connection with the subject, however, is the destruction of forests by fire. This House cannot reach that, except insofar as we can control forests upon Dominion lands. The provinces have the entire control of forests upon provincial lands. The provinces have the entire control of forest protection. They own the lands, and, of course, own what grows upon the land. In fact, as on many other subjects, there is a divided authority between the Dominion and the local governments in the matter of protecting forests. For instance, if we project a railway through any forest land, it is expected that the provinces will themselves protect their property from damage. We have suffered irreparable loss in New Ontario from the construction of the Canadian Pacific Railway. Any one who has ridden from North Bay westward along the main line to Winnipeg, or around by the Sault, will almost be appalled by the desolate character of that country. Millions and millions of dollars worth of timber has been destroyed by fire, and I fear very much that in the construction of the Grand Trunk Pacific which is now proceeding, that similar loss will happen to our province, say from Lake Abitibbi westward, and what will happen us will happen Quebec to its forests and to the province of New Brunswick between Moncton and Quebec. These are very serious things. If I were in authority in the province of Ontario now, I would insist very strongly that the Dominion government should protect the property of the province along the line of the Grand Trunk Pacific; in fact I think the province would have ground for an action against the Dominion government if by any wantonness on its part or the part of its contractors, any considerable property in our forests were destroyed. I believe precautions are being taken, and I think the Dominion government is acting with consider-

able liberality in endeavouring to supplement the efforts of the local government by providing fire rangers. We have lost millions of property in the province of Ontario already for the want of proper precautions, yet we find that even ordinary precautions were very helpful in the construction of the road from North Bay to New Liskeard, the Temiscamingue and Northern Ontario Railway. We have passed through one of the most valuable timber reserves or pine reserves that we have in Ontario, perhaps as valuable as any we ever had or any other province ever had, and yet, we succeeded in building that railway through that valuable reserve without a single serious loss by fire, and what we have done through there ought to be attempted and ought to be accomplished I think, and would be, with reasonable precautions, in the construction of the Grand Trunk Railway. That is a matter, however, largely for local concern, aided and assisted by the government. The protection of our forests from fire is but one branch of the subject. The other branch, and the one pressing upon us very strongly just now, is how we can conserve the wealth of our forests, and prevent the rapid destruction of pine and pulpwood. The province of Ontario, by requiring that pine logs cut within the province should be manufactured into lumber within Ontario, has done a great deal to retard the rapid destruction of lumber in the forests. As it was before, millions of logs were towed across Lake Huron to mills on the Lake Michigan side, cut in Michigan saw mills, and supplied to the United States market. The advantage of bringing these logs over was quite apparent. They escaped the duty on lumber, and they were fed to mills of very large value and very large size. The United States people, by means of their capital, supplied themselves with logs from the Canadian side, and they were operating at the same time against the Canadian lumbermen, who had largely to supply the Canadian market. We have driven to a great extent the United States destroyer from our forest, by requiring our logs to be manufactured in Ontario, so that the greater part of the lumber now manufactured in Ontario is fed to the Canadian markets, barring what may be exported to South America, or the British markets. We have retarded—and I want to emphasize that point—to a certain extent the destruction of our forests by that regulation, and it was a very simple regulation in itself. The next step was taken more recently, and that is to sell timber berths on the condition that matured timber only should be cut down. I believe this is the most effective remedy to preserve our pine. As the hon. senator from Wellington has said, under an ordinary sale of a timber berth the lumberman cuts everything in sight and destroys everything that is worth cutting. By marking, as they do in Germany timber that is matured and ready for the markets, we save the immature and younger timber, and in the course of time forests will reproduce themselves. That process of dealing with timber, is worthy, I believe, of very careful consideration. It may be said that there will be a loss to somebody by prohibiting the export of our logs, or requiring them to be manufactured in our province. There may be a loss to the United States lumberman or the Canadian lumberman who is deprived of this privilege; but looking at our timber, from a national aspect, we must consider whether the country as a whole benefits thereby. Ontario passed, in 1898, this restriction upon the exportation of Canadian logs, and four years afterwards we found that saw mills to the value of $849,000 were erected on the Canadian side along the Georgian bay, employing 1,218 men, and producing in Canada, a lumber cut of 212,250,000. Old mills were re-fitted at an expense of $181,000, employing 100,000 men, and cutting lumber to the extent of $147,000,000. In all, we secured the expenditure upon the erection of new saw mills and the re-fitting of old saw mills of a sum of $1,030,000, and gave labour to our Canadian citizens to the number of 2,323 persons, or men largely. That was a substantial advantage to the province of Ontario, and may I say to the whole Dominion; first because we retarded the indiscriminate destruction of our forests, and secondly we gave employment to our own people, and thirdly in the maintenance of our saw mills and lumber camps for the production of lumber on our own side, we supplied a large local market, and, perhaps,

I might also say, a large general market. We had a considerable advantage in this respect, and if a similar rule were applied to all the pine forests in Canada under the control of the local governments, I have no doubt they would reap advantages similar to what we reap in Ontario. Passing from lumber to pulpwood, which is perhaps a more acute question than lumber, what do we find? We had an estimate made a few years ago of the pulp reserves of the province of Ontario and roughly considered it was put at 288,000,000 cords of pulpwood. A royalty of 40 cents a cord on that amount of pulpwood in Ontario would represent an income to the treasury of the province alone of about $115,000,000 were it all cut down. The restriction upon the export of pulpwood is similar to that upon lumber. It is now required to be manufactured into pulp. That restriction only applies to pulpwood grown upon crown lands. There is no interference with the sale or export of pulpwood grown upon private property. We had no right to proceed that far; therefore we did not do so. The restriction upon the export of pulpwood I believe will work out much the same as in the case of lumber. Now what have we? We have first a very large pulp mill at the Sault. We have another very large one at the Spanish river, that will produce a large amount per day, and a larger one at Sturgeon Falls which produces pulp and paper. These things have a material effect upon the settlement of the country, and the social conditions of the people. They furnish the local settler with a home market for his pulpwood right at his door and save the pulpwood forests to Ontario for posterity. My hon. friend from Lauzon (Hon. Mr. Bolduc) who spoke a little while ago, said the export duty upon pulpwood would be a very great hardship to the settler, for it would deprive him of the market for the pulpwood he cut in clearing his farm. Does he not suppose that if an export duty were placed upon pulpwood, and United States people were obliged to find pulp for their necessities, that they would not, as a matter of course, come over to the Canadian side and erect their pulp mills on the Canadian side? They would bring the mill to the wood when they could not bring the wood to the mill. That is how it has been in Ontario. The local man finds a market right at his door. He does not need to export his pulpwood at all. In clearing his land he sells his pulpwood as he goes along. We have a convenience for the settler here, a home market for the settler; we have the settler himself and we have the land which he clears, and we are saving the pulpwood in the bargain.

Hon. Mr. BOLDUC—Does the hon. gentleman know what is the price paid for pulpwood in his section of the country.

Hon. Mr. ROSS (Middlesex)—I could not say what the price is now, or what it was at any time; but it was generally spoken of as $5 and $6 a cord. Supposing the foreign buyers of pulpwood had to pay an export duty, my hon. friend says that the effect would be to reduce the value or the market price of pulpwood in the country. Possibly it might effect the market for pulpwood to a certain extent in the country. I am not able to answer that question; but supposing it did, are there any other conditions which might, to a certain extent, compensate for that? My hon. friend argues that following out the logic of putting an export duty upon pulp wood, we should also put an export duty on pork and corn, oats, etc. The two cases are not analogous. You can grow a crop of oats every year and raise hogs every year, and you can always keep a supply of corn, but cut your forests down once, and they are gone, you eat your cake and there is no more bread in the market, and so you starve. Our proposition is, that by restraining, as it necessarily must be for a short time, the cutting down of their forests, the settler in the long run will be greatly advantaged. Let me give a case in point. I was brought up on a farm, and in the forest, and I know something of the clearing of land. If we had been under some restriction 40 years ago in Ontario in clearing our land, much as we might have complained, it would have been the greatest blessing one could imagine. We would have saved timber that has gone up in smoke, that would to-day sell for $40 and $60 a thousand, and I venture to say that nothing that has

grown upon that land since that time would, all put together, in the 40 years, has realized as much to the farmer as the timber would if he had it to-day. My hon. friend says that the injury is not confined to Ontario. In Middlesex I think we have suffered more from, shall I say the vandalism of the early settler in dealing with the forests, than in some other countries. I have travelled through the counties of Gray and Bruce, and have gone over districts that would recall the barrenness and emptiness of a prairie, so fearfully has the woodman dealt with the early forests, valuable in many cases as they were. A restriction upon the sale of pulpwood, either by its manufacture into pulp in the province, or by an export duty, would, I believe, work a great advantage to us. We cannot from this House impose any restriction as to the manufacturing. That is a matter for the province to do, and anything that we may say here will be but a word of admonition from us to the local legislatures to take heed and anticipate the future sterility which must arise from the destruction of the forest. The United States people consume 4,000,000 cords every year in the manufacturing of paper. They must come to us, and as I said before, if they must have our pulpwood, would we not by this process, compel them to bring their mills to our country, instead of requiring us to send the timber to their market, and if that were done, we have the advantage of keeping labour in the country, which is something to the settler. We would have a market for the settler, and he would be as well if not better off than he is now. We would have a market for the other products of the farm which would be an additional advantage to the settler, and we would help to fill up this country with a population, and we need population just as much as we need pulpwood or any other commodity. The province, therefore, could, by exercising the restrictions within their jurisdiction and authority, do something to preserve the forest. What can the Dominion do? It could only do one thing, and that is impose an export duty, and the hand of the Dominion in this case would reach further than the hand of the province. The province could only go so far as to require the wood which is grown upon Crown Lands to be manufactured into pulp. Their arm would not reach to the wood grown upon private property. We never did apply our regulations to timber grown upon property of which the man held a deed or even a lease. We believe that the province has not the right to do so, because it would be an interference with private rights. So the power of the province in dealing with this question is a limited power and only deals with lands in the Crown. The Dominion has a strong and long arm. The Dominion can say in the case of every tree of pulpwood or pine—and pine is not concerning us for the moment—that there shall be an export duty upon every cord of pulpwood, and they should encourage at the same time the establishment of pulp mills by saying that in the case of that pulpwood, on which there was an export duty, being manufactured into pulp in a pulp mill on the Canadian side, there would be a drawback in the stumpage as there is now in the case of the manufacturing of agricultural implements. Take the imports of iron and steel for the production of these implements. The manufacturer gets a drawback when the implements which are made from the imported materials are exported. Let the settler feel that there is a drawback in his favour in the case of every cord of pulpwood manufactured in the Canadian mills, and I think that would have a good deal to do to regulate the price of pulpwood and prevent a reduction. I sympathize with the settler. It is pocket money for him, but he is a citizen of Canada and he must bear his share of the common burden by which the country can be enriched and its future prosperity enhanced, and if the time would come as it must come, when the United States people will have to come to Canada for pulpwood, and we save our forests, instead of getting $7.25 a cord, the settlers will get $10 to $15 a cord. If he cuts it down and sells it now for $7.25, when the enhanced market price comes he will have nothing to sell, and he will be so sorry there was not a law to protect him against himself. What would many of our lum-

bermen do or say to-day if, instead of slashing the lumber on the Madawaska and the Mississippi and along the Upper Ottawa in years gone by, they had saved their timber limits to this hour? Their profits would be enhanced by millions. But with something like a wanton waste, they swept them away and sold their lumber at five to ten dollars a thousand, which they could now sell at twenty-five, thirty and forty dollars a thousand. Then there is another consideration; we have to watch the evolution of things in the United States. The owners of timber limits in the United States are too ready to save their own reserve and come to the Canadian reserve. We know that the owners of large papers like the New York 'Herald,' the New York 'World,' and New York 'Journal' have their own reserves. The 'World' newspaper, consuming sixty-two tons of paper for the Sunday edition alone, has reserves in Minnesota, Wisconsin, Maine and the Adirondacks, and are saving those reserves to-day and deriving their pulpwood from the Canadian market. They get their supplies from us because they know that every year that passes will make their own supplies more valuable. Let us meet them on their own ground, and force them, if necessary, to consume their own timber and save ours, so that when theirs is all consumed they will have to come to us for their supply.

Would it be wise for the Dominion government to impose an export duty on pulpwood? That is a question of policy. So far as Ontario is concerned, I do not think it would hurt anybody to any extent. Our pulpwood now is not in the hands of private owners, except in the neighbourhood of pulp mills in New Ontario. There is no pulpwood practically south of the Canadian Pacific Railway, say from North Bay westward. Beyond that point, the pulpwood is mostly in the Crown; but in the case of private owners, in most cases it is within easy reach of pulp mills or within easy reach of transportation by rail or river to pulp - mills. Ontario would not suffer. My hon. friend speaks of the poor settler in the province of Quebec. We regard everything that is of interest to the settler or to any citizen of Quebec but how many settlers in Quebec to-day have in their possession a considerable quantity of pulpwood, and how many of these would suffer? I think if we had a census taken of the settlers of Quebec who would suffer by an export duty on pulp wood, their number would not run up to many thousands. I do not know Quebec as well as some hon. gentlemen do, but the whole front of Quebec along the St. Lawrence and the Canadian Pacific Railway is cleared now. I suppose when you go back into the valley of the St. John, and perhaps the upper water sheds of the Gatineau River, there are settlers there having pulpwood to sell.

Hon. Mr. BOLDUC—And in the eastern townships.

Hon. Mr. ROSS (Middlesex)—And perhaps in the Eastern Townships too. There may be more than I imagine; but, after all, does not my hon. friend over-estimate the loss to the settler? If, as I said before, the pulp mill would come to him, there could be no loss unless the pulp manufacturers would put up a combine, and agree to pay only a certain price for pulpwood because it could not be exported; but we have a law against combines. The Dominion government has power, the very moment an import duty enables manufacturers or other dealers to combine, to break down that import duty and allow foreign goods to come in. A similar principle would apply to the export duty, and combines could be broken up on 24 hours' notice. So far as the other provinces are concerned, others can speak for them; I cannot. I can only speak for my own province. I am not fond of export duties. The constitution of the United States prevents the government from imposing an export duty on anything; but self preservation is the first law of nature after all, and if we found that the manufacture of pine into boards was of advantage to us, and pulpwood into pulp was of advantage to us in the province of Ontario, and if present methods are not sufficient, should we stop short and allow those forests, that will not reproduce themselves in 20 or 30 years, to be destroyed? We owe it to ourselves —it would be a capital way of laying up for posterity a pulpwood bank account

that would yield very large dividends in future years. Speaking for the provinces also, it would be a way of preserving a most valuable provincial asset from which millions of dollars would flow into the treasury. The income from our pine woods to-day exceeds a million a year, and has exceeded that sum ever since confederation. There is another means of income from our pulpwoood, perhaps not as great as from pine. One cannot tell what it might amount to; but apart from that, the other considerations of climate and of moisture and of water-power and of preserving for posterity what is a valuable asset, all grow in importance the more we consider them, and the Dominion government might very well find some means whereby an export duty could be imposed with a minimum of injury to the settler. That problem is surely not so hard as some we have dealt with successfully, and if that can be done, then let it be done by all means, and done soon, for every year that passes there is increased damage from fire and loss from the export of pulpwood, and there is time lost in securing on the Canadian side the erection of pulp mills. I have not given the subject as much thought as the hon. senator from Wellington, or particularly as the hon. gentleman to whom we are so much indebted for having introduced this resolution; but it grows upon one the more it is considered, and when we regard what has been done in Sweden, Norway, Germany and Central Europe, we certainly should be well advised and conserve a valuable asset before it is entirely destroyed.

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

The motion was agreed to.

BILLS INTRODUCED.

Bill (173) An Act to restrain the use of tobacco by young persons.—(Hon. Mr. Scott.)

Bill (116) An Act to amend the Railway Act with respect to telegraphs and telephones and the jurisdiction of the Railway Commissioners.—(Hon. Mr. Scott.)

DELAYED RETURNS.

Hon. Mr. FERGUSON—Perhaps my hon. friend, the Secretary of State, will be able to obtain the balance of a return with reference to railway crossings from the Railway Commission. The motion was made on the 27th of March, and my hon. friend brought down a partial statement.

Hon. Mr. SCOTT—I shall ascertain whether any more can be obtained.

THE FRANCO-CANADIAN TREATY.

Hon. Mr. LANDRY—Has the French Senate adjourned for a month or a month and a half without adopting the treaty with Canada?

Hon. Mr. SCOTT—We have no information except what hon. gentlemen have seen in the press.

Han. Mr. LANDRY—I ask, because I see in the report of the House of Commons yesterday that it was stated that probably they would get information to-day. The French Senate adjourned yesterday.

Hon. Mr. SCOTT—We had heard nothing when I left council to-day.

Hon. Mr. LANDRY—Has any action been taken by this government?

Hon. Mr. SCOTT—We could, of course, take no action.

Hon. Mr. LANDRY—I mean, of course, in carrying out the provisions of the treaty?

Hon. Sir MACKENZIE BOWELL—I think the hon. Secretary of State should answer that question. Did I understand him to intimate that no action has been taken by the Customs Department with reference to the reduction or remission of duties under the treaty? It has been stated in the newspapers that certain concessions have been made in anticipation of the ratification of the treaty by the French Senate. I can scarcely think it would be so.

Hon. Mr. SCOTT—I think not. I am not advised of it at all events. It is not probable.

The Senate adjourned until Tuesday next at three o'clock.

THE SENATE.

OTTAWA, Tuesday, July 7, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DISBURSEMENTS OF MR. ALEXANDRE TASCHEREAU.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What is the nature, in detail, and the date of the disbursements made by Mr. Alexandre Taschereau to the amount of $29.20 in the matter of the arrest of Monaco and Lacoste for infringement of the Criminal Law?
2. When was this amount reimbursed?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows :

Statement in detail of disbursements paid by Mr. Alexandre Taschereau to police court on warrant against Monaco and Lacoste :

Stamps..	$ 1 10
Service of warrants..	3 00
Mileage..	25 00
	$29.20

Paid December 28, 1906. Reimbursed December 29, 1906.

QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Has the Quebec Bridge and Railway Company, since the fall of the bridge, done anything whatsoever to clear the site and prepare it for the reconstruction of a new bridge?

Hon. Mr. SCOTT—The answer is :

1. No ; that is a matter which concerns the Phœnix Bridge Company.

REBUILDING OF QUEBEC BRIDGE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Since the fall of the Quebec bridge, has the company which had undertaken the construction of it, applied to the government for any assistance whatsoever?
2. When?
3. Of what nature was the assistance asked for?
4. What was the reply of the government

Hon. Mr. SCOTT—The Phœnix Bridge Company, which had the contract for the construction of the Quebec bridge, has not applied to the government for any assistance.

Hon. Mr. LANDRY—Does the hon. gentleman say the Quebec Bridge Company has not applied?

Hon. Mr. SCOTT—No. The Phœnix Bridge Company has not applied.

Hon. Mr. LANDRY—I was not asking as to the Phœnix Bridge Company. I was asking as to the Quebec Bridge Company, and that answer is that the Phœnix Bridge Company had not applied.

Hon. Mr. SCOTT—Perhaps I can answer it myself.

Hon. Mr. LANDRY—And perhaps with more truth than the answer which has been furnished the hon. gentlemen.

Hon. Mr. SCOTT—The hon. gentleman does not refer to any particular company in his question? The question merely refers to the Bridge company.

Hon. Mr. LANDRY—It is the question which comes after No. 5.

Hon. Mr. SCOTT—I did not answer that one. I have no answer to that, nor could I have one at present. The matter has not been dealt with.

ISSUE OF DEBENTURES BY QUEBEC BRIDGE COMPANY.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired :

1. Up to what amount was the Quebec Bridge and Railway Company authorized to issue debentures?
2. What amount of debentures has the company issued?
3. For what amount has the government guaranteed the debentures issued by the Bridge Company?
4. What is the amount which the Bank of Montreal claims from the Bridge Company for advances in money made to the company, and what amount of debentures has it received as a guarantee for repayment?
5. Apart from this claim of the Bank of Montreal, has the Bridge Company borrowed directly from the government a sum of $2,000,000, by a discount of $1,000,000 upon 'La Banque de Paris et des Pays Bas,' and of $1,000,000 on the 'Crédit Foncier Franco-Canadien,' repayable in one year at the Bank of Montreal at 4 per cent?
6. How much altogether does the company now owe:

(a) To the government for advances of money?
(b) To the Bank of Montreal?
(c) To other financial institutions?
(d) To the Department of Customs?
(e) To the Phœnix Company?
(f) To any other persons whatsoever?

Hon. Mr. SCOTT—The answer to this inquiry was not completed. They are working at it now. I saw Mr. Fielding a little before 3 o'clock, and he asked to allow it to stand.

The inquiry was allowed to stand until Thursday.

ACCUSATION AGAINST J. McGOVERN.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired:

1. Is it true that the government has ordered an inquiry into the conduct of Mr. J. McGovern, foreman of the Intercolonial Railway between Lévis and Rivière du Loup?
2. Has the inquiry been ordered as the result of grave accusations of peculation brought against this employee?
3. What is the precise nature of the accusations the truth of which the commissioner holding the inquiry has been ordered to find out?
4. Who has been appointed commissioner to hold the inquiry? Is it Mr. T. C. Burpee, of Moncton? If not who?
5. When was the appointment made and when is the inquiry to commence?

Hon. Mr. SCOTT—I have no answer for the hon. gentleman.

Hon. Mr. LANDRY—Is there any good reason why this inquiry is not answered?

Hon. Mr. SCOTT—I have no answer for it.

Hon. Mr. LANDRY—The last information we had from the minister was that a telegram had been sent. That was on June 16, and it is now July 7.

Hon. Mr. SCOTT—I inquired to-day, and could not get an answer.

The inquiry was allowed to stand until Thursday.

PRODUCTION OF DOCUMENTS.

INQUIRY.

Hon. Mr. LANDRY inquired:

When does the government think that it will be able to lay on the table of this House the following documents the production of which was ordered during the present session, at the dates mentioned:

(a) The statement indicating the amounts spent on the Deschambault wharf—February 4?
(b) The correspondence exchanged between the Department of Militia and Lieutenant Colonel Davidson re the latter's dismissal and the promotion of Sir Henry Pellatt to the rank of colonel—February 14?
(c) The details asked for on the subject of the additional subscription of $200,000 to the capital stock of the Quebec Bridge Company—January 29?
(d) The statement showing what was the daily pay of the soldiers of the Company No. 2 of the Ottawa Field Battery in 1865 and 1866—March 17?

Hon. Mr. SCOTT—I gave particular instructions the other day, when the hon. gentleman called attention to it, to endeavour to obtain the information from the department, but it has not been furnished.

Hon. Mr. LANDRY—I suppose the House will not prorogue before we have an answer to these questions.

The SPEAKER—The unanswered questions will stand until Thursday.

DELAY IN SUBMITTING REPORTS TO SENATE.

Hon. Mr. ROSS (Middlesex)—I notice that in the other House a resolution for the discussion of what is commonly known as 'the All-Red Line' has been submitted. Is it proposed to bring a similar resolution before the Senate, or would it be necessary or proper that the subject should be presented to us by the government?

Hon. Mr. SCOTT—I have not seen the statement, but I presume an opportunity to get the views of the Senate might be obtained by introducing here a resolution similar to that introduced by Sir Wilfrid Laurier in the Commons. I should be very glad to do that.

Hon. Mr. ROSS (Middlesex)—The resolution is on the line agreed to by the colonial conference last summer.

Hon. Mr. BERNIER—Will the report on the Georgian Bay canal be presented this session to the House?

Hon. Mr. SCOTT—It is being printed now.

Hon. Mr. BERNIER—We have been promised that report for two or three years.

Hon. Mr. SCOTT—It was only brought down in the House of Commons the latter part of last week, and it has been ordered to be printed. I am speaking entirely from what I have seen in the press.

Hon. Mr. BERNIER—It is important to western Canada, and after having been promised a report for two years we should have it produced.

Hon. Mr. CASGRAIN—I went myself to the office of the Georgian Bay canal engineers to see whether a copy of some sort was not available, and was informed that there were just two copies prepared for the government, one of which was placed in the hands of the minister. After the House has taken communication of it, I presume it will be ordered to be printed. In the meanwhile, it is not accessible to anybody but the ministers.

Hon. Mr. LANDRY—The ministers and the hon. gentleman.

Hon. Mr. CASGRAIN—I have not seen it.

Hon. Mr. LOUGHEED—It is accessible to the House of Commons?

Hon. Mr. CASGRAIN—One copy.

Hon. Mr. LANDRY—If there were three copies, where are the others?

Hon. Mr. CASGRAIN—One is the official copy on record and the other is in the office of the engineers.

Hon. Mr. FERGUSON—This is a thing that is frequently occurring. Documents are given to the House of Commons, and we are ignored. Even the papers with reference to the issue of Dominion notes were never laid on the table of the Senate, although the members of the House of Commons had them. The Senate is being treated with the utmost disrespect.

Hon. Mr. SCOTT—I do not think my hon. friend can say that any disrespect has been shown to this Chamber. Where voluminous reports are brought down, it is utterly impossible to submit more than one copy, unless the production of them is postponed for weeks or months to prepare a second copy. Orders were given as soon as the Georgian Bay canal engineers' report was submitted, to have it printed. The members of the government only saw it within the last week—the day it was given to the press, Thursday or Friday of last week.

Hon. Sir MACKENZIE BOWELL—The system has been completely changed. It used to be considered a breach of the privileges of parliament to let any one see a report until it had been laid on the table of the House of Commons. The practice was changed on motion of Mr. Charlton, when he was a member of the House of Commons, and orders were given for the printing and circulation of reports of that character, and departmental reports so that they might be in the hands of members before the meeting of parliament. I do not see why in the case of an important document of this kind, in which the whole Dominion is interested, the same course has not been pursued. Why the practice has not been carried out in this case is due, I suppose, to the fact that the government only received the report the other day. That may be an excuse. Reverting to the All-Red Line, did I understand the hon. Secretary of State to say that a resolution would be submitted to this House, or that it is not the practice to ask the concurrence of the Senate in a resolutioin of that kind? My own impression is that it is not. It is merely an affirmation of a principle brought before the House of Commons. If it were an address to be presented to any one, it would have to come before us to be dealt with by this Senate. A resolution of the kind brought before the House of Commons by the Premier is different. I do not think there is any precedent for laying such a resolution before the Senate and asking confirmation of a principle adopted by the Commons.

Hon. Mr. SCOTT—We have been endeavouring to have the report of the Georgian Bay canal engineers completed, but it was only ready for submission to parliament last week. The ministers had not seen it. The first I saw of it was the summary published in the press. The report is being printed now as rapidly as possible. I think reference was made to the All-Red Line in the House of Commons, and, naturally, an expression of opinion from the premier was expected before prorogation. That was given a day or two ago. If there is to be

an expression of opinion on it in the Senate —and I think it would be proper to have such an expression, I shall be very glad to submit a resolution here.

Hon. Mr. LOUGHEED—The difficulty that will confront the leader of the House is that the resolution involves a money vote. As I understand from the press, what was introduced in the House of Commons was simply a declaration of policy expressing a willingness to vote a subvention for that line. No such resolution could be introduced in the Senate. Reverting to the question of the Georgian Bay canal, the status of the Senate in the estimation of the country must depend largely on the position the leader of this House will take with the government with reference to the upper Chamber being seized of public matters to the same extent as the House of Commons. The very statement made by my hon. friend is incontrovertible evidence that a copy of that report should have been placed on the table of this House, since the hon. senator from De Lanaudière who seems to be charged with this enterprise and to lead the discussion upon it, has made the statement that three copies of the report were prepared. Now, the leader of the Senate makes the astounding statement that before he knew anything about it a copy of the report was given to the press.

Hon. Mr. SCOTT—The hon. gentleman is mistaken. Surely I spoke distinctly enough when I said that when the copy was brought down to the House of Commons the press, as is always the custom, had an opportunity to see it for the purpose of making extracts for publication. I said what I had seen of the report was what I had read in the press.

Hon. Mr. LOUGHEED—I understood my hon. friend's remark was, that he had no knowledge of it until he saw it mentioned in the press. But except my hon. friend insists on the same information being given to the Senate as is furnished to the House of Commons, we cannot enjoy the same status in the public mind in dealing with questions of this kind as the Commons has.

Hon. Mr. BERNIER—May I request the hon. Secretary of State to see that this report be printed at once and circulated?

Hon. Mr. SCOTT—Yes, that is being done.

Hon. Mr. POWER—The usual course has been followed in this case. The minister, who is a member of the House of Commons, brought down his report and laid it on the table of the House of Commons and it was ordered to be printed. I cannot see that we have anything to complain of. If one of the ministers in the Senate brings down a report connected with his department he does not bring down a second copy for the use of the Commons. When the reports are printed, members of the Commons get copies, and as soon as this report is printed we shall get copies. I am just a little bit surprised at the keen desire of hon. gentlemen to get this report, because, after all, the subject of the Georgian Bay canal has been so thoroughly discussed in this House that the report can hardly give us any additional information. My hon. friend from De Lanaudière and others have enlightened this House most completely on the subject. I think it is really a desire to make the hon. Secretary of State earn his salary more than any particular desire for information.

Hon. Mr. FERGUSON—My hon. friend is quite right. A document is brought down as the result of an order of the House, and if there is neglect in this instance, we have ourselves to blame, if none of us were sufficiently thoughtful to make a motion; but I was under the impression that this report was brought down in the Commons as an action of the government and without an order of the House. There is a wide difference in these two cases, of course. If we make a motion for a paper, it will be brought down here, but not necessarily in the other House, and if a member of the other House gets an order for a number of papers, and they are brought down there, we do not necessarily get a copy; but if it is a public document laid on the table by the government of its own initiative, we have a right to receive it in both Houses.

Hon. Mr. LANDRY—Is it a government report, or a return to an order made by the House?

Hon. Mr. SCOTT—No, it is not on an order for a return.

Hon. Mr. LANDRY—If I am not mistaken, the hon. gentleman from St. Boniface moved some time ago to have that report brought down in this House, and later my hon. friend from De Lanaudière made a similar motion.

Hon. Mr. SCOTT—That may be. The report was not in shape to be brought down.

Hon. Mr. LANDRY—It is not in shape yet. Is it a government return, or a return to an order of this House?

Hon. Mr. SCOTT—There is no use splitting hairs about it. Perhaps two years ago parliament voted a certain sum of money for making an accurate survey for the Ottawa and Georgian Bay canal. We had had surveys made on two former occasions. They were for a smaller canal than the one now proposed, which is for 21 or 22 feet? Engineers were appointed and they have been at work for the last eighteen months making surveys and taking levels on the route. The government tried to push that report in order to have it ready for this session. They could not do so. The gentlemen in charge of it were working hard to get it completed, and it was only finished a few days ago and, when it was finished, the Minister of Railways and Canals, in whose department it was, laid it on the table of the House, and it was ordered to be printed. In the meantime, when it was in transit to the Bureau, the press, as they very often do, perhaps fortunately, secured extracts from it and published very small parts of the report.

Hon. Mr. LANDRY—It is in the same position as a government report. When the Minister of Railways and Canals brings in a report to the House of Commons the same report is laid before the Senate by the Secretary of State.

Hon. Mr. SCOTT—It is not a parallel case.

Hon. Mr. POWER—It is brought here after it has been printed.

Hon. Mr. LANDRY—They are supposed to be printed before they are brought down, because they are printed during the recess, but they are presented to both Houses of parliament on the same day. I think a report should be presented here at the same time that it is presented in the House of Commons, especially when there are three copies of it.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State does not seem to be seized of the point raised by the hon. gentleman from St. Boniface. A motion was carried in this House for the production of the report, to be laid upon our table, and it was carried. The question asked by the hon. gentleman was: 'Is that order to be complied with?' The hon. Secretary of State tells us how the report was made out, and the surveys and so on. That is not the point at all. If the hon. gentleman said: 'Yes, as soon as I get a copy I will lay it on the table.' That would be an answer.

Hon. Mr. SCOTT—It is a long and an elaborate affair. I am quite sure the plans have not been triplicated. The public are anxious to know something about the report, and the quickest way to distribute it is to have it printed. The House of Commons is not getting the benefit of it, except what appears in the press.

Hon. Mr. BEIQUE—This is the ordinary course followed by previous governments, but I think in future it would be better practice if a sufficient number of typewritten copies were made. Four or five copies are as easily made as one or two, and they could be laid before both Houses of parliament at the same time.

THIRD READING.

Bill (20) An Act respecting the Belleville and Prince Edward Bridge Company.—(Hon. Mr. Ross, Middlesex.)

RAILWAY ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (112) An Act to amend the Railway Act as respects the constitution of the Board of Railway Commissioners.

(In the Committee.)

Hon. Mr. LOUGHEED—Can my hon. friend give the House any information as to the reason why this board is being in-

creased? Is the volume of business of such a character as to warrant the doubling up?

Hon. Mr. SCOTT—Yes, it is found that the business has grown in a marvelous degree, particularly on account of the commissioners meeting the views of the public and transacting business in different parts of Canada. The business has enormously increased, and it is proposed to add to their duties, as the hon. gentleman will probably have noticed by a Bill now before the Senate, to give them control over the telegraph and telephone lines, and over the rates and connections, and all the arrangements made between the private lines of the Bell Telephone and the telegraph companies, the Canadian Pacific Railway and Great Northwestern, so that the duties of the commission are very much increased, and they are said to be now very much behind in their work.

Hon. Mr. LOUGHEED—This view of the situation seems to be overlooked; that the duties of this commission mean the introduction of an entirely new system of dealing with all railway questions, or complications that may arise. At the inception of this work—and it can scarcely be said that we have more than crossed the threshold of its inception—there naturally would be a very considerable volume of work to be done, but I doubt very much if the volume of work already done will represent a like volume in the future. I do not know whether the government has taken into consideration this view of the matter. It looks to me very much as if the government has arrived at the conclusion, that because upon the introduction of this system in dealing with all railway questions a very large volume of work has arisen, it must necessarily continue to increase as time goes on. I doubt that view very much. As soon as many of the moot questions which have in the past demanded consideration are settled, it seems to me that it is going to reduce to a very large extent the amount of work that will come before the commission; whereas, under the present Bill, we are asked to double the members of this commission without having any idea that the work will continue in the ratio it has done in the past.

Hon. Mr. BEIQUE.

Hon. Mr. CASGRAIN—I have inquired a great deal about the duties of this Railway Commission, and I have come to the conclusion that the work is not likely to diminish, but, on the contrary, it is increasing all the time. Every time a road crossing is required, which used to be dealt with by the Railway Committee of the Privy Council, it is now made the subject of an application to the Railway Commissioners, and inquiries are being carried on. The people have the advantage of appearing before the commissioners and praying to have these roads opened. This facilitates very much the opening of highways throughout the country. If a culvert has to be opened, if land is about being drained, then again application is made. This necessitates constant new work, and as the public is finding the great usefulness of this commission, more and more work is piling upon them. That is only the physical part of it: then there is the regulation of freights. Every farmer who feels himself aggrieved at being charged too much on small packages, makes a complaint, and it has to be investigated, and the railways have been compelled to change their rates or make refunds, and as the public is being more enlightened as to the usefulness of the commission, the work is being increased.

Hon. Mr. FERGUSON—I do not altogether agree with the hon. gentleman from Calgary, that the work of the Board of Railway Commissioners is likely to be less in the future than it has been in the past. Of course, in the initiation of the work of the Board there would be a great deal of what one must regard as preliminary work to be done. But my view is that if the Railway Commission does its duty, the work that is before it is very serious, and that it will increase in the years that are to come. From information that I have gathered, from returns and otherwise, I find that the Board of Railway Commissioners have absolutely done nothing, with reference to the question of railway crossings, and it is a question that cannot be kept in the background. It is a question that they will have to deal with, and one of the reasons given for not dealing with it, is that parliament has not imposed a positive duty on the Board with regard

to that subject. Another cause, which I believe is true, is that the attention of the Board has been taken up with other matters which they regard as more important though I do not know that any question should be more important than that question which so affects human life. The right of the railways to cross one another and use one another's lines, and the question of the interchange of freight are questions which have forced themselves upon the Board, and they have dealt with them, and they have now got down to hard bottom, perhaps, and it may not be as difficult in the future to deal with them as in the past; but that is only part of its duties. I think the work of the Board, without regard to the additions of the telephones and telegraphs, will increase. The question is whether the increase fixed is a proper increase in the personnel of the Board. There is provision made for a single member to do some work. That is in the law now. This Bill admits of more than one sitting being held at the same time. Any two of the commissioners can hold a court. I am not sure but that a board of five would have been enough. That would have given one, you might say, to hold an investigation singly, which would have to be reported to the Board and passed upon, and two sets of commissioners to hold separate sittings. For a while there may be a danger of having these men tumbling over one another, which is the worse state of things you could possibly have with regard to any business. I think it would have been wiser to increase the commission from three to five, to see how they would get on, and then, if it were found the work could be more properly done by increasing it to six, that could be done later.

Hon. Mr. LOUGHEED—I entirely differ with the hon. gentleman from De Lanaudière as to the increase of duties along the line he mentioned. Very many of the duties now transacted by the Board would be very much better transacted by the engineers of the Commission, rather than to have all the commissioners in proceeding to distant points, and in that way disposing of minor matters such as whether a crossing should be here or there. It must be manifest to hon. gentlemen who have given any attention to business of this kind, that immediately questions are decided upon lines of settled policy, as must necessarily take place in the near future—most of these questions being of a kindred nature—immediately a policy is settled upon, the arduous duties of this Commission must necessarily decrease. The duties of the railway commissioners are of such a character that they can only be transacted, practically, by the chief commissioner. Without making any criticism upon the commissioners, other than the chief commissioner, who are doubtless quite as willing and anxious to perform the duties of the Commissioner as the chief commissioner himself, those of us who are familiar with the duties of the Board, must know that practically the whole of the duties of this Commission fall upon the chief commissioner. Now, we propose doubling up the membership of the Commission, by appointing an additional three. If the government had proposed to appoint an assistant chief commissioner, who would practically perform the same duties that the chief commissioner is performing to-day, I could understand the propriety of the country assuming the expense of the salary of that additional assistant commissioner.

Hon. Mr. SCOTT—The Act provides for that.

Hon. Mr. LOUGHEED—But they are appointing three commissioners.

Hon. Mr. SCOTT—One is an assistant chief commissioner.

Hon. Mr. LOUGHEED—But the Bill proposes appointing three commissioners, one of whom shall be an assistant chief commissioner. The Bill proposes doubling the membership of the commission, and it is a well known fact that the duties of the two commissioners other than the chief commissioner have not been of such an oppressive kind as to exceed the volume of time at their disposal, and yet we propose appointing two other commissioners, who will occupy the same subordinate position as the two commissioners already occupy. It seems to me that this is very largely a

tentative measure, the government would have been much wiser, and it would have been much more economical had an assistant chief commissioner been appointed, and if it were then ascertained that the chief commissioner and the assistant chief commissioner, assisted by two ordinary members of the commission, would be unequal to the task assigned them, then the government, with propriety and service to the country, could have appointed the other two; but at present it is so experimental, that I think it is unwise to do it.

Hon. Mr. CASGRAIN—The hon. leader of the opposition said that the Board might leave the settlement of many of these questions to their engineer. Well, they do. When a complaint is made to the board, the engineer is immediately sent out to take levels, make plans and so on, so that the case may be heard before the commission, and a report is also made by the engineer advising what steps should be taken. After that, the parties are notified and heard. The board does not necessarily go and see whether a railway crossing is put in such a place or in such a way. The engineer makes a report, but that entails hearing the case, either by having the parties come to Ottawa, or the board moving to Toronto, Winnipeg, or any other place. Two commissioners would be able to go to Winnipeg to hold the court there, whilst the other may be hearing cases in Montreal or Halifax.

Hon. Mr. LOUGHEED—This kind of thing is not going to go on for all time.

Hon. Mr. CASGRAIN—Then what would be very desirable—I do not know whether the commissioners would adopt it—as it is absolutely impossible for those six men to be equally well versed in all the different problems of the work, perhaps two of the members of the commission might take up the physical part of the work. When companies apply for the adoption of certain locations for lines, then the plans are filed with the railway board, a certain time is fixed for all parties to appear and object, if a property owner thinks the railway line is being located too near his building, or as the case occurred in Port Daniel too near the church, then application is made to the board. One of the commissioners actually went there in order to give satisfaction to the people. Then the engineer or the commissioner himself, advised moving the line over a certain distance from this church, and all the plans of the railway had to be changed, perhaps increasing or diminishing the cost of the work. These are all hard and intricate problems. The other great question is the adjustment of rates. It takes experts to do that. Perhaps two commissioners might make a special study of that question. They might divide and specialize the work. I am sure there will be plenty of work for the whole six of them.

Hon. Mr. McMULLEN—It is to be hoped that when the Railway Commission is increased, the Intercolonial Railway will be placed under their supervision. I am sure the best interests of the people would be served by giving the Commission supervision of the government roads along with the rest. I would prefer to see the Intercolonial Railway under an independent commission altogether, the same as the Australian roads are. We have spent over eighty million dollars on the Intercolonial Railway, and it is merely earning its own expenses.

Hon. Mr. LOUGHEED—Do I understand the hon. gentleman to say that it is the intention of the government to place the Intercolonial Railway under the Board?

Hon. Mr. McMULLEN—No.

Hon. Mr. LOUGHEED—I thought it was a declaration of policy.

Hon. Mr. McMULLEN—I said I should prefer to see that railway under an independent commission altogether; but failing that, I should like to see all the government roads put under this Railway Commission. Until that is done, they will never yield a return on the investment. They will never be better than they are now while they are under a political chief. Other countries have tried it. After years of trial in Australia, finding the railroads were not giving proper returns, a commission was appointed to control them and they are now paying a respectable interest on the money invested. We are entitled to a re-

turn from the Intercolonial Railway and we could get it if it were placed under an independent commission, but if we cannot get that, let us place it under the larger railway commission we are now to have.

Hon. Mr. ELLIS—I quite concur in the remarks of the hon. gentleman. I can see no justice whatever in having one principle of law applied to a government railway and another to a company railway. The same principle should apply to all, and whether the railway is to be governed by an independent commission—to which I would not offer any objection—or by the Railway Commission, all the roads should be governed by the same principle. That is the more desirable now when the telegraph lines are also to be taken under the control of the commission. I do not see why there should not be a plan of managing government railways and dealing out justice to those who employ those railways on the same principle as is applied to the other great lines in the country.

Hon. Mr. FERGUSON—When the railway measure was before parliament in 1903, I made several futile but persistent efforts to have the Intercolonial Railway placed under the Railway Commission, but received very little support. I think the hon. gentleman from St. John, the hon. gentleman from Westmoreland, and the hon. gentleman from Hastings supported me, but the government would not listen to my suggestion. Failing in that, I then tried another change, that was to get the government to consent to put it under the Commission as far as through traffic was concerned. In that I was strongly supported by the hon. gentleman from De Salaberry. I pointed out that all the company roads in the lower provinces could not be brought successfully under the new law with reference to through traffic unless the link that connected them with the big roads in the west was also under the Commission. The hon. Secretary of State rather favoured the suggestion, and half promised to act upon it; but on consulting his colleagues he called upon his supporters to vote it down. I was gratified the following year when the government came down with a Bill dealing with the government railways, carrying out the suggestion that I had made, that the Intercolonial Railway should be brought under the commission with regard to through rates. I agree altogether with the hon. senator from Wellington, that the government railways should be brought under this Commission. I know it could not have the effect the hon. gentleman speaks of with regard to financial results, because the evils of patronage in appointments and in purchasing would remain. That could only be secured by appointing an independent commission such as they have in Australia. I am on record and am still strongly of the opinion that it would be a good thing to put the Intercolonial Railway under this Commission.

The clause was adopted.

On clause 2,

2. Subsection 5 of the said section 10 is repealed and the following is substituted therefor:

(a) Any person may be appointed chief commissioner or assistant chief commissioner who is or has been a judge of a superior court of Canada or of any province of Canada, or who is a barrister or advocate of at least ten years' standing at the bar of any such province.

(b) The chief commissioner shall be entitled to hold the office of chief commissioner, and the assistant chief commissioner the office of assistant chief commissioner or that of chief commissioner, so long as they respectively continue to be members of the board.

(c) The assistant chief commissioner shall have all the powers of the chief commissioner.

Hon. Mr. SCOTT—The practical effect of this clause is to appoint an assistant chief commissioner who will take precedence next after the chief commissioner. The Act makes provision for the board sitting in two places, under two sections.

Hon. Mr. LOUGHEED—Is the government prepared to suggest where the office should be located?

Hon. Mr. SCOTT—I presume that will rest entirely with the board.

Hon. Mr. LOUGHEED—Or the government?

Hon. Mr. SCOTT—No, with the board.

Hon. Mr. FERGUSON—There are several very important changes in this Bill from the present law. When the Railway Act was passed, it contained a provision that on

a question of law the chief commissioner should have absolute control over his colleagues, and it was not provided that he must necessarily be a lawyer. It was discussed a good deal in this House, and it was provided that his views should prevail over those of his colleagues when there was a difference of opinion. Now, we find that the law is to go very much further; it is provided that the chief commissioner shall either be a judge or a barrister of at least ten years standing, and that the assistant commissioner shall also have the same qualifications, and subsection (c) provides that the assistant shall have all the powers of the chief in the absence of the chief commissioner. I wish to point out what will happen. Supposing the chief and the assistant commissioner sit together, and they must both be lawyers, the chief commissioner's view must prevail on any question of law though the assistant may possibly be a better lawyer than the chief. I think it is an absurd provision that the opinion of one man should prevail over the opinions of the rest. All the questions coming up will be mixed questions of law and fact, and any man who is fit to be appointed on that board would have no difficulty in very soon mastering these questions sufficiently well to make his opinion just as valuable as that of the chief commissioner, even though he were not a lawyer. Where the assistant commissioner has a court of his own, he being a lawyer, his views shall prevail over the views of his colleagues. Then there is a provision that the deputy shall preside in the absence of either the chief or the assistant, and hold a court; but there is no provision that his views shall prevail over the views of the men who may sit with him. When the deputy commissioner performs the very same duties as the chief commissioner—although he may be a lawyer, and the chances are they will all or nearly all be lawyers, because that is the trend of government appointments—the views of the deputy commissioner will be no better than those of his colleagues and will not prevail against theirs. There is a great absurdity in this provision. The provision that requires two of them to be lawyers, is wrong. The first consideration for a competent chief commissioner is that he is a good railway man, and if he is that, he knows railway law very much better than a lawyer who has not been a railway lawyer, for he will know the working of the railway law. We have a board constituted without a railway man being appointed. It will be found that between political and other influences, it will be hard to get a really first class railway man on the board. I presume the government have determined to put the Bill through just as they have sent it to us. We are seldom allowed on this side of the House to suggest amendments to government Bills, but I really think there are some absurdities in this clause before us that the government should remedy before making it law. I am opposed to the provision that two lawyers shall be appointed, and I am opposed to the provision that gives either of them the control in matters of law over his colleagues. There is another absurdity in connection with this; the board is to decide what is a question of law. As I said before, nearly all the questions that will come before the board are mixed questions of law and fact. Supposing there are four laymen on the board and they are displeased with the action of the chairman, they can decide that every question is not a question of law, and, therefore, their views would be just as good as the view of the chief commissioner or his assistant. Where a question is a mixed question of law and fact, it would require a pretty good lawyer to decide whether it is a question of law or not, and these laymen on the board might decide that questions coming before them are not questions of law, thus depriving the chief commissioner of the power given, and, as I think, very improperly given to him in this Bill.

Hon. Mr. POWER—I can understand that the hon. gentleman from Marshfield should have taken the ground which he did take in 1903, because at that time we had not the experience of the working of the Act to go by. Although the hon. gentleman says that on a question of law—and he was quite clear on that—the opinion of any layman was as good as that of a lawyer——

Hon. Mr. FERGUSON—I did not say that. I said that a first class railway man

who has a life experience in railway matters would become conversant with railway law and understand it better than a lawyer who was not a railway lawyer.

Hon. Mr. POWER—The hon. gentleman did say something to that effect also. This Act has been in operation for some five years, and it has not been suggested by any one but the hon. gentleman that a mistake was made in appointing a lawyer as chairman of the Commission. The press of both sides of politics, and members of both Houses have been loud in their praises of the manner in which the late chairman of the Board, Judge Killam, discharged his duties, and I understand that recent opinion is to the effect that Judge Killam's successor is giving similar satisfiaction. The truth is, that when you wish to appoint a chairman of a board who have to deal with questions of law, a lawyer or ex-judge is about the best chairman you can appoint. I submit that proposition to the favourable consideration of the leader of the opposition. The hon. gentleman from Marshfield found fault with the wording of the Bill because if the chairman and the vice-chairman were both absent, then the question of law should be decided by the deputy chairman. The deputy, he said, might be a lawyer, but is not necessarily a lawyer. Notwithstanding the fact that the hon. gentleman thinks the government are too much addicted to appointing lawyers to important positions, it happens they appointed only one lawyer on the present Commission. I may say, and I say it with a good deal of regret, I am afraid when they come to appoint three new commissioners that only one of the appointees will be a lawyer. Suppose that the question before the Commission was not a question of law but was a question of engineering, and that one of the members of the Board was an engineer, does not the hon. gentleman think that the opinion of that member on a question of engineering should prevail over the opinions of lawyers and farmers, if they happened to be associated with him? I think so, and it is the same when a question of law comes up. The hon. gentleman pictured four laymen combining against two lawyers. I have not heard that that sort of thing has happened and we have to look at the experience of the last few years and also give credit to the commissioners for being men of at least average common sense. As hon. gentlemen know, I am not always just as faithful a follower of the government in all the details of their measures as I might be, but I must say that this is a measure which must commend itself to the House, and certainly will commend itself to the country. The work which these commissioners do is very valuable and important, and they have not been able to anything like overtake it, and the work being valuable and important it is desirable that it should not get too far in arrear. If three commissioners cannot do the work, the wise thing is to appoint three more and we shall have this important work attended to thoroughly all over the country.

Hon. Mr. FERGUSON—Lest my remarks should be misunderstood, I am free to say that if there is one redeeming feature about the Railway Commission and its work, it is found in the work done by the late Judge Killam as chairman of the Board. I do not think that was due so much to the fact that he was a lawyer, though that would not be anything to his detriment, and it would certainly be to his advantage, but his industry, his high character and excellent services are acknowledged and deservedly acknowledged by everybody. It is not simply because he has passed away that I make this remark; I said so while he was acting as chairman of the Commission.

Hon. Mr. ROBERTSON—What about Mr. Blair ?

Hon. Mr. FERGUSON—He was commissioner a very short time, and his work did not take a form which would enable one to pass judgment upon its merits. The one objection to Judge Killam's work is in the rules he laid down for the government of the Board. These rules betray the lawyer in every line. He makes them so fast and firm that he leaves very little elasticity in the working of the Board or even in the law. Some of the provisions in the law were intended to be elastic, but they have been made firm and unbending in these rules. I think the rules should be

relaxed very much in the public interest, so that any one who has a grievance could get to the Board without employing a lawyer to fight a big corporation. The Board, of its own motion should, as is provided for in the Act, remedy wrongs even when they have not an application before them. I just make this observation with regard to Judge Killam, because I have had some opportunities of judging of the work of the Board while he was chairman, and I have no hesitation in saying that he rendered most excellent services.

Hon. Mr. BEIQUE—The hon. gentleman labours under a misapprehension as to the rules of the board. The rules do not prevent the board acting of their own motion. As a matter of fact, they often do act of their own motion. The rules are printed, and are exceedingly simple and can be used by anybody. They do not necessitate the employment of a lawyer. It is quite easy for a layman to use the forms which are printed as an annex to the rules for the purpose of applying to have grievances redressed. There is, however, one point to which I should like to call the attention of the hon. leader of the government. It is in reference to the power given to the assistant commissioner. I understand that this law is intended to double, so to speak, the efficacy of the present Railway Commission. Therefore, the assistant commissioner should have power to act and exercise the powers of the chief commissioner in one part of Canada when the chief commissioner is acting in another part of the country. I am afraid that under this Bill he will not be entitled to do so.

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. LOUGHEED—Has my hon. friend read subclause (c) which provides for what may be done in the absence of the chief?

Hon. Mr. BEIQUE—Yes, but what is the meaning of the word 'absence?'

Hon. Mr. LOUGHEED—Physical absence I would say.

Hon. Mr. BEIQUE—We have in section 12 of the Railway Act a provision of the same kind. It provides that in the absence of the chief commissioner the deputy commissioner shall exercise the powers of the chief commissioner. What is the meaning of the word 'absence' there? Does it mean absence from the city of Ottawa, for instance?

Hon. Mr. POWER—From the court I should suppose.

Hon. Mr. BEIQUE—That is a point that should be made clear, because I am afraid that, under the common law, the word 'absence' would mean absence from the country. If so, the powers of the deputy or the assistant commissioner would be very much curtailed.

Hon. Mr. SCOTT—In the imaginary case submitted by the hon. gentleman from Marshfield, where the chief commissioner and the assistant commissioner were supposed to be absent from the board, I may say that nothing of the kind is contemplated. The intention is that the board shall act in two divisions, the chief and two of his colleagues in one, and the assistant and two of his colleagues on the other. It may happen in the absence of the chief and the assistant that it would be necessary to give precedence to somebody, and that is given to the deputy; but it is very unlikely that the contingency will arise, because either the chief or the assistant will be sitting where there are two of the others sitting. In many cases that are not of a controversial nature, that are merely formal, either the chief or the assistant may be absent. The whole object of appointing an assistant commissioner was that there should be two full bodies in important cases, and they could sit in different parts of the country, and that could only be attained by the appointment of a third, and that third would have all the powers of a chief commissioner. I do not see that it is open to any doubt whatever. It is the absence at the time from the city or place. It does not follow he must be out of the country.

Hon. Mr. BEIQUE—Supposing the government takes power to appoint another judge, in the absence of the judge of the Exchequer Court, what would be the meaning of the absence? Would it be absence from the country?

Hon. Mr. SCOTT—It is by no means a parallel case.

Hon. Mr. FERGUSON—Under this Bill, there may be three sittings of the commission held at the one time.

Hon. Mr. SCOTT—Yes, in non-controversial cases.

Hon. Mr. FERGUSON—Two commissioners will constitute a sitting of the commission, and therefore the third court that will be sitting may not have the good fortune of having a lawyer as a chairman, and his opinion will therefore have to pass like that of any other ordinary mortal and stand for what it appears to be worth, and my view is that that would be the better way in all cases. If the lawyer is a good man and a good lawyer, it stands to reason his view would be accepted, even if there were nothing in the Act with regard to it. He would have greater weight than the ordinary layman, and I think it would be very much better, when you are taking power to appoint, to provide that the chief commissioner and the assistant commissioner must be lawyers, and you would leave them to exercise the influence that their intellect and knowledge would lead them to exercise, without giving them additional powers by Act of parliament.

Hon. Mr. SCOTT—In legislation of this kind, you must have elasticity. You can not lay down arbitrary rules for the control of the commission. There are cases where two commissioners will sit to hear matters which are not controversial, if there is any doubt about the proper judgment to give they can withhold it until they consult the chief commissioners. That is the practical working out of it. In cases where there is no serious controversial matter involved, two commissioners can sit, and why should there be a third? The great object of legislation of this kind is not to cripple it with fixed rules. Allow it a certain elasticity, and with regard to the domestic working of the commission the public will criticize their action and the press will not fail to notice it.

The subclause was adopted.

On subclause (b),

(b) The chief commissioner shall be entitled to hold the office of chief commissioner, and the assistant chief commissioner the office of assistant chief commissioner or that of chief commissioner, so long as they respectively continue to be members of the board.

Hon. Mr. LOUGHEED—Can my hon. friend point out the utility of the first two lines, 'The chief commissioner shall be entitled to hold the office of chief commissioner.' That is manifest.

Hon. Mr. SCOTT—I suppose it is because they repealed subsection 5 altogether that it had to be re-enacted.

Hon. Mr. LOUGHEED—It seems to me to be idle to say that the chief commissioner shall be the chief commissioner—the same as if we enacted that white should be white and black should be black.

Hon. Mr. POWER—One effect of this wording, I think, would be to prevent the government from displacing the chief commissioner and appointing any subordinate commissioner in his place; so that the chairman must be a lawyer.

Hon. Mr. LOUGHEED—He takes office by virtue of the statute, and the government could not displace him. He is appointed for a specific period—ten years.

Hon. Mr. FERGUSON—There is a little objection to it, that it is too fixed. One of these officers might become really incapacitated from acting as chief commissioner, and still might perform some easier work, but he must follow on to the end of his life, or to the end of the period, whichever comes first.

Hon. Mr. POWER—He can be removed for cause at any time.

The subclause was adopted.

On clause 3,

3. Section 12 of the said Act is repealed and the following is substituted therefor:

12. In case of the absence of the chief commissioner and the assistant chief commissioner, or of their inability to act, the deputy chief commissioner shall exercise the powers of the chief commissioner for him or in his stead, and in such case, all regulations, orders and other documents signed by the deputy chief commissioner shall have the like force and effect as if signed by the chief commissioner.

Hon. Mr. POWER—There is no provision for a deputy.

Hon. Mr. SCOTT—There is a deputy at present.

Hon. Mr. LOUGHEED—Is Dr. Mills or Mr. Bernier the acting deputy commissioner?

Hon. Mr. BEIQUE—Mr. Bernier is deputy commissioner.

The clause was adopted.

On clause 4, subclause 2,

4. Section 13 of the said Act is repealed and the following is substituted therefor:

13. Two commissioners shall form a quorum, and not less than two commissioners shall attend at the hearing of every case; provided that

(a) in any case where there is no opposing party and no notice to be given to any interested party, any one commissioner may act alone for the board; and

(b) the board, or the chief commissioner, may authorize any one of the commissioners to report to the board upon any question or matter arising in connection with the business of the board, and when so authorized such commissioner shall have all the powers of two commissioners sitting together for the purpose of taking evidence or acquiring the necessary information for the purpose of such report, and upon such report being made to the board, it may be adopted as the order of the board, or otherwise dealt with as to the board seems proper.

2. The chief commissioner, when present, shall preside, and the assistant chief commissioner, when present, in the absence of the chief commissioner, shall preside, and the opinion of either of them upon any question arising when he is presiding, which in the opinion of the commissioners is a question of law, shall prevail.

Hon. Mr. LOUGHEED—What would be the effect of a deputy commissioner dealing with a question of law? Under the existing Act, he apparently has all the powers of a chief commissioner when acting in the absence of a chief commissioner. Now, by implication, under subclause 2 of clause 4, I should say that he could scarcely exercise that power, but it is quite clear that under the existing law—and it is not repealed—he would have that authority.

Hon. Mr. SCOTT—He certainly would not have it under subclause 2.

Hon. Mr. LOUGHEED—He apparently has all the powers of the chief commissioner.

Hon. Mr. SCOTT—It is very curiously worded.

Hon. Mr. BEIQUE—I would call attention to the necessity of extending the provisions of subclause 2 to the assistant chief commissioner. His duty is different from that of the deputy commissioner. There it is very properly stated that whenever the deputy chief commissioner appears to have acted for the chief commissioner, or the assistant commissioner, then it shall be presumed he acted in the absence or disability of the chief commissioner and of the assistant chief commissioner within the meaning of the section. But there is the same necessity for having the like provision for the assistant chief commissioner.

Hon. Mr. BEIQUE—No. Because that section does not say it will be conclusive at all. It does not put the question at rest as to whether the chief commissioner is absent or unable to act.

Hon. Mr. LOUGHEED—My hon. friend will observe in line 29, that it is only in the absence of the chief commissioner that the authority of the assistant chief commissioner would be of that character.

Hon. Mr. SCOTT—I think the language is quite clear.

Hon. Mr. BEIQUE—But that section refers only to the deputy chief commissioner. Subclause 2 of clause 3 is intended to put at rest all question of jurisdiction when the board is presided over by the deputy chief commissioner in order that his power of replacing the chief commissioner cannot be questioned at all.

Hon. Mr. ROSS (Middlesex)—The word assistant commissioner should be inserted in subclause 2.

Hon. Mr. BEIQUE—There is no similar provision for the assistant commissioner.

Hon. Mr. LOUGHEED—There is only one condition under which the assistant chief commissioner presides, and that is in the absence of the chief commissioner.

Hon. Mr. BEIQUE—He cannot preside except in the absence of the chief commissioner, and it is only in case of such absence that the assistant chief commissioner has jurisdiction, and it should be set at rest by similar wording to subsection 2.

Hon. Mr. ROSS (Middlesex)—Would it not serve every purpose if the words 'assistant commissioner' were inserted.

Hon. Mr. BEIQUE—It is easy to amend, and I simply desire to draw attention to it.

Hon. Mr. POWER—I do not think there is any necessity for altering the language of the second subclause of section 13. The assistant commissioner acts only when the chief commissioner is absent. He takes the place of the chief commissioner. Then if the assistant commissioner is also absent, the deputy takes the place, not of the assistant, but of the chief, because the assistant commissioner is not present and cannot take the place of the chief commissioner, and the place of the chief commissioner is taken by the deputy commissioner.

Hon. Mr. LOUGHEED—What jurisdiction will he have on a question of law?

Hon. Mr. POWER—I am dealing with the question raised by the hon. gentleman from De Salaberry as to subclause 2 of clause 13. If the assistant commissioner were there, he could exercise the powers of the chief commissioner; but when he is not there the deputy exercises the powers of the chief.

Hon. Mr. ROSS (Middlesex)—The point raised by the hon. gentleman from De Salaberry, was as to the matter of absence. Subclause 2 of clause 3 reads as follows:

2. Whenever the deputy chief commissioner appears to have acted for or instead of the chief commissioner, it shall be conclusively presumed that he so acted in the absence or disability of the chief commissioner and of the assistant chief commissioner within the meaning of this section.

But that cure only applies to the deputy, and not to the assistant and my hon. friend desires that that remedy should apply with equal force to the assistant as well as the deputy. If the clause read: 'Whenever the assistant chief commissioner or the deputy chief commissioner appears to have acted for or instead of the chief commissioner,' &c., then the matter of absence would be entirely cured by the clause as it stands.

Hon. Mr. SCOTT—It is copied from the law as it stood.

Hon. Mr. KERR—Section C of clause 2 reads:

(c) The assistant chief commissioner shall have all the powers of the chief commissioner; but such powers shall not be exercised by him except in the absence of the chief commissioner.

Hon. Mr. ROSS (Middlesex).

The deputy does not have all those powers, but the deputy shall only exercise the powers of the chief commissioner for and in his stead, so that you see the one has all the powers of the chief commissioner, and the other has only authority to exercise powers in certain cases and has not power under certain circumstances.

Hon. Mr. LOUGHEED—That is the same thing.

Hon. Mr. BEIQUE—I think what would be necessary to cure the defect to which I have called attention, would be to add to subsection C the following words:

And whenever he shall so act it shall be conclusively presumed that he so acted in the absence or disability of the chief commissioner within the meaning of the section.

Hon. Mr. ELLIS—We are increasing the number of commissioners, but are we not increasing the powers of single commissioners so that they are allowed to do more than they can at present? This Bill would permit one commissioner to act.

Hon. Mr. SCOTT—No, we are not increasing the power.

Hon. Mr. POWER—According to the old Act, any one commissioner can act where there is no one opposing the motion.

Hon. Mr. FERGUSON—I gave my hon. friend the Secretary of State a memorandum of a suggestion with regard to section 15 of the Bill. That is a disabling section, and provides that no commissioner shall directly or indirectly, hold, purchase, take, or become interested in, on his own behalf, any stock, debenture or other security of any railway company, &c. My suggestion was that this section should be made to apply to the officers of the board as well as to the commissioners.

Hon. Mr. SCOTT—I consulted the Minister of Justice about it, and he wrote me a letter in which he stated:

I have your letter of the 4th instant inclosing the amendments to the Railway Act proposed by Senator Ferguson. I have considered these amendments and see no great objection, though the proposal to prohibit all officers of the board from holding any railway stock seems to me unnecessary, and going a long distance, considering that these officers can have nothing at all to do with the action of the board.

Then he refers to another matter. I do not see any objection to it, but it is just as well the officers should not dabble in railway stocks.

Hon. Mr. FERGUSON—Since these matters were suggested, particulars have come out with regard to the Marine Department which show the importance of this amendment.

Hon. Mr. SCOTT—It is exactly the law as it stands, with the addition of the words 'officers of the board.' The better way will be to re-enact the whole clause.

The amendment was adopted.

On clause 6,

6. Section 18 of the said Act is amended by adding thereto the following subsection:
2. The Governor in Council, upon the recommendation of the minister, may establish at any place or places in Canada such office or offices as are required for the board, and may provide therefor the necessary accommodation, furnishings, stationery and equipment.

Hon. Mr. LOUGHEED—What offices have been established by the Governor in Council up to the present time?

Hon. Mr. SCOTT—Up to the present time, I do not know of any.

Hon. Mr. LOUGHEED—Is there not an office in Montreal?

Hon. Mr. SCOTT—There may be.

Hon. Mr. LOUGHEED—And another one in Winnipeg, in addition to the one in Ottawa?

Hon Mr. SCOTT—Quite likely. They meet in both cities.

The clause was adopted.

On clause 9,

9. The said Act is amended by inserting the following section immediately after section 41:
41a. There shall be kept in the office of the secretary of the board a book, to be called the agents' book, in which every railway company to which this Act in whole or in part applies shall enter its name and the place of its head office and the name of an agent at Ottawa and his place of business or some other proper place within Ottawa where he may be served for the company with any notice, summons, regulation, order, direction, decision, report or other document.

Hon. Mr. LOUGHEED—Provision has already been made in an earlier part of the Bill for the establishment of offices in various parts of Canada. Presumably the business concerning the railway in any particular district would be performed at the office in that district. I think provision should be made for the registration of the name of the agent at that particular place. Otherwise you subordinate those cases to Ottawa, involving communication between very distant points.

Hon. Mr. SCOTT—It is for the convenience of the Board. They can refer at once to the index in Ottawa as to the company and its agents, and ascertain who shall be served with papers.

Hon. Mr. LOUGHEED—While it may not appear on the face of the Bill, evidently the intention is that one section of the Board shall look after western business while the other attends to eastern business.

Hon. Mr. POWER—No; the West cannot have everything.

Hon. Mr. LOUGHEED—It is an easy matter to divide the Dominion into two sections, the east and the west. The Board for the eastern section might sit at Ottawa, and the Board for the western section at Winnipeg.

Hon. Mr. POWER—Or Calgary.

Hon. Mr. SCOTT—If the Board recommend such a division, I presume parliament would have no objection?

Hon. Mr. LOUGHEED—There should be more flexibility about this particular clause.

The clause was adopted.

Hon. Mr. FERGUSON—I put a notice of some amendments in the hands of my hon. friend the Secretary of State some time ago. One amendment deals with returns to be made by the Board. I notice in the letter read from the Minister of Justice that he did not consider it necessary that a statement of expenditures should be given. I do not know that I would insist very much upon that, though it would be a good thing if the expenses are shown in the commissioners' report. I do think, however, that the report of the Board should be very much more complete than the reports we have had in the past. The provisions in

section 62 of the Act calls for a very meagre report, not such a report as a body like a railway commission should be expected to furnish to parliament. It is merely a report respecting applications, but does not specify that the applications themselves nor the action taken should be reported. I propose to change that by adding 'and proceedings thereon under this Act,' so that they shall report not only the application but their proceedings. Section 28 of the Act gives the Board power to proceed on its own motion or at the request of the minister. When such action is taken, I think the findings should be reported to parliament. The Railway Act received a good deal of attention from both Houses of parliament, yet we allowed it to pass with the provision that the Board should report to the government and the minister should lay the report before the House of Commons, entirely ignoring the Senate. I wish to amend subclause 2 to provide that the report shall be laid before both Houses of parliament. If the hon. Secretary of State is disposed to accept the amendment as regards the expenditure, so that we might know how much the Board is costing the country, the amendment that I have drafted might be taken in its entirety. I leave that to the hon. gentleman.

Hon. Mr. SCOTT—The proceedings of the Board might cover a thousand pages or more, and I do not think it would be possible to report the details of the applications.

Hon. Mr. FERGUSON—They might report their findings or decisions.

Hon. Mr. SCOTT—I have no objection to adding the word 'findings' after application. The expenditure is in the Auditor General's Report, and it seems a pity to be multiplying expense. If hon. gentlemen knew the tens of thousands of dollars spent every year in preparing reports for parliament, that are never looked at, they would hesitate about increasing the work beyond what is necessary. We have to engage a staff of ten or twelve clerks in some of the departments and keep them busy the whole session preparing reports which are asked for and which are never read. The Printing Commmittee do not care to order the printing of them, and they are only thrown away. If we have the applications to the Board and the findings of the Board reported it will embrace everything.

Hon. Mr. FERGUSON—I am satisfied with the word 'findings.' The Act provides for two distinct proceedings; one on application, and the other on the motion of the board or the request of the minister. I think the public will look anxiously to see whether the board is implementing that power of acting on their own initiative where they see a great abuse. It is important that we should have it.

Hon. Mr. BEIQUE—The great majority of the applications and of the decisions are of no interest to the public, and to include them would make the report very voluminous. Very many decisions are rendered in chambers by either the chief commissioner or the assistant commissioner. Surely it is not the intention of the hon. member to ask that a report be made of all the findings in such cases? As it is, the railway board make a report embodying every year a summary of the decisions which are of any interest to the public, and I think it should be limited to that. It is printed as an appendix to their report, and the public will find there all that is required. I would suggest to the hon. gentleman to limit his amendment to that. Possibly it might be better to defer the matter until the third reading of the Bill, in order that the amendment may be worded to meet the views of the hon. gentleman without making the report too voluminous.

Hon. Mr. FERGUSON—I have looked over the two reports that have been published. They give the applications, but not the findings. I had occasion, in connection with a freight matter in which I was interested, to go over the cases, and I found where a case similar to the one in which I was interested had been considered. If I had had the finding, I would have had some light, but the finding was not given.

Hon. Mr. BEIQUE—The hon. gentleman will find a summary of decisions in that report.

Hon. Mr. FERGUSON—Some cases are given at great length, because, I suppose,

the board thought them of great importance. The finding in any case could be stated as briefly as they please. This commission will become one of the most powerful and important judicial bodies in Canada in years to come, and we should start well so that the report would be of value to every one interested in transportation. It should contain something which would give information, and, therefore, we should require the board to furnish synopsis of their findings.

Hon. Mr. SCOTT—I suppose it is limited to controversial cases.

Hon. Mr. BEIQUE—Or cases of interest to the public. Cases which interest only the parties concerned, cannot be of any value or interest to the public.

Hon. Mr. SCOTT—I will hold it open for two days until the third reading, in the hope that we may agree upon some amendment.

Hon. Mr. FERGUSON—I will give an illustration of what I want. A friend of mine had a difficulty over the transportation of household effects. A release was procured from the carter in British Columbia, and under that release the railway claimed they were not liable for the injury of the goods, because a person who had no interest in them had given that release. It was very likely to lead to a law suit, and I was curious to find that any case of the kind had come before the board. I found that there had been one, but the decision was not reported. Although some of the officers need to be brushed up a little, some of the board are efficient men. I refer especially to the freight expert; he took the matter up and settled it. I mention that case to show that people who have dealings with the railways and do not want to go to the lawyers any more than they can help, would like to get light as to the views of the Railway Commission on cases like their own.

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

USE OF TOBACCO BY YOUNG PERSONS.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (173) An Act to restrain the use of tobacco by young persons.

He said: We are all aware that there has been a very wide agitation over the country for legislation which would in some degree check the use of tobacco by minors. I need not refer to the serious injury both mental and physical involved in the use by minors of tobacco in any form or shape, more particularly in the smoking of cigarettes. I was very much surprised some time ago in reading a report from Washington where a large number of middies were presented for the navy, and about three-fourths of them were turned down, all due to the fact of their using tobacco. The degeneration, physical and mental, was so marked that they failed to become proper subjects to be taken in the navy.

Hon. Mr. ROSS (Middlesex)—The Bill is a very important one, and I am very glad that it has been introduced. I wish to call the attention of the leader of the Senate to what appears to me to be an omission from the Bill. The penalties are stringent, and precautions are taken to ensure the working of the Act. In the Ontario statutes to prevent the sale of liquors to persons interdicted, the purchaser of the liquor is obliged, on examination, to say where he got the liquor. In the Prohibitory Act of Prince Edward Island there is a similar clause. Would it not facilitate the enforcement of this Act if any boy found smoking were obliged to tell where and from whom he got the tobacco?

Hon. Mr. SCOTT—We will consider it in committee.

Hon. Mr. ROSS (Middlesex)—What we want is legislation that will be effective.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. ROSS (Middlesex)—The man who sells tobacco to a boy, is particeps criminis with the boy. Provision is made in the Bill for a fine for the first offence and a larger penalty for the second offence; but if the boy is obliged to state where he

got the tobacco it would make people more careful not to supply tobacco to boys, and the law would be much more readily enforced.

Hon. Mr. SCOTT—Perhaps the hon. gentleman would prepare an amendment and offer it when the Bill comes up in committee.

Hon. Mr. ELLIS—I intend to support the Bill, but there is nothing to me so irresistibly humorous as to find a body of gentlemen, a great majority of whom smoke themselves, passing a law to suppress the use of tobacco by others. Why do not hon. gentlemen who favour this Bill stop smoking themselves? We are continually passing laws creating offences. We find it difficult to enforce them. Young people can very readily see the absurdity of the logic which says to them, 'you should not smoke, and you must not smoke,' when they see their fathers and elder brothers smoking, and know that it is a mere question of time when they will reach the age when they will be permitted by law to smoke themselves. I would therefore suggest to the House to deal seriously, I would not like to say honestly, with the question, and let the members themselves stop smoking and stop using tobacco in the various forms in which it is used, and there will then be some substantial basis on which this legislation can be attempted to be enforced. I know that we have gentlemen in the community in which I live, and ladies also, who earnestly desire that a law should be enacted for the suppression of the use of tobacco by minors, but I fear this legislation will not have any effect, however, because it has not the substantial basis that such legislation should have. It is regrettable that the use of tobacco is spreading in parliament and in the lobbies and in committee rooms to the extent to which it is. I do not say that it is personally offensive to me, because I have been trained in a profession where one has to smoke or to meet smokers, but I think there should be some rule which would prevent the use of tobacco within our borders. When you come into some rooms, at times, the odor of tobacco is most offensive to those who do not use it. I do not wish the Secretary of State to embody such a provision in this measure, because it might jeopardize its passage, but I throw out the suggestion.

Hon. Mr. LOUGHEED—The inconsistency to which the hon. gentleman refers runs through all our legislation. We have the same legislators passing very strict liquor laws, and the government representing the party of which he is a member is to-day passing an election Bill for the purpose of suppressing election frauds.

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

RAILWAY ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (118) An Act to amend the Railway Act, with respect to telegraphs and telephones and the jurisdiction of the Board of Railway Commissioners.

He said: This is to place the telephone and telegraph systems of Canada under the control of the Railway Commission, giving them very large and ample powers over rates and connections, and over the various proceedings that may be necessary.

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

INSPECTION AND SALE ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The order of the day being called:

Third reading (Bill CCC) An Act to amend the Inspection and Sale Act, as regards grain.—Right Hon. Sir Richard Cartwright.

Hon. Sir RICHARD CARTWRIGHT—I move that this Bill be not now read the third time, but that it be referred back to the committee with instructions to strike out the amendment made to clause 137, with respect to scoured grains.

Hon. Mr. YOUNG—I desire to move an amendment also.

Hon. Mr. POWER—If the House instructs the committee we can deal only with the matter the hon. minister refers to.

Hon. Mr. YOUNG—I desire to move that this Act shall come into force on November 1. The necessity of the Act coming in

after last year's crop has been dealt with, and before the new one, hon. gentlemen can see is important, so that there will be no disturbance of our grades until the new crop——

Hon. Mr. LOUGHEED—We had better go into committee first.

Hon. Mr. LANDRY—Was it not understood that when that first order was called it was to be taken up later on to-day?

Hon. Mr. SCOTT—Yes, it was. I was asked whether the hon. gentleman who had charge of the Bill would be here, and I said I thought he would, and it was understood by the House.

Hon. Mr. YOUNG—Would the hon. minister include in that motion the addition of a clause in the Bill to the effect that the Act shall not come into force until the 1st November?

Hon. Sir RICHARD CARTWRIGHT—I have no objection to that. It is a reasonable proposition.

Hon. Sir MACKENZIE BOWELL—I think it would be better to refer it back for further consideration.

Hon. Sir RICHARD CARTWRIGHT—I move to strike out the amendment which we made on Friday, which reads as follows:

All Manitoba dried and rejected wheat after passing through the terminal elevator and being properly treated shall be graded by the inspector and put into the grade to which after being treated it properly belongs.

And also to make this Act come into force on September 1.

Hon. Mr. LOUGHEED—Would it not be better to refer it to the committee for further consideration, and it can be discussed in committee.

Hon. Sir RICHARD CARTWRIGHT—I have no objection, but we will only take up those two points.

The SPEAKER—It will only be to reconsider clause 137 and the date at which the clause will come into effect.

Hon. Mr. LANDRY—I think there should be two different motions; an hon. gentleman might be against one proposition and in favour of the other.

Hon. Mr. ROSS (Middlesex)—It is much better to refer it back to the committee for further consideration, and it will serve the same purpose.

The motion was agreed to, and the House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—I move to strike out the amendment which I have just read to the House.

Hon. Mr. PERLEY—I did not understand we were going into committee until to-morrow. The two principal movers in this matter are away.

Hon. Sir RICHARD CARTWRIGHT—They had full notice.

Hon. Mr. PERLEY—It is hardly fair to proceed in the absence of the hon. gentleman from Saskatchewan and the hon. gentleman from Assiniboia who have charge of the opposition to this measure.

Hon. Sir RICHARD CARTWRIGHT—Most ample notice was given that the motion would be made to strike out this amendment on the third reading, and if hon. gentlemen are not present it is no fault of mine.

Hon. Mr. PERLEY—The hon. minister was not present when the Bill came up, and it was tided over for his convenience, and the hon. gentleman on several occasions has not been present when the Bill came up and hon. members were good enough to allow it to stand over, and I think he should be willing now to postpone the consideration of it until to-morrow.

Hon. Sir RICHARD CARTWRIGHT—There are very few occasions when I have not been present, and I have repeatedly granted long delays.

Hon. Mr. WATSON—I wish to say that there are a number of gentlemen here from the west, Grain Growers' Association representatives and grain dealers' representatives, and they are anxious to have the Bill passed in the Senate for the purpose of considering the Bill now before the Commons, and there is to be a conference to-morrow morning at 9 o'clock over the two

Bills. It would be much better, therefore, if the two measures were embodied in one. I don't care a snap about it personally, but I want to see fair play.

Hon. Mr. FERGUSON—The committee rising and reporting would not prevent this; they know what the Bill contains. There is only one controversial clause. My hon. friend is perfectly right in stating that he gave notice that at the third reading he would move to expunge the clause. It is quite possible these gentlemen did not understand that the third reading would be taken in it, it would be well to allow it to stand until to-morrow.

Hon. Sir RICHARD CARTWRIGHT—I have postponed it four or five times. It is exceedingly late in the session and it it is a matter of urgency to get it to the Commons.

Hon. Mr. POWER—As one who voted for the amendment moved by the hon. gentleman from Prince Albert, I feel this way with respect to the action being taken now. I assume that the amendment will be striken out. Then the Bill will go down without that amendment to the House of Commons. The House of Commons more directly represent the people of the west as well as of the east than we do. If the members of the House of Commons feel that the action of the Senate in striking out this amendment was a mistaken action, they will reinstate it and we will naturally accept it; but I think that looking at the stage of the session, and this being a long and debatable sort of a Bill, we had better let it go to the Commons and be settled there.

The motion was agreed to, on a division.

Hon. Sir RICHARD CARTWRIGHT—I move that a clause be added to the Bill providing that it be not brought into effect until September 1, 1908.

The motion was agreed to.

Hon. Mr. ROY, from the committee, reported the Bill with certain amendments.

Hon. Sir RICHARD CARTWRIGHT—I move concurrence in the amendment.

Hon. Mr. LANDRY—I object.

The SPEAKER—It must go over until to-morrow, if it is objected to.

Hon. Mr. POWER—I have some doubt about that; the Bill was at its third reading and notice was given for the amendment. Instead of having a vote on the amendment on the third reading, it was thought better to go into the Committee of the Whole and make the amendments, and I do not think the rule applies.

Hon. Mr. LANDRY—Rule 24 states:

> One day's notice must be given of any of the following motions:
> (d) For the consideration of substantial amendments made in a public Bill by a Committee of the Whole.

The SPEAKER—I think the notice for the third reading being called, we are back at the original stage.

Hon. Sir RICHARD CARTWRIGHT—It is not worth squabbling about. I move that the amendments be concurred in to-morrow.

Hon. Mr. POWER—I am not proposing to question His Honour's ruling.

Hon. Mr. LANDRY—I do not think the hon. gentleman has a right to discuss the decision.

Hon. Mr. POWER—I am not discussing it.

Hon. Mr. LANDRY—There is no other question before the House.

Hon. Mr. POWER—I do not think the hon. gentleman from Stadacona should be the member to raise that objection.

Hon. Sir MACKENZIE BOWELL—If the chair has given a decision, there should be no discussion; but the hon. member can appeal to the House.

Hon. Mr. POWER—My own impression is, if I may be allowed to express it with all humility, that this motion would come in under paragraph S of rule 25, which reads:

> Other motions of a merely formal or uncontentious character, &c.

Then I may say that the two hon. gentlemen who have had a gird at me in connection with this matter, remind me very much of Satan rebuking sin.

The motion was agreed to.

Hon. Sir RICHARD CARTWRIGHT—I move that the Bill be read a third time to-morrow.

The SPEAKER—The hon. gentleman can give notice of a motion for the suspension of the rules so that the third reading may come up to-morrow.

Hon. Sir RICHARD CARWRIGHT—I will give that notice.

CUSTOMS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (194) An Act to amend the Customs Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time on Thursday next. He said: The change in the law authorizes the Minister of Customs to charge duty on the repairs of a vessel going to a United States port to be repaired there. At present, a Canadian vessel being repaired in a United States port is not charged a duty on the repairs. This Bill proposes to bring it directly within the range of the customs law, and exact a customs duty on the repairs made in a foreign port.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman tell us that under the law as it is at the present moment, repairs made to a steamer in a United States port or dry dock are not dutiable?

Hon. Mr. SCOTT—Not at present.

Hon. Sir MACKENZIE BOWELL—I know very well that for years the practice has been to the contrary.

Hon. Mr. SCOTT—It has not been the practice for some years.

Hon. Sir MACKENZIE BOWELL—I have read the debates on this question, and I am somewhat interested in ascertaining why this Bill has been introduced. I know what the practice was for 20 years, both under the Mackenzie administration and the administration which succeeded it. Probably they have been acting without the law. I observe that the Prime Minister has given notice of some five or six important measures. We are to have supplementary estimates, we are to have railway subsidies, and then there is a Bill in connection with the Quebec bridge, and one to create courts in Northern Ontario, and another one which is equally important, for the extension of the boundaries of Manitoba, Quebec and Ontario. With all these important measures, and with the Civil Service Bill, and the Lands Bill, which contains 150 or 160 clauses, I suppose we can make up our minds to remain here until fall, and there is no necessity for hurry.

Hon. Mr. KERR—These are reasons why we should get through as much business as possible to-morrow.

Hon. Sir MACKENZIE BOWELL—We might as well give a little consideration to the measures presented to us, unless we are prepared to shut our eyes, and open our mouths, and take whatever the government gives us.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Wednesday, July 8, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

METALLIC SHINGLE COMPANY BILL.

FIRST READING.

Hon. Mr. YOUNG presented a report of the Committee on Standing Orders recommending the suspension of rule 24 (h) with regard to this report, in order that the report might be confirmed to-day, to enable the Bill to be introduced in the Senate and facilitate its passage.

Hon. Mr. LANDRY—What is the nature of the petition?

Hon. Mr. YOUNG—It is for the renewal of a patent which has expired under very peculiar circumstances, and they showed the committee satisfactory evidence that it was a matter of urgency.

The motion was agreed to, and the report was adopted.

Hon. Mr. CAMPBELL introduced Bill (HHH) An Act respecting certain patents of the Metallic Shingle and Siding Company, Limited.

The Bill was read the first time.

Hon. Mr. CAMPBELL—I move the suspension of rule 29 (b) to enable the Bill to be read the second time to-morrow. This measure is to allow the commissioner of patents to accept fees for the continuation of the patent. Through an unavoidable mistake the fees were not paid, and as the session is so far advanced I hope the House will permit the rule to be suspended so that it can be read a second time to-morrow.

Hon. Mr. LANDRY—I think the hon. gentleman should tell us if there is any opposition to the Bill.

Hon. Mr. CAMPBELL—Oh, no, I do not think there is any opposition.

Hon. Mr. LANDRY—We have suspended the rules in order to permit the Bill to be introduced, but if we are going to suspend all the rules now, then we might as well pass it immediately.

Hon. Mr. CAMPBELL—The only reason is on account of the short time we will have in which to put the measure through. If the rule be suspended, it can be read the second and third time to-morrow and will go to the House of Commons. There is no opposition to the Bill.

EMPLOYMENT OF JOHNNY ROUSSEAU.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Was there in 1907 amongst those who were working at Trois Pistoles wharf, in the county of Temiscouata, a workman or a day labourer answering on the pay-lists to the name of Johnny Rousseau?
2. In what capacity was he employed?
3. What was his salary, and how much did he draw?

Hon. Mr. SCOTT—The answer to that is simply no; they have no man of that name.

DELAY IN PUBLISHING FRENCH REPORTS.

INQUIRY.

Hon. Mr. LANDRY rose to draw the attention of the Senate to the unexplained delay in the publication in French of certain official reports, and to inquire of the government:

1. Are the journals of the House of Commons the reproduction of the records published from day to day during the session, and are they not, as a matter of fact, the revised edition of these same records?
2. During the sessions of 1906-7 was there published for every day of the session a record in the French language of the deliberations of the House of Commons?
3. If such records were published from day to day, why are the French journals of the same session not yet distributed?
4. And if the lack of translation cannot be invoked as the cause of the delay, what can be the reason which serves as justification or explanation of this infraction of the law which recognizes the French language as one of the official languages of this country?

Hon. Mr. SCOTT—The answers to the hon. gentleman's questions are as follows:

1. Yes, from the votes and proceedings.
2. Yes, the votes and proceedings in French.
3. The printers have not received the copy; hence cannot print and distribute.
4. I cannot say. Copy of translation may be ready, but it has not been sent to the Bureau.

Hon. Mr. LANDRY—The third answer is no reply to the question. Why was the copy not furnished to the printer?

Hon. Mr. SCOTT—We are not responsible. That is a matter for the House of Commons to deal with. I cannot deal with that, nor can any member of the government.

Hon. Mr. LANDRY—I am not asking who is responsible; I am asking why the copy was not furnished.

Hon. Mr. SCOTT—The hon. gentleman knows as well as I do what officials in the House of Commons are charged with duties of that kind; they are not under my control or that of any minister that I know of.

Hon. Mr. LANDRY—I know we are not treated as we should be.

Hon. Mr. SCOTT—By whom? By officials employed by the House of Commons?

Hon. Mr. LANDRY—Who are the officials that are in fault?

Hon. Mr. SCOTT—The hon. gentleman knows very well that the usual answer

would be, the translator; there cannot be any other answer.

Hon. Mr. LANDRY—It cannot be the translator, because the translation is done. I asked if the translation was made day by day and the answer given was, yes. We have the votes and proceedings in French day by day, and why should we not have the journals in French?

Hon. Mr. SCOTT—A printer cannot print without copy, and if copy is not sent to the Bureau how can they chase up copy?

Hon. Mr. LANDRY—Why is it not sent to the Bureau?

Hon. Mr. SCOTT—I cannot say.

Hon. Mr. FERGUSON—The French edition of the Votes and Proceedings is in print. It is there; why do they not publish it? I know the government cannot control it, but they should surely bring their influence to bear to have the French edition of the journals printed and circulated.

FRENCH EDITION OF CIVIL SERVICE REPORT.

Hon. Mr. LANDRY—Before the orders of the day are proceeded with, I will ask the hon. Secretary of State if any progress has been made in the translation of the report of the Civil Service Commission?

Hon. Mr. SCOTT—I have answered that question a half dozen times, and the answer is always the same—they have not got all the copy.

Hon. Mr. LANDRY—I will ask the question again.

Hon. Mr. SCOTT—I can give no other answer.

PATENT OF WILLIAM B. SMITH BILL.

THIRD READING.

Hon. Mr. POWER moved the third reading of Bill (FFF) An Act respecting a certain patent of Wm. B. Smith.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman inform the House at this late period, what is the article for which the extension of the patent laws is invoked? The House has not yet been informed of that fact.

Hon. Mr. POWER—At the second reading of this Bill, I gave what I thought was an unusually full explanation why the Bill was asked for. Apparently, the hon. gentleman from Hastings did not hear my statement. This patent was granted in 1901 and there was an extension granted in 1904. Owing to the negligence, apparently, of the solicitor of the company or their agent at Ottawa, they were allowed to remain under the impression that this reissue was good for six years from 1904, instead of which it was good only for six years from 1901 the date of the original patent. The agent failed to give notice and failed to pay the fee, and then when the company that had been manufacturing the article in Canada discovered this, they naturally applied for legislation to atone for the negligence of their agent. The article which they manufacture, as I understand, is something in the nature of bearings for sliding doors, for stables and large buildings. The patent has been in use, and as I understand, the company invested about $15,000 in the factory, which is situated in the city of Toronto. The factory has been in operation for some considerable time, and none of the patented articles have been imported into the Dominion of Canada by the patentee. These matters, as I understand, were explained more fully than I can explain them now, before the committee, who reported in favour of the Bill with two trifling amendments which did not affect the substance of the measure.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman had given that explanation on one or two occasions when I asked for it, he would have avoided the trouble of explaining it now. The information he gave the committee was everything he has uttered to-day except telling us what the article was.

Hon. Mr. POWER—I did not know.

Hon. Sir MACKENZIE BOWELL—That is the only thing I asked, and whether the hon. gentleman knew or not, one thing is certain, he did not inform the House.

Hon. Mr. POWER—As a matter of fact, I did not know what the article was, and consequently I could not tell; but the in-

formation was given to the committee, and I do not see that the nature of the article manufactured really affects the claim of the applicant for the Bill.

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

INSPECTION AND SALE OF GRAIN BILL.

THIRD READING.

Hon. Sir RICHARD CARTWRIGHT moved concurrence in the amendments made in Committee of the Whole to Bill (CCC) An Act to amend the Inspection and Sale Act as regards grain.

Hon. Mr. DAVIS—I beg to move in amendment to the motion made by the hon. minister, that the report be not now concurred in, but that the Bill be recommitted to the Committee of the Whole House with instructions to restore the following clause :

All Manitoba dried and rejected wheat after passing through the terminal elevator and being properly treated shall be graded by the inspector and put into the grade to which after being treated it properly belongs.

The motion is seconded by the hon. gentleman from Assiniboia.

This question has been before the House for a considerable length of time, and it has been discussed from time to time, and at a sitting of the House a short time ago the Committee of the Whole reported in favour of this clause by a majority vote. The Bill was set down for the third reading yesterday afternoon, and I was in my place, and my friends who were supporting me in the stand I have taken were also in the House prepared to vote. The order was called by the clerk and the hon. leader got up and made the statement that the minister who was in charge of the Bill was absent from the city, as he had not been at the council meeting that day, and that he could not go on with the Bill, and my friends who were supporting me in this measure and myself were certainly of the opinion that the measure was put off until the next day, to meet, not our convenience but the convenience of the minister. Imagine my surprise on returning, after doing some business yesterday afternoon—the session is drawing along and I have business to attend to—to be told that the minister, by some miraculous means, had arrived in the House and had moved the House into committee and expunged the clause the committee a day or so before had inserted in the Bill, and tried to have the third reading, and the whole thing closed up during the absence of myself and friends. I do not think the minister was treating me and my friends who represent certain interests in this House, with the amount of courtesy which was due, if not to me personally, to the people I am supposed to represent. When he was not here, and I and my friends were here prepared to proceed with the measure, we allowed it to stand, and the least the minister could have done, out of courtesy to myself and friends, when the case was explained to him, as it was by some members, was to have permitted the Bill to stand over until to-day; but forsooth the excuse was that the session was nearly over, and that they must rush this Bill to the other House. My hon. friend, the minister, forgets that there is another grain Bill in the other House; that the other House has not looked into the four corners of it yet, and that will have to be discussed before this measure can be taken up at all, so that there was absolutely no necessity to press the matter as it was pressed during the absence of myself and friends. I venture to say it is the first time in my knowledge—I am not an old parliamentarian only having been in the House of Commons twelve years—that I have seen a minister moving against a report of a Committee of the Whole House. I think the gentlemen that have been supporting me in this matter deserve a certain amount of courteous treatment from the hon. minister in charge of this Bill. I do not ask the hon. minister to take me into very much consideration in reference to the matter; perhaps I do not know as much about the grain Bill as other hon. gentlemen in this House, though I venture to say that I know as much as the hon. gentleman in charge of the Bill. But we have behind us the hon. gentleman from Assiniboia, the father of the former grain Bill, who first took up the matter and championed the cause of the farmers of the Northwest, and who, by

hard fighting, managed to put it through, and was conversant with the whole subject. Has he been treated with consideration? I do not complain of the want of consideration I have been treated with; but I think my hon. friend behind me should have been treated with more courtesy. There are the two hon. gentlemen from Assiniboia, and an hon. gentleman from Alberta who have been supporting this provision, and we are told by the hon. minister that he cannot accept anything we suggest. I should like to know what we are here for? If our voice is not to be heard, if the people we are supposed to represent here have no representative—for practically it comes to that—I should like to know from what source the hon. minister gets the advice he talks about? Is it from the officials? Is the advice of the officials of the government to be taken as against the advice of the representatives of the people, or is it some other little song birds that are singing in the ears of my hon. friend, who are sitting behind him? I want to tell my hon. friend that he should take care to realize that those hon. gentlemen do not represent the whole of the people of the west. They represent a small corner, or are supposed to represent a small corner of Manitoba; but they do not represent Alberta or Saskatchewan. He should also take into consideration the fate of an hon. gentleman in Manitoba, who had these gentlemen for his advisers, and history may repeat itself. I say there are other hon. gentlemen in this House just as able to advise the minister on matters of this kind as the hon. gentleman from whom he appears to be taking advice. With reference to the manner in which this question came up yesterday, I was very much surprised in going over the 'Hansard' to-day to find that no mention is made of the first calling of this order of the day—not one iota or word about it. The clerk rose from his chair and called this order, and my hon. friend the leader of the House made a statement, and you can search the four corners of 'Hansard' and you cannot find a word of that statement in it. Is it possible the octopus that controls this House extends its influence to the 'Hansard' reporters as well? Not one word in the 'Hansard' report. My hon. friends claim that we understood that we were supposed to be released from attendance inasmuch as the Bill was to come up to-day. We looked in 'Hansard' to-day for the information, and we found the 'Hansard' a blank, not a word does it say about it. I looked in the minutes of proceedings, and I see there is some mention made of it here. It says:

> The Order of the Day being read for the third reading of the Bill (CCC) intituled: 'an Act to amend the Inspection and Sale Act, as respects grain.'
>
> With leave of the Senate,
>
> On motion of the Right Hon. Sir Richard Cartwright, seconded by the Hon. Mr. Scott, it was
>
> Ordered, that rule 24a and e be suspended in so far as they relate to the said Bill.
>
> The Right Hon. Sir Richard Cartwright moved, seconded by the Hon. Mr. Scott,
>
> That the said Bill be not now read a third time, but that it be committed to a Committee of the Whole presently.
>
> The question of concurrence being put thereon, the same was resolved in the affirmative.

When that motion was called it was the first order on the paper, I was here. The Right Hon. Sir Richard Cartwright was not here, so that I presume this whole proceeding is irregular. It was put down as a first order. I sat here until a couple of subsequent orders were put through; still this first order appears in the votes and proceedings of the House as having been moved, and that is all there is to it. I cannot account for those things. I leave that for what it is worth.

The SPEAKER—I may inform the hon. gentleman from Prince Albert that the hon. Secretary of State, when the first order was called, asked that it should stand for the present, without being sent over to the following day. I so understood the demand, and I so ordered the clerk. These are the facts, as to what passed between the chair and the clerk.

Hon. Mr. DAVIS—It is a very strange thing there is not mention of it in 'Hansard.' I would think that when a Minister of the Crown rises and makes a statement in the House it should appear in the 'Hansard.'

Hon. Mr. POWER—Oh, not always.

Hon. Mr. DAVIS—I understood, and my hon. friends understood that the order was

put off. My recollection is that the order of the day was discharged.

Hon. Mr. SCOTT—The hon. gentleman is entirely wrong. It was not discharged. It was intimated to me that Sir Richard Cartwright was to be here sharp at five o'clock and I asked that the order be allowed to stand. I simply stated that Sir Richard was anxious to go on with the Bill.

Hon. Mr. DAVIS—There is nothing in the Debates about it. My hon. friend made a speech.

Hon. Mr. SCOTT—Oh, no. I simply stated as a fact what was stated to me, that Sir Richard would be here at five o'clock and asked to have this order stand.

Hon. Mr. DAVIS—Perhaps the hon. gentleman could tell me why it is not in 'Hansard.' I have the statements made by the minister in charge of the Bill before me, and one of the statements is to the effect that he was anxious to get this Bill through; another to the effect that time and time again this matter had been postponed, and he was anxious to get it through for that reason, and when some of my hon. friends on this side of the House asked to have it put off he refused for the reason that he was anxious to get it through and I should have been here.

I might retort and tell the right hon. minister that he should have been here at three o'clock yesterday. I sat here until half past four, waiting for this Bill to be taken up. A great deal more might be said on the subject, but I wish to deal with the question at issue. This question, as far as the stand I have taken upon it, has been misrepresented by a canvass in this House. I have met members who have been told that what I wanted was to put smutty wheat in our No. 1 grade. I never made a statement of the kind, and it cannot be found in the four corners of my resolution. There are two or three classes of this wheat in the Northwest. The lower class which my hon. friend speaks of and describes as smutty wheat, is not the class I am dealing with. My resolution refers to wheat which would have been hard wheat and so graded if there had not been a few balls of smut in it. During the threshing that smut is scattered over the wheat, but it can be removed and is removed. Under existing legislation such wheat is classed as No. 3 Northern, diminishing its value about ten cents in the bushel. All I have asked in my resolution is that this grain shall be cleaned and graded. It is graded now as it goes into the elevator; what we want is that it be properly treated, and that the inspector shall place that grain where, in his judgment, it belongs. Now that is a fair proposition. But look at the position in which the right hon. Minister of Trade and Commerce stands. He asks the settlers of western Canada to accept the judgment of his inspectors on 125,000,000 bushels of grain, on which, if that judgment were improperly exercised, the farmers might lose millions of dollars. He asks the settlers to do that and they cheerfully do it; but when they ask that one million bushels be left to the judgment of the inspector the right hon. gentleman says no. The right hon. gentleman has no confidence in his own inspectors; we have confidence in them and are willing to leave the grading to their judgment. The amount of smutty grain in the Northwest is small compared with the entire crop, but some of the best farmers sometimes grow smutty wheat. It gets into the soil and you cannot get it out, and all that we ask is that the producers have an opportunity to get a fair price for that grain. We have a cleaning elevator at Fort William. I venture to say not one-third of that wheat goes there to be cleaned. You ask the grain merchants, and they say they do not know where it goes. Nobody seems to know anything about it, and I have wondered if it is thrown into the bay at Fort William. If so, it is no wonder that the government have to keep dredges there to clear the harbour. I believe and the farmers in my part of the country thoroughly believe, that that wheat goes down to the elevator and that these gentlemen, under the present Act, grade it as No. 3 Northern and buy it as No. 3 Northern; that they then have it cleaned at a cost of 2 cents a bushel and pocket 8 cents a bushel on all that class of wheat instead of letting the value of it go into the pockets of the producer. That is what we

think and we are pretty nearly right. It is wonderful to see the deep interest that is taken in the farmers of the west by some of the parties interested in this question. We find guardian angels hovering over this building whenever legislation of this kind is before the House. These great philanthropists come from the four corners of the Northwest paying their own travelling and hotel expenses, and giving their time, all in the interest of the farmers.

Mr. TALBOT. Who are they?

Hon. Mr. DAVIS—The hon. gentleman knows very well. If he looks towards the north end of this room he will find some of them. They take the same interest in the farmers that the hawk takes in the sparrow. Now the farmers of the west have demonstrated not only to the Senate but to the government that they have leaders amongst them quite capable of taking care of themselves. Yet we are told by the representatives of the grain buyers that they know what is best for the farmers, and that the farmer does not know what is best for himself. If this amendment is going to run down the grades of wheat, does the House doubt that the farmers would be the first to object? If the grades of wheat in the west are run down, the loss will not come out of the pockets of the millers or the elevator men, or the speculators, but out of the pockets of the men who till the soil and who deserve to get every dollar they can out of the wheat they grow. The farmers of the west have an organization now called the Grain Growers' Association in Alberta and Saskatchewan, and they have sent their representatives here. Those representatives favour this proposition that I have put before the House. Does any one imagine that the farmers of the west would put their hands in their pockets to pay the expenses of men that they send here to look after their interests, if they did not feel confident that they were capable of properly discharging their trust? They are intelligent men, and the farmers have a right to have confidence in them. I am a farmer myself, so are my hon. friends behind me who ask for this measure. The representatives of the grain growing provinces are here and have called for this legislation in the interest of the farmer, but the right hon. Minister of Trade and Commerce tells me that he is advised by somebody that it should not go through. If we are not to be considered, there is no use in taking any more. For my part I shall ask to have a vote taken on this resolution, and we shall then know and have on record who are the friends of the farmer and who are not.

Hon. Sir RICHARD CARTWRIGHT—I should be very loath indeed to appear to have been guilty of discourtesy to any member of this House whoever he may be; but I think I am in the judgment of the Senate, when I remind the hon. gentleman of these two things; first, on four several occasions I postponed the consideration of this Bill, sometimes for several days, in order to enable the hon. gentleman and his friends who had doubts about any particular provision to consult with their friends, and, as apparently the hon. gentleman did, to make a canvass and take advantage of an excessively thin house to have a snap vote on the question. I suppose that may be regarded as fair parliamentary tactics, but I gave express notice to the hon. gentleman and all concerned that on the third reading of the Bill, I should move to expunge the amendment. Every one can satisfy himself on that point by referring to the proceedings and the debates. In the second place, as to the much more important question, the grounds I had for proceeding as I did, I may tell the hon. gentleman I have taken information from various quarters, but notably from the Royal Commission which sat for nearly two years for the purpose of investigating this and other matters, and who are most decidedly opposed to the proposition of the hon. gentleman, and also to gentlemen in whom he professes to have great confidence, that is to say the officers and inspectors attached to the Department of Trade and Commerce. No doubt about it, it is a question of great importance to maintain the proper grading, particularly of the right classes of wheat, in the northern country, and it may interest my hon. friends and the House to know what some of those who are, to say the least of it, as well entitled to speak for the farmer as my hon. friend is, think

about his motion. Here is a telegram which I received yesterday :

Indian Head, Saskatchewan,
July 5, 1908.

Sir Richard Cartwright,
Minister Trade and Commerce, Ottawa.

Re Davis amendment putting cleaned smutty wheat into straight grade. If this amendment becomes law it will destroy confidence of British buyers in permanency of intrinsic values of grades and cause enormous loss to western producers.

R. C. SANDERSON,
Secretary Saskatchewan Grain Growers' Association.

I received another telegram about the same time, which is as follows :

Indian Head, Saskatchewan,
July, 6, 1908.

Sir Richard Cartwright,
Minister Trade and Commerce, Ottawa.

Senator Davis amendment would be catastrophe, increase quantity smutty wheat grown destroy confidence of buyers, lower price for higher grades as removing smut from crevice of kernel impossible. Important such wheat milled alone and presence known to miller slight brushing scarcely detectable.

JOHN MILLAR,
Chairman of Royal Grain Commission.

Now, this is a question for experts, and I am obliged to take the advice of those who have been bestowing a couple of years work in endeavouring to get at the real merits of this question, and of the officials under my department, who have handled hundreds of millions of bushels of grain and whose certificates I am glad to say are received to-day with the greatest possible confidence in the Liverpool market. I have no doubt myself of two things; I have no doubt the quantity of grain that could by any possibility be treated and under any pretext be put into high grades is almost infinitesimal. I am perfectly certain from information I have received from Inspector Horne and others, that only a minute quantity could find its way into the higher grade, and I am perfectly certain of this, speaking from a tolerably large experience of matters connected with English trade, that if it should become known to English purchasers that smutty grain, under any pretext whatsoever, is admitted into our high first-class northern grades, it will appreciably injure the price of that extremely valuable product in the English market. This is a matter of considerable importance to all producers in western Canada. This country possesses an extremely high quality of grain, unsurpassed, I believe, in the world, and only equalled by the product of a very small number of places. If you destroy the high reputation of our wheat; if you prejudice or affect it in the slightest degree, you cannot place a limit to the mischief you will do. All over England, and to a certain extent over Europe, the Winnipeg inspection of No. 1 Northern is sought for, for the purpose of blending, more and more every day, and so long as I remain Minister of Trade and Commerce, and I believe so long as my present chief inspector remains chief inspector, we shall do our utmost to see that the high reputation of western grain is maintained, and shall take exceedingly good care, even if this amendment did pass, that a very small portion of smutty wheat shall get into No. 1 Northern. I shall oppose the amendment of my hon. friend.

Hon. Mr. DAVIS—I made the statement that I have been misrepresented. The right hon. Minister of Trade and Commerce has read telegrams and judging from the wording of them the writers have been misled. Those telegrams say that I want to put smutty wheat into the higher grades. I have already said that I have no such intention, and my motion does not call for anything of the kind. What we want is that the grain shall go into the grade the inspector thinks proper. We have to accept the grading of the hon. gentleman's officers for one hundred and twenty-five million bushels, and my hon. friend has not confidence in his inspectors to let them grade the balance.

Hon. Sir RICHARD CARTWRIGHT—The question is not whether I have confidence in the inspectors, but whether it is prudent to put on the statute-book a clause which may, under certain circumstances, permit inferior grades to be mixed with superior grades. While I have the strongest possible belief that my present chief inspector will take exceedingly good care that smutty grain does not find its way into No. 1 Northern, I do not want to put temptation in the way of others who may not have the same high standing and experience that Mr. Horne possesses. Although I have not

grown much wheat, I have been proprietor of more than one grist mill for years, and I know quite well that this talk about the extreme indisposition of parties to put indifferent grain with good grain is a little overstretched. The reports of our inspectors also show that even such extremely honest people as the farmers of the west have sometimes mixed grain which had no right to be mixed in the samples brought to the notice of the officials. The point which I wish to impress on the House is this: you have to-day one of the best known high grades of wheat in the world. It has proved itself over and over again, and it would be the height of improvidence, for the sake of an exceedingly small percentage of inferior grain, to allow that high character to be degraded, and I for one shall oppose that to the utmost. The hon. gentleman wanted to know how these people in the Northwest came to send these telegrams—where they got the information on which they were based. I do not know; they sent the telegrams of their own motion.

Hon. Mr. DOUGLAS—I spent some days in the consideration of the whole question in committee, and have endeavoured to do my duty in connection with this matter. I have taken a very deep interest in the important question of grading grain, and I do not hesitate to say that my judgment on the subject to-day has the confidence of the people of the west. In reference to grading grain and keeping up the standards, I have endeavoured to do my utmost to keep up high standards so as to secure confidence in the British market. Some hon. gentlemen may say it is very strange that an hon. member should be found in the position of supporting this amendment after having for so many years advocated high standards. I do so, because I do not believe this motion has so much to do with the lowering or raising of standards, as it has to do with the party who receives the money for wheat that has been doctored at the lakes in the 'sick hospital,' as we used to call it. Who is the party to be benefited by it? This amendment makes it possible for a producer to ship his grain to the doctoring elevator at the lakes, and have it cleaned and treated, and afterwards put into whatever grade the inspector, in his judgment, may decide to place it. We do not ask to mix it with the high standards; we leave it with the inspector to say how it shall be graded. Then who is to get the benefit? Not the dealer or the trade at Winnipeg, but the man who produces the grain and pays the expense of having it treated and graded. He gains ten cents a bushels that he would otherwise lose. It is in the interest of the farmer financially. Certainly the trade will look after the standards. That is why we have this bitter opposition to the motion. Where has that grain gone for the last 20 years? I remember the discussion we had about the cleaning elevator at the lakes. Many of us thought it was not proper to put smutty grain along with grain of higher quality; but we had the trade then advocating strongly the maintenance of that elevator, and it has continued all these years doing the same work. The grain, after being scoured and brushed and dried and fitted for the market, was put where? Was it always in a grade separate by itself? Was it No. 1 or No. 2 or No. 3 Northern? God only knows where it went, but it went into the market, and the profits went into the pockets of the trade. We propose this change in the interests of the people who own the grain. I am no advocate of growing smutty wheat. With the proper use of formaline, or bluestone, it can be prevented; but we have it now and will have it for years to come. We have a large incoming population who are not skilled in agriculture in the west. Even the farmers from Ontario have a great deal to learn owing to different climatic conditions. We cannot expect for many years to educate these people so that we shall not have this continued trouble about smutty grain. The fact is we have it. In this whole discussion, the producers have not received the consideration they deserve. While there are honest men engaged in the grain grade, I cannot say they are all honest men. They have a reputation, and they have earned it and the country understands why, and it is not for us to legislate for the 'four hundred,' in the face of the entire country. The money invested in the grain trade by the grain exchange is a bagatelle in proportion to the amount of money in-

vested in the raising of grain in that great country, and we cannot afford to turn a deaf ear to the opinions and views of the producers. The right hon. gentleman in charge of this Bill has read two telegrams to the House. I can tell him something about them. Mr. Miller, who sends one of them, was on the Commission. I never believed he was a proper man to be there, and when the officers of the association were elected, his name was never mentioned in connection with any office in the Grain Growers' Association. That shows us plainly that his opinion is counted of very little worth in the estimation of the Grain Growers' Association and the farmers generally. Why is it, the grain growers sent a deputation down here to wait upon members of the government and of the two Houses and look after the interests of the farmer? They selected men of intelligence, with a knowledge of the interests of the farmer, and who have the confidence of the people and are office bearers in the Grain Growers' Association, while the man who fathered the telegram that has been read to us, has no standing in that association to-day and could not be elected to any office. So the telegram is of very little value. We are not advocating a change in the grade or seeking to destroy the reputation of our grain, but we want to give the grower of the grain everything he can get that the trade will allow, and we leave it to the judgment of the inspector to say how the grain shall be graded. Why are these gentlemen so energetic in opposing a motion that simply protects the rights of those who grow this grade of grain? It is because they are personally interested, and are seeking and advocating their own interests. With reference to the statement made by the leader of the House yesterday, and his statement to-day, it was misleading. It certainly misled me. I was in the House yesterday and had all my papers relating to the grain Bill on my desk ready to do my duty. But the statement made was, so far as I understand it, that the right hon. gentleman in charge of the Bill was not in the city, that he had gone to Kingston the day before and we were not informed —at least it never reached my hearing—

Hon. Mr. DOUGLAS.

that possibly he would be present at five o'clock and that the Bill might go on. If five o'clock had been mentioned in my hearing I would not have left the room. I left the Chamber, not for pleasure, but to do business with the department. I daresay I shall be told that I had no right to leave, but the Bill under discussion at the time affected legal questions in connection with railways and I thought I could be spared to attend to these other matters. Had the statement been made that the Bill woud be gone on with at five o'clock I should have been present. I do not ask anybody to make an apology for me on account of my absence. I was grievously disappointed to find that the measure had been so treated that we had no opportunity to give expression to our views. I feel that we shall be sustained when we go back to the country and that the people of all the western provinces will say we have done our duty. It is a general question affecting the general public and they will have a grievance to ventilate.

Hon. Mr. WATSON—I am in entire sympathy with the move made by the hon. gentleman in charge of the Bill in reversing the decision this House arrived at the other day, by striking out the clause moved by the hon. gentleman from Saskatchewan, because I believe it would be very detrimental to the grain trade to have any provision in the measure which would allow an inspector, under any pretext, to put unsound grain into higher grades. I do not know that I can claim to be such an extensive farmer as my hon. friend from Prince Albert, but I have lived in the west for 32 years. From the very inception of the inspection Act for Manitoba wheat I have taken a lively interest in the question, having started on it in the House of Commons in 1883, and by years of continuous work, I think some six or seven years ago we succeeded in forming standards which have been looked upon as the standards of western hard wheat from that date. These standards have become established throughout the whole world. They have been referred to by the Minister of Trade and Commerce, as being the proper standing on which to put our wheat before the markets of the world, where it is used for blending

purposes and brings the highest price of any wheat in the market. For these reasons, I viewed with a great deal of alarm the action of the hon. gentleman from Prince Albert and the majority of this House in committee in amending the Act by providing that smutty wheat should, under any pretext, be placed in the higher grades. The hon. gentleman who opened the debate to-day states that he had no intention of placing unsound or smutty wheat in these higher grades. All I have to do is to read the amendment which he proposed, and which was adopted by the committee, to show what it means. The hon. gentleman did not make any distinction in that amendment between smutty wheat and rejected wheat. The amendment does not bear the construction which he seeks to place on it to-day—that it is only the higher grades of No. 1 rejected, that he seeks to put back in the higher grades; but it is dried and rejected wheat, which means that wheat which may be damp and smutty, if properly treated, may be put into the higher grades by the inspectors. I have every confidence in the chief inspector of grain in the west to-day, and I venture to say that under no circumstances would the chief inspector put that class of wheat in No. 1 or No. 2 Northern, nor would he permit his inspectors to do so if he had absolute control over them. For that reason, such wheat would not find its way into the higher grades. I do not know whether my hon. friend is aware of it, but my information is from the inspector himself, that those very grades which he speaks of as being No. 1 and No. 2 rejected are graded in a separate grade by the inspector, and a certificate is issued on them as scoured wheat, No. 1 and No. 2, which must in the market bring what it is worth. I am rather surprised at the hon. gentleman who has just taken his seat. He rather scoffs at the idea of me making this statement. He made the statement across the floor of this House the other day, that he believed smutty wheat was diseased wheat, and that under no process could it be made into sound wheat. How could he approve of permitting the inspectors to place unsound wheat into the higher grades? I venture to say the largest milling companies in Canada or the United States who have any regard for the flour they manufacture would not take damp, scoured, or smutty wheat into their mills and grind it if they got it for nothing. I am satisfied that I am correct in making that statement, because, while I may not be an extensive farmer, like some other hon. gentlemen I have farmed and milled wheat and manufactured flour, and know what I am talking about. I have handled smutty wheat in the mill. I am to be branded as one of the bad, bold men who try and pervert legislation in the interests of the wheat trade in Canada. I am not now engaged in milling and handling wheat; I am interested in growing wheat, and I think that I am speaking in the interests of the grain growers of the west, and I believe I am supported by a great many of them in the stand that I take. The hon. gentleman who took his seat referred to the telegram of Mr. Miller. I think he was selected by the government as being a fit and proper person to sit on the commission. When he was appointed, he was secretary of the Grain Growers' Association of Saskatchewan, I believe. Is that not so?

Hon. Mr. DOUGLAS—He could not be elected to that position to-day.

Hon. Mr. WATSON—If the grain growers see fit to change their minds it is their business, but Mr. Miller was elected to that position. Nothing has been said about the person who is at present secretary of the association, who sends a telegram and condemns the action of the Senate in placing that clause in the Act. I consider that of sufficient importance, that while there are other changes in the Inspection Act, which it is considered advisable to have placed on the statute-books, I think the minister who has charge of the Bill, rather than have it appear on the statute-books with that amendment which was adopted on the committee the other day, would prefer to drop the whole Bill. I believe it would be a most dangerous provision and would not benefit the farmers of the Northwest. The statement was made by the hon. gentleman from Assiniboia that the farmer would benefit by this because if he had wheat slightly smutty,

he could ship it down to Port Arthur and have it treated and in that way gain ten cents a bushel. Mr. King will tell him that he cannot take one or two cars of anybody's wheat and treat it separately in that elevator. If anybody gets the benefit of the cleaning in the elevator, it is the grain dealer and not the farmer.

Hon. Mr. DOUGLAS—The dealer has always the advantage.

Hon. Mr. WATSON—If the hon. gentleman will ask Mr. King if he can ship two or three cars of wheat to his elevator for treatment he will find that Mr. King cannot treat that wheat and give him back his individual wheat. If that is the case, what advantage is it going to be? There is not a farmer in this House or a farmer from the west represented here, who is a good farmer, who grows smutty wheat. We should penalize any man for growing smutty wheat. The hon. gentleman from Wolseley grows probably from 15,000 to 20,000 bushels a year, and he does not grow smutty wheat. He does not have to grow it, because he takes precautions to treat his seed properly, and of course there is then no necessity for growing it. Why should the hon. gentleman from Wolseley take the chances, because the farmer next to him may be careless, and may not treat his wheat, to have his wheat placed in the same bin with his neighbours' smutty wheat simply because it is being scoured and treated? Under no circumstances should we place an Act on the statute-book to permit of unsound, diseased wheat being placed in a high grade. For those reasons, I strongly support the views of the hon. Minister of Trade and Commerce who has charge of the Bill. I suggested the other day that the hon. gentleman from Prince Albert should not insist on having a clause of that kind placed in the Bill; that he should rather make provision in the Inspection Act to have a grade for it, No. 1 and No. 2 scoured wheat. If this wheat is in demand, the purchasers of wheat will very soon find out what it is worth. If he wants to take chances to get low grade flour out of smutty wheat, I have no doubt he can get a grade out of the scoured wheat that will manufacture as much to the bushel as out of No. 1 or No. 2 Northern; but you cannot get the quality, and no miller will take the chances to put any of that wheat into a good brand of flour. But if he wants to grind a low grade flour he may buy that wheat. If he finds he can get that quality of wheat to make a large yield of flour per bushel, he can buy it and get it established as a grade for scoured wheat; but do not permit any inspector to place diseased wheat into the grade for sound wheat. I venture to say it would affect our markets if it were known. The importer of wheat in England will know what our Inspection Act is. Our inspection has become established, as far as the quality is concerned, for the last five or six years. Our standard is known now; it has an established value, and if these men who were importing wheat understood they were to run the possible risk of smutty, rejected and unsound and diseased wheat being placed in No. 1 and No. 2 Northern, they would hesitate about taking our wheat as they take it to-day. At present we do not leave it to the inspector. It has been stated by some hon. gentlemen that the inspector is the man who is responsible. We have confidence in our inspectors, but if you permit by law that wheat being placed in the grade it will lower the standard. We do not allow our inspector to have a roving commission. We have our grades established in the statute. We do not say that the inspector, however good he may be, may state what is No. 1 Hard and what No. 2 Northern. We say No. 1 Hard shall be sound wheat weighing not less than 60 pounds to the bushel. and having 85 per cent of the variety of Hard Red Fife wheat. We say that Manitoba No. 1 Northern shall be sound, well cleaned, weighing not less than 60 pounds and shall be composed of not less than 60 per cent of hard Red Fife. We do not allow the inspector to say what kind of grain will grade No. 1 Northern or No. 1 Hard. We give specific instructions that wheat has to be sound in all cases, and it has to have a percentage of the variety known as hard Red Fife wheat. Would it be right to say, because you say it is in the discretion of the inspector, that he should be permitted to put scoured wheat

into No. 1 or No. 2 Northern? It cannot be graded any higher than No. 3 Northern. But the inspector can see fit to mark on the certificate, No. 1 and No. 2 scoured wheat, so that if the miller wants to buy that grade of wheat he can buy it to-day. I would not object at all to see an amendment to make a defined grade of No. 1 or No. 2 scoured wheat, if that would satisfy the hon. gentleman, but I say under no circumstances should we permit any inspector to put scoured, diseased, smutty wheat which has been damp and smutty into the higher grades of wheat. Every hon. gentleman who knows anything about wheat, is aware that damp, smutty wheat, I care not what process you put it through, can never make sound wheat. I fully agree with the hon. gentleman from Assiniboia when he said it was not possible to take the diseased wheat by any process and make it sound wheat, and for that reason I am surprised that he is in favour of allowing the inspector to put the diseased wheat into the higher grades of wheat. It would do immense harm. Now that we have established grades let us retain them. There is no evidence that any one is suffering under present conditions. It would be impossible for a farmer to get two or three carloads of wheat treated at King's elevator and made sound wheat. If this is the case, who is going to benefit by this amendment? The grain dealer, the bad bold man, to whom we refer. We should not look on the grain dealer as being the enemy of the farmers. The grain dealer is just as important to the wheat trade of the west as the man who grows the grain. We are surrounding this trade with conditions which, we think, will make the inspector give everybody a square deal; but do not let us do anything to deteriorate the standard of the grades which we have established, which are known throughout the world to-day, and let us not permit any inferior grade to be mixed with the higher grade.

Hon. Mr. PERLEY—I shall vote to have this Bill referred back to the committee for the purpose of submitting an amendment such as the hon. gentleman from Portage La Prairie has suggested, that is, that scoured wheat shall have a grade by itself, and a bin to itself. I am interested in this matter, and I am glad the hon. gentleman has given me credit for being personally interested, because we have been raising a large quantity of wheat on our farm, and I am interested that the identity of the Hard Fife wheat should be preserved. No man in this House or in the country has been more strongly in favour of keeping up a higher standard grade of wheat than I have, and I think they lowered it when they put the percentage of Hard Red Fife down to 75 and 65, and then call it No. 1 hard and No. 1 Northern. It is quite important we should preserve the highest grades for our wheat, so that it will command the best price in foreign markets. It is known by its grade. I remember the time when we graded it by samples. Farmers selected the very best sample they could obtain, but they could not possibly maintain that grade, because the grain in the sample would be higher than the quality of grain they furnished. We are now selling it by grades. I quite concur in the statement made by the hon. gentleman from Portage La Prairie, that the farmer is associated with the buyer. On the Perley farm, between my son and the tenants, we will raise between 50,000 and 60,000 bushels. We could not sell it in the foreign market. We must have the grain dealer and the inspector. That is important to the business but while we recognize that the dealer wants a fair deal, we do not want the farmer to lose too much by it. I am opposed to having smutty wheat mixed up with No. 1 or No. 2 Hard Fife. This clause is a little ambiguous, and I would suggest an amendment in this way; that the wheat that has to be treated can never occupy the same high standard as a wheat that does not require to be treated, and I would add a few words to the clause providing that such wheat shall be graded by the inspector, and shall be placed in a special bin. That would do away with all the trouble, and there would not be any doubt about government officials doing their duty. If the House will make an amendment to this clause of the Bill, it will answer the purposes of the country. The farmers do not want to have their smutty wheat mixed up with the higher grades of wheat. We believe we

have a good article, and want to preserve its identity, so that we can obtain a high price for it. They are afraid now. Personally, I do not see the reason for fear; I have no fear, because I have more respect for the grades. I do not think that wheat which is treated properly should go into the higher grades, although Mr. King told me that after wheat had been treated properly it was as good as wheat which had not been treated—that he could take out all the bad part, the smut. The wheat will then weigh more to the bushel than before, and I do not see why that would not be the case. If they take the smut off the bran, where the smut is, there can be very little smut left in the kernel.

Hon. Mr. WATSON—Does the hon. gentleman think it possible to treat wheat that is damp and smutty by any process to make it sound?

Hon. Mr. PERLEY—No. I have said that Mr. King told me he could take smutty wheat, which is often dry wheat, and properly treat it so that it would be as good as No. 1, but I do not propose to take that risk. I am willing to keep the good wheat separate from that which has to be treated in order to make it good; but here is where the difficulty would come in. If this wheat is made nearly as good, and is sold at ten or twelve cents a bushel less, the millers can buy it away down at the low price, and mix it and grind it, and get the best price for it—that is where the objection is to having the smutty wheat graded with anything else.

Hon. Mr. SULLIVAN—Would you give us a definiton of what you mean by smutty wheat? Smutty rye is generally the conversion of the grain into a very dangerous poison, but that is not wheat. If it is the same with the wheat as with the rye there should not be a word about it. It is a powerful poison, and people using it would be seriously diseased.

Hon. Mr. LOUGHEED—Seagram's or Gooderham's?

Hon. Mr. PERLEY—There are certain heads of wheat that are smutty and when broken they create a dust that mixes with and covers over the other grain. I do not know about rye. I never had to do with rye.

Hon. Mr. FERGUSON—There is no poison connected with smut in wheat.

Hon. Mr. PERLEY—I do not wish to do anything which will have a tendency to interfere with our high standard of wheat, but in order to remove the doubt and take the responsibility from the graders, I would make a grade specially for this kind of wheat, and the parties selling it would sell it for what it is worth and they would know what they were selling and the buyer would know what he is getting. If the Bill is referred back to the committee, I will move an amendment to make it plain.

Hon. Sir RICHARD CARTWRIGHT—If my hon. friend will send me his amendment I will have the matter considered; but I cannot take upon myself the responsibility of accepting amendments which I have had no opportunity to consider. Possibly, if the amendment be such as the hon. gentleman describes, I may be able to arrange to have it introduced in the other Chamber. I would have to delay the whole process to adopt it here, and it is too late to do that now. I may say to my hon. friend, that I recognize fully his long experience and his right to be heard on this matter, and if he had sent this amendment to me at an early period I would have given it every possible consideration. I will undertake that the queston shall be considered.

Hon. Mr. McHUGH—I have followed this discussion very closely, in the hope of being able to come to a correct conclusion as to how I could cast my vote in the event of a vote being taken. I have heard the hon. gentleman from Prince Albert, and the hon. gentleman from Assiniboia speak from the grain growers' standpoint on the question. I have also heard the discussion by the hon. gentleman from Portage La Prairie, and the hon. gentleman from Killarney, and the hon. gentleman who has charge of the Bill. I must say that there is considerable difficulty in the minds of those who are not western men, and have not had practical experience in dealing with these matters. I have had considerable to do with agri-

culture in Ontario, and I have had to speak somewhat as to how it strikes me from the standpoint of an Ontario agriculturalist. We had smut in our wheat there years ago, and we had to deal with it; but we had not wheat standards by law as we have now. We sold the grain on sample when it went to the market; but when I heard the hon. gentleman from Assiniboia and the hon. gentleman from Prince Albert say that they would accept the inspection by an inspector to put it where it belongs, it struck me as reasonable and fair. I do not think any inspector could be got to put an inferior grade into a superior grade, and then to say the superior grade still remained. I do not think that would be possible, and any inspector who would do a thing of that kind would be exceeding his duty, and hon. gentlemen discuss the question here as to the danger that might arise in allowing the inspector such latitude. Some weak inspector may ruin the standard of an inspection by such a method. Some hon. gentlemen have spoken from the grain growers' standpoint, and others have spoken from the grain dealers' standpoint, one urging one thing and one the other. From the grain dealers' standpoint, they compel the inspector to put the grain into a lower grade than it should be. They would not have it put in a higher grade. To put it into a lower grade is, I think, an injustice to the farmer, and the true solution was struck by the hon. gentleman from Wolseley and the hon. gentleman from Portage La Prairie, that there should be a special grade for that wheat, and when there is a grade established for it, very soon the grain dealer will get to know what the value of the grain is; if it is more valuable than No. 3 Northern, they buy it on the value of the standard it has made for itself, and I think that is the true solution. I am glad to find the right hon. gentleman in charge of the Bill, state that he will bring this point before whoever will have charge of the measure in the other House, and if they come to the conclusion that that is the best thing to do with it they will have it accepted there. From my experience in the matter, and from the way I have looked at it, from following the argument as closely as I can, I think that is the true solution of the difficulty, and I hope my hon. friend from Prince Albert will accept in good faith the statement made by the right hon. gentleman in regard to having the amendment made in the other House by establishing the grade asked for. There is one class of smutted wheat that I understand can be cleaned; that is, that which can be cleaned with the dry process by brushing alone, and such grain will come out superior in value to No. 3 Northern. To put that in a grade with No. 1 rejected would be unfair to No. 1 rejected, because they are two different qualities altogether. There is that quality which can be cleaned by the dry process, and the other cannot be cleaned, because the defect gets into the grain. I think the proper solution is to have No. 1 and No. 2 rejected smutty grades.

Hon. Mr. WILSON—Under the circumstances I feel it necessary to explain the reason why I shall vote in the manner in which I am about to vote. We find the hon. gentleman promoting this amendment, the hon. gentleman from Prince Albert, advocating one view. We find he is supported by another hon. gentleman holding a similar view. We find an experienced man, one who has been engaged for years and years in the business, is not in sympathy with the other two hon. gentlemen who are advocating the adoption of this amendment. Now, I do not pretend that I understand the grading of wheat; I am therefore in a quandery. Here are three or four farmers expressing entirely different views. I understand my hon. friend from Manitoba is advocating a certain thing, and he is a farmer too. They talk about smutty wheat. I know what smutty wheat is. I know what fungus rye and fungus corn are; but whether they are as objectionable as fungus wheat I cannot say. However, I feel that the government is responsible for this Bill. I feel that if they are carrying an improper measure through, thereby injuring the farmers of the Northwest, upon them be the responsibility, and if the country objects to the measure as introduced by the right hon. gentleman, they will make representation to him and he will try and rectify the wrong if there be a wrong committed. I shall therefore feel myself bound, with-

out any regrets, to support the measure as introduced by the government of the day.

Hon. Mr. POWER—I am not presumptuous enough to undertake to say anything on the merits of this question. My sentiment with regard to the measure, whatever it may have been before, is very much the same as that expressed by the hon. gentleman from Lindsay. But I wish to make a short statement with respect to what has taken place, and the position of the matter before the House. I was in my place yesterday, and listened attentively to what took place here with respect to this measure. The hon. leader of the House stated that some hon. member had told him that the right hon. Minister of Trade and Commerce was out of the city. The hon. Secretary of State did not contradict that, but I understood him to intimate that the Minister of Trade and Commerce might be back in the Chamber before the sitting of the House terminated, and in dealing with this order of the day the hon. Secretary of State asked that it should stand over so that in case the right hon. Minister of Trade and Commerce returned to the House, it could be then taken up. That suggestion of the hon. Secretary of State was accepted by the unanimous assent of the House. There was no dissent, so I think the hon. senator from Prince Albert is not justified in the observations he made on that particular point with respect to want of courtesy. I must say that while senatorial courtesy is a very good thing, on the other hand there are other things to be considered. The condition of the public business is a matter that concerns the House, and it was the duty of the hon. senator from Prince Albert to have remained in his place and be prepared to deal with the question when it came up. Now, with respect to the present position of the question, we had a vote yesterday and the amendment moved by the senator from Prince Albert and which I had supported was eliminated from the Bill in committee. Another slight amendment was made with respect to the time when the Bill should go into operation. Now, the senator from Prince Albert moves that this Bill be sent back to the committee. At this stage of the session, it would not be fair, in the interest of the public, to send the Bill back again to a Committee of the Whole and thus defer its final passage here by at least two days. It is our duty now to pass the Bill in the way in which we wish to have it, but not to send it back to a Committee of the Whole. If the amendments which have been discussed meet with the approval of the other Chamber, who are at least as much responsible to the farmers of the Northwest as the members of this House are, well and good; we shall accept the decision of the other Chamber; but I do not think we should further delay the progress of this Bill through parliament. If the senator from Prince Albert feels that the sentiment of the House is really with him he can test that sentiment without referring the Bill back to a Committee of the Whole. The motion before the House is that the House concur in the amendments made to the Bill in the Committee of the Whole yesterday. All that any hon. gentleman who does not wish these amendments to pass need do is to move that they be not concurred in, and if the House decides not to concur in the amendments, the Bill will be in the same position it was in when it was sent to the committee yesterday, and it will go down to the House of Commons embodying the amendment which the senator from Prince Albert secured at a previous date. I thought it only right to give the reasons why I do not propose to vote for the amendment.

Hon. Mr. DAVIS—Everybody knows the reason.

Hon. Mr. BERNIER—To give the House an opportunity of considering the amendment proposed by the senator from Wolseley, I shall move as an amendment to the amendment——

That the Bill be not now read the third time, but that it be referred back to the Committee of the Whole to consider the making of a grade for No. 1 rejected wheat.

Hon. Mr. POWER—The Bill is not at the third reading stage.

The SPEAKER—If the motion to refer back the Bill to a Committee of the Whole

should be carried, the hon. gentleman could move his amendment then.

Hon. Mr. POWER—No, because the Bill is being referred back for a special purpose.

The SPEAKER—At all events, if the amendment is defeated the hon. gentleman may move his motion in turn.

Hon. Mr. BERNIER—I would like to change the amendment to read :

That the report be not now concurred in, but that the Bill be referred back to a committee of the whole in order to provide a grade for No. 1 rejected wheat.

Hon. Mr. SULLIVAN—I do not see how you can grade wheat if it is diseased.

Hon. Mr. DAVIS—The sub-amendment deals with the same question as the amendment. It would be hard to separate them. During the discussion of this question, some hon. gentlemen have expressed the opinion that perhaps it would be better to make a special grade for this wheat. Provision has already been made for a grade of bleached wheat, and I am under the impression that most of this would go into that grade. When hon. gentlemen talk about smutty wheat and damp wheat they are simply trying to misrepresent what I have been stating to the House. We do not propose to deal with that class at all but if it is the wish of my hon. friend from Portage La Prairie (Hon. Mr. Watson), opposed to the farmers' interests, who seems to be the master spirit in this House that we should have a grade made, I do not object, because it will assist the farmer. I am always prepared to take half a loaf in preference to no bread.

Hon. Mr. BELCOURT—Even if it is smutty.

Hon. Mr. DAVIS—The right hon. Minister of Trade and Commerce in answer to my question, why when we are prepared to trust the inspectors with the grading of one hundred and twenty-five million bushels he is not willing to trust them with the grading of one million bushels of smutted wheat, said in reply that he did not wish to put temptation in the way of the inspectors. If they can be tempted to do wrong with one million bushels of wheat, they would be tempted to do wrong with one hundred and twenty-five million bushels. I remember before hearing such an argument, that a man would be honest in dealing with one hundred and twenty-five million bushels, but dishonest in dealing with one million bushels. The hon. gentleman read some telegrams. It would be interesting to see the telegrams that were sent to those gentlemen in the Northwest.

Hon. Sir RICHARD CARTWRIGHT—I have told the hon. gentleman that no telegrams were sent.

Hon. Mr. DAVIS—I did not accuse the hon. gentleman of sending telegrams, or of having any knowledge of the telegrams that were sent; but I have a shrewd suspicion that telegrams were sent without the knowledge of himself or perhaps of his friends around him. The very fact of the telegrams saying that the Davis amendment wants to put smutty wheat into the No. 1 grade, shows that information must have been sent to mislead the writers of those telegrams. The telegrams have no bearing on my amendment. As to the standing of those gentlemen in the agricultural community, I have never heard much said about Mr. Saunders; but I know as a matter of fact the farming community have very little confidence in Mr. Miller. Why he was put on the commission I do not know. I understand it was because at the time he held a position in the Grain Growers' Association, but I have never heard any one say that the farmers had confidence in him. I have stated that I want to get all I can for the farmer, and, as the hon. gentleman from Portage La Prairie suggests that my amendment be changed, I am willing to change it to meet his view. I would be willing to go further and accept the proposition of the hon. senator from Lindsay and the hon. senator from Portage La Prairie if they will do anything at all for the farmer; but the right hon. gentleman in charge of the Bill wants us to send this Bill to the other House in its present shape, promising to consider my resolution. I have made three or four suggestions, all of which have been treated in the same way—I have been told they would be considered in the

other House, but they were not given any consideration here. In discussing one of those amendments with the parties concerned, there was not a word against it. I fancy it would be the same thing in this instance. We are complaining all the time that we have not enough work to do in this House. We adjourned over Saturdays and Mondays, and from time to time. As a matter of fact, the principal part of our time is taken up with adjournments.

Hon. Mr. DOMVILLE—Yes; but when we come down with a proposition to improve legislation in the interests of the taxpayers, we are told to let it go to the other House. The other House is overburdened with work, and any amendments to be made to the Bill should be made here. My hon. friend from Portage La Prairie has told us that he is a miller and knows a good deal about this amendment of mine, but he and the hon. senator from Lindsay say they are prepared to do a certain thing. Now, I am willing to accept their suggestion, and it would not take much time to carry it out. I leave it to the hon. gentlemen to do what they suggest.

Hon. Mr. ROSS (Halifax)—For a time I was rather perplexed as to how I should vote on this question. If this were a matter relating to the inspection of fish, after my 26 years experience among fishermen, I woud be as good an authority as the right hon. gentleman who has charge of this Bill. I was rather impressed yesterday with the representative of the farmers, a man in the local House, a sturdy honest Englishman, and I am happy to say there are such people in this country as honest Englishmen. He came down here representing the farming interest and his own constituency. The opinion of that man and of other practical men is worth a good deal, and, therefore, I have decided to vote for this amendment. It is favoured by practical farmers whose interest is that their wheat shall classify the highest grade in the British market. The interests of the farmers are better represented by farmers than by anybody else, and, therefore, I feel it my duty to support the amendment.

Hon. Mr. WATSON—If the suggestion I made to the hon. senator from Prince Albert had been offered three weeks ago, we would not have had this trouble. He says he has no objection to having scoured, smutty wheat put in with bleached wheat. I have as strong an objection to putting smutty wheat in with bleached wheat, as I would have to putting it in with No. 1 or No. 2 Northern. Everyone knows that bleached wheat for milling purposes is as good as No. 1 Northern. The amendment moved by the hon. gentleman from St. Boniface would have no sense in it at all.

Hon. Mr. BERNIER—Hear, hear.

Hon. Mr. WATSON—The hon. gentleman should explain what he means by a No. 1 rejected. He does not say whether it is scoured wheat, smutty wheat, damp or bleached wheat, but simply No. 1 rejected.

Hon. Mr. DAVIS—He says he wants to make a proper grade for No. 1 rejected wheat.

Hon. Mr. WATSON—I suggested a grade the other day for No. 1 or No. 2 scoured, because treated wheat is known as scoured wheat. I am interested in this Bill going through. I am in favour of making a grade for scoured wheat, but we should not delay the Bill, because there is a conference going on now and has been going on for some days in the minister's office over this measure and the Grain Bill passed two or three weeks ago, and my hon. friend knows that it is the intention of the Minister of the Interior to have those two Bills go through concurrently, and it is quite possible that there may be a consolidation of the two. I believe they should be consolidated.

Hon. Mr. DAVIS—Has the hon. gentleman the minister's authority for saying that the Bills will be consolidated ?

Hon. Mr. WATSON—No, but I believe they should be. It would be better than to have two separate Bills. I believe that as a result of the conference that has been going on for some time over those Bills, that an agreement will be reached to have grades known as No. 1 and No. 2 scoured wheat. If that is the case, what is the use of holding the Bill up here?

Hon. Mr. DAVIS—The Bill should have been put through quicker by accepting my amendment than in any other way.

Hon. Mr. WATSON—No, because the hon. senator from Stadacona would raise a point of order and block it as he did yesterday.

Hon. Mr. DAVIS—When nobody was here to oppose it.

Hon. Mr. WATSON—The hon. gentleman was not here; but he should have been here attending to his business, and the explanations made here by the hon. Secretary of State, which have been commented on to-day as a reflection upon the Minister of Trade and Commerce for his conduct yesterday, is entirely uncalled for. The hon. Secretary of State said that the Minister of Trade and Commerce was not here, but he expected he would be here before the House rose and he would take up that Bill.

Hon. Mr. DAVIS—The hon. gentleman will not find that in the 'Debates.'

Hon. Mr. WATSON—If the hon. gentleman had been in his place he would have heard that statement made by the hon. Secretary of State, but evidently he was not here when the Bill was called. It would be a mistake to hold up this Bill. It is important to have it pass this House before the conference which is now going on ends, and have the two Bills go through the House of Commons concurrently. I hope an effort will be made to consolidate the two Bills in the House of Commons and for that reason I oppose the amendments. The conference is attended by all parties interested, and they are trying to arrive at the best possible solution of this matter and have the best possible legislation on the statute-book. For that reason, the Senate should pass this Bill and send it to the House of Commons where it can be dealt with along with the other Bill.

Hon. Mr. SULLIVAN—The reason I support the right hon. gentleman's contention is because smut is a disease. I find on looking at the Century Dictionary that it is a fungus, and how you can take diseased grain and put it with other grain and make a first-class grade I cannot understand. It is spread not from plant to plant, but from seeds, and the way to prevent it, as laid down by the United States government, is to have clean seed, sow it in clean ground and have it well covered. In the whole of this debate I did not learn as much on the subject as I learned in a few seconds from this book.

Hon. Mr. BERNIER—I want to thank the hon. gentleman from Portage La Prairie for the courtesy he has shown me, and to say also that the only object of my amendment is to give the House an opportunity to consider the suggestion of the hon. senator from Wolseley, with which I was favourably impressed.

Hon. Mr. McHUGH—I accept in good faith the statement made by the right hon. gentleman in charge of this Bill, and, knowing his desire to get it put through the House as speedily as possible, I think we should pass the Bill without further amendment. He has promised that the proposed amendments will be fairly considered, and if the other House think well of them they will be incorporated in the Bill; if not there is no use in putting them into the Bill here. I make that statement in justification of the vote I am about to give.

Hon. Mr. LANDRY—The right hon. Minister of Trade and Commerce takes a rather strange position. A member of this House moves an amendment. The promoter of the Bill says: 'Your amendment may be very good, but as I do not understand it we will send it to the other House, and it will be taken into consideration there. Are we here to study the questions submitted to us, or are we to send them to the House of Commons to be considered if we do not understand them ourselves? Is it for that we were made senators? I do not see why the minister should stand up and say we are in too great a hurry to consider an important question, and so we must railroad the Bill through this House. It is a monstrous proposition which we should not accept. We should be able to consider the amendments ourselves, and discuss the Bill so that we may understand it.

Hon. Mr. POWER—We have discussed it at considerable length.

Hon. Mr. LANDRY—The more we discuss it, perhaps, the less the hon. senator from Halifax will understand it. That seems to be the conclusion we are to draw. The hon. senator from Kingston only now understands the question, and it is not because of explanations given by the minister, but because he went to the library and consulted a dictionary and found out the meaning of the words we are using here. He says smut is a poison, and we should not put the people in danger. But I would suggest to him that it may be a fungus or a disease without being poison. The proposition of the right hon. Minister of Trade and Commerce should not be acecpted. We should go into committee and study the amendments, and, if we find them good, accept them; if not, reject them. It is a part of our duty, and we should not rely upon others to discharge that duty for us. The hon. member from Portage La Prairie said he was astonished that I should have risen yesterday and made an objection to the proposition offered by the promoter of this Bill. In doing so, I was doing my duty, and I do not see why the hon. member should be astounded when I do my duty.

Hon. Mr. LANDRY—Oh, no, we expect it.

Hon. Mr. LANDRY—Every man expects that I shall do my duty. The hon. senator from Halifax said, that at the opening of the sitting yesterday the hon. Secretary of State stated that the right hon. Minister of Trade and Commerce would be here about five o'clock. According to the remarks made by the hon. gentleman from Prince Albert, and from the way the Minutes read, it does not appear that the right hon. Minister of Trade and Commerce was absent, because it is recorded that the first order of the day being called we find that on motion of the right hon. gentleman, seconded by the hon. Secretary of State, it was ordered that the Bill be committed to a Committee of the Whole House to-day. I want that question settled. I want to know if it is true he was absent. If the hon. leader of this House says—and he is correct in saying that he was absent, then our minutes are not correct. There is no getting away from that. And if our minutes are correct, the hon. Secretary of State is not correct. In these minutes, the question has been treated as the first order of the day. I think if such a thing happens again when the minister asks for an item to stand, it should be marked in the minutes, 'The order of the day being called on such a question. The hon. minister moves that it stand on the orders of the day.' It is really a motion. It is an Act of this House and should be entered as such. So that when it comes up again we can refer back to such an order being called again. In that way our minutes would conform with the facts, and would not be a complete denial of the statements made by the hon. leader of this House. I suggest that the minutes be altered in that way, so that in the journals it would appear that the first order being called, it was not proceeded with; but on motion of the hon. Secretary of State it was allowed to stand until a later hour in the day, and that hour having come, and the Minister of Trade and Commerce having returned to this House, the question was really put and the House took action in the matter. I shall vote for the amendment of the hon. gentleman from St. Boniface, because I think it is our duty to deal with this question ourselves and not suggest that this work be performed by people of the other House.

Hon. Mr. FERGUSON—I was rather amused at the illumination which my hon. friend to my right derived from the book he consulted in the library with regard to this question. I would remind my hon. friend of the lines of Burns:

Some books are lees fra end to end ;
While some great lees are never penned.

Hon. Mr. SULLIVAN—Does the hon. gentleman mean to attack the veracity of the book?

Hon. Mr. FERGUSON—I am not obliged to go to a book for information about smut in wheat. I have had 60 years experience with it, not on the large scale of our western friends, or on the commercial aspect, but in its domestic feature. We have had smut in wheat in Prince Edward Island for a long time, a little bit of it and we treated the seed with blue stone or sul-

phate of copper to prevent the recurrence of smut, and it is very effective. But if these precautions are neglected a small proportion of smut is removed in our grist mills by smut machines. The condition of smutty wheat may be one, two or three per cent of smutty grains, and yet if it is not fixed in some way, the flour will be all dark. The smutty grain when crushed, will darken the surrounding grain, and when it gets into a bin it will darken the whole lot, and the flour will not be at all of the first quality. By a process of dusting and blowing and rubbing the smut is gotten rid of in our wheat, so that it will be turned out of the smut mill as clean as if there had been no smut at all in it. I am not talking of smutty wheat in a moist condition. Of course that is bad; but where there is only a small proportion, it is and can be gotten out by a smut machine, and my hon. friend from Middlesex tells me the same process was used in Ontario for a long time, and I therefore have a strong feeling, from my own knowledge in this respect, and from what I have heard in this House, that where the wheat has only a small proportion of smut in it, that the cleaning process can be used to expel it and leave 95 per cent more of it fit to go into any grade that it could go into if there had been no smut in it. For that reason I think there is a good deal in the argument with regard to admitting the process, then let the inspector decide after the process whether the wheat is entitled to go into the higher grade.

Hon. Mr. DOMVILLE—There is a good deal of dictation in this House as to a man's views. I am told to do so and so. If the idea is to stifle anybody's opinion say so. I am not prepared to say that the right hon. gentleman's Bill is wrong. Still it is a perplexing thing to know what vote to give. There are farmers outside of the west. Sometimes I think there are farmers in the east, in New Brunswick. I think we should have more time to examine a question like this and form an opinion. If I gave a vote for my hon. friend from the west, my conscience might accuse me of giving a wrong vote. If I supported my right hon. friend, I might also make a mistake. It is therefore a difficult thing for men who are publicly interested, but not privately interested to know what to do. I am free to admit I do not understand the Bill, and how can I reconcile my vote? I do not know what smutty wheat is, although I know what smut is according to the dictionary. I know what damaged wheat is. We have to uphold the character of our grain on the British market, and we should not be a party to any legislation that would enable the dealers to sell a bad quality of wheat on the other side. In Nova Scotia, we have a law with respect to apples. One shipper lost $75,000 on a shipment of apples that were not properly packed and branded. That has put a damper on the whole question of shipping apples from the lower provinces. It ruined the whole business of apple shipping. Perhaps we might be able to come to some arrangement with regard to this matter. Some of our farmer friends might say 'Why did you give that vote.' Of course we could say 'We did not understand it.' They would say 'Are you there as a representative man, not as a politician having any axe to grind, but there to do your duty, removed from the political arena as a common-sense man, and was it your duty to give a vote on something you did not understand?' There is nobody for whom I have a greater respect than my right hon. friend. After 36 years of acquaintance, I admire his action. Without doubt on commercial matters, and perhaps all other questions, he is the ablest man in Canada to-day, and I appreciate him; but in a case like this perhaps he has had evidence put before him that he has not been able to entirely thresh out. Is this a Bill that should be adopted, or should we rather say we cannot accept it because we do not thoroughly understand it? There must be some difficulty about it, or there would not be a division in the House. Thirty or forty years ago there were many antediluvians around who were not able to cope with the contingencies of the hour. They never could perceive the future of Canada, and they could never see that the great west was going to be populated, or that we were going to build all these canals and railways. We granted a charter for the Hudson Bay Railway. Everybody laughed at me because we

pressed such a Bill. They said: 'You are all crazy.'

The SPEAKER—I would draw the attention of the hon. gentleman to the fact that he is getting somewhat far afield from the question before the House.

Hon. Mr. DOMVILLE—I am aware of it, but I am trying to advance with the advancement of Canada, with the change of operations in England and all over the world. At the present time there may be a difference of opinion. Certain things may be condemned now, which later on will be upheld. The miller may take a very different view from the grain grower with regard to this question. He is looking to the commercial interest alone. The west are looking to the commercial interests also. Their living and prosperity rests on what is produced by their labour, and they must certainly know something in regard to the raising of wheat and they are entitled to some consideration. We should give this measure the best consideration free from party interests. In this House we will soon be asked to ratify an expenditure of from fifty to one hundred million dollars without having considered it and without knowing what it is for.

Hon. Mr. DOUGLAS—I see no great difficulty, if we have time and opportunity, in combining the three amendments into one, which would cover the case. I have no sympathy with the idea of letting it go over to the other House. It may be all right, but the results from the other House are very dubious. A bird in the hand is better than a bird in the air, and if we send the measure to them just now we put it out of our own hands, and fail to discharge our individual duties. We should do what we believe to be for the best, and not hand it over to the Commons. There are many men in the House of Commons who have had experience, and who have had a good deal to do with the grain business. But there are a great many youthful members there who know very little about it, but in view of a general election being at hand they will have a great deal to say about it, so that I think that if we had an opportunity to come together in this House these three motions could easily be embraced in one without any detriment to the Bill generally. I have no objection particularly to any one of the motions. A certain hon. gentleman here had so much to say about diseased and smutty wheat that he talked persistently between the lines of the motion that is before the House, and not in strict accordance with the expression of the English sentences therein involved, and then he spoke of my being inconsistent in supporting the motion. I should certainly be inconsistent if I supported the ideas he advanced in the discussion. In the motion before us, we are not seeking to place diseased wheat into any higher grade. We are guarding against that. I go back to the old argument: What became of that class of wheat in the days gone by, and the gentlemen who are seeking to influence the government both in this House and no doubt in the House of Commons, are the very men who, in former years, endeavoured to doctor sick wheat and put it on the market, where and how? Do they tell us? Did the hon. gentleman from Portage La Prairie tell us what he did with such wheat in past years? Would he be willing to do with it in the future as he has done in the past?

Hon. Mr. WATSON—I never advocated putting scoured grain into sound wheat. The hon. gentleman should not state that I said that.

Hon. Mr. DOUGLAS—Neither have we. The hon. gentleman seems to have difficulty in understanding English.

Hon. Mr. WATSON—You said an hon. gentleman had advocated placing scoured wheat into sound wheat, and then you referred to me.

Hon. Mr. DOUGLAS—The hon. gentleman may have had his share in doing it, and his share of the profit.

Hon. Mr. WATSON—I say that is not true.

Hon. Mr. DAVIS—I think the hon. gentleman should be made to withdraw that expression.

Hon Mr. YOUNG—The hon. gentleman from Portage La Prairie made a statement which the hon. gentleman from Assiniboia

did not accept, and the point of order now is whether the hon. gentleman from Assiniboia should be asked to accept the statement.

The SPEAKER—The principle is that a statement has been made by an hon. gentleman, but if that statement is controverted, the furthest the hon. gentleman can go is to say it is incorrect.

Hon. Mr. DOUGLAS—I think I have a right to correct a statement which the hon. gentleman made in debating this motion which we are advocating; he persistently accused us of making statements which had no existence and were never made. The hon. gentleman is perhaps under a delusion.

Hon. Mr. WATSON—What statement did I make that was not correct?

Hon. Mr. DOUGLAS—That we were going to put diseased grain into the higher standards and so lower the whole standard. I deny it in toto. That is the only plea the opposition can raise with a view of throwing dust in the eyes of this honourable House, the only argument that they can command to deceive the House and gain a decision in their favour.

Hon. GENTLEMEN—Order, order.

Hon. Mr. DOUGLAS—And they will do the same thing in the House of Commons. We deny in toto that we have any such design or that we have expressed anything in this motion that looks in that direction. If you want only one grade, a separate grade, we have no objection, but we have left it to the discretion of the chief inspector. We believe we are acting in the interest of the country. We believe we are talking in the interest of the trade and of sound justice to the people, and that the benefit, if there is anything in this class of wheat, ought to fall back into the hands and pockets of the men who have produced it, and not have it pitched away by legislation into the hands of other men. There is no reason why the farmers should not have the results, and by this motion we believe we are doing justice between the dealer and the farmer and we wish to hold on to the idea. If a man feels he is right and has justice on his side and is honest in his purpose, why should he hand this question over to another House and allow them to adjudicate it, while he is tied hand and foot for the next twelve months. Just as sure as I stand on the floor of the House I feel that this law will not last more than nine months or a year, and you will have this work to do over again. If in God's providence I am alive, justice will be done; some measures employed. If we live to see the next meeting of the House, justice will be done along these lines. The men specially identified with the milling business do not like it. Of course they do not like it, but if they are purchasing the grain upon its merits with their eyes open they need not buy it. If they get it at a reduced rate they can keep it out of their best grades of flour and need not deceive the people. I have no objection if it be marked according to its value and put upon the market upon that basis. I cannot see that the motion proposed by the hon. gentleman from Wolseley, the suggestion made by the hon. gentleman from Lindsay and the view that we coming from the west hold, might not all be presented in a simple motion that would give satisfaction to all. I hope the honourable House will consider it more fully and give us a little more time. The hon. gentleman from Portage la Prairie is willing to accept a grade for that wheat of which we have spoken so much. I do not think the mover has any objection to that. The hon. gentleman from Wolseley is in favour of it and so am I; therefore why can we not settle it at once. It would not deceive people. It would be kept out of the other grade, and the reputation of our wheat standard on the British market would be secure.

Hon. Mr. MITCHELL—Does the hon. gentleman say that he will make a motion on the third reading?

Hon. Mr. DOUGLAS—I say that can be done. I think these amendments could be harmonized and settled inside of an hour.

The House divided on the sub-amendment, which was lost on the following division:

Yeas, 18; nays, 30.

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Hon. Mr. DAVIS—Call it six o'clock.

Hon. Mr POWER—It cannot be done while the vote is being taken

The SPEAKER—If there is no other sub-amendment proposed, then the vote is on the amendment of the hon. gentleman from Prince Albert.

Hon Mr LANDRY—I want to have this question settled. The vote is taken. That vote is completed. We have a right to move any amendment now, and we may discuss it, so I think it might be held that it is six o'clock.

The SPEAKER—The members have been called to vote on these motions, and if there is no further procedure to arise, the vote is taken on the amendment.

Hon. Mr. LANDRY—We are not obliged to do that at all.

Hon. Mr. DAVIS—I want to ask the Speaker's ruling.

Hon. Mr. LANDRY—Nobody called for a division on that amendment.

Hon. Mr. YOUNG—There is no point of order.

Hon. Mr. DOUGLAS.

Hon. Mr. DAVIS—I wanted to know if I had a right to speak.

The SPEAKER—The hon. gentleman has exhausted his right to speak.

Hon. Mr. LANDRY—I call attention to the fact that it is now six o'clock.

The SPEAKER—According to my understanding of the rule, the vote goes on if there is no interruption.

Hon. Sir MACKENZIE BOWELL—Not necessarily. The members were not called in to vote upon the amendment moved by the hon. gentleman from Prince Albert. They were called in for the purpose of voting upon the amendment to the amendment moved by the hon. gentleman from St. Boniface.

Hon. Mr. POWER—I rise to a question of order. If the hon. gentleman proposes to appeal to the House he has a right to speak; if not he has no right.

Hon. Sir MACKENZIE BOWELL—I was not aware that the Speaker had given any decision.

Hon. Mr. POWER—He has.

Hon. Sir MACKENZIE BOWELL—I will take the Speaker's word for it, no matter what ex-Speakers may say. I am not bound to accept the statement made by the hon. gentleman who has called me to order. Hon. members were called in for one purpose, and not for the other.

Hon. Mr. POWER—Chair, chair.

Hon. Sir MACKENZIE BOWELL—This is the point which I am now discussing, and I would be incorrect if I proposed any amendment to the amendment.

The SPEAKER—Perhaps I did not give the time to the hon. gentleman to express his opinion before I spoke. Possibly I was somewhat previous in giving my opinion. But the opinion which I had given, which I still adhere to, is that there is no motion to interrupt the vote—that it goes on as one proceeding. The ruling of the chair, which can be appealed from, is that the vote will now be taken on the amendment by the Hon. Mr. Davis. Hon. members in favour of the amendment will please rise.

Hon. Mr. LANDRY—Nobody asked for the names. I protest against that.

The SPEAKER—The members have been called in to vote on the amendments which are before the chair.

Hon. Mr. LANDRY—No.

The House divided on the amendment, which was lost on the same division.

The SPEAKER—The question is on concurrence in the amendment.

Hon. Mr. DAVIS—I have not spoken on this.

The SPEAKER—The hon. gentleman has exhausted his right to speak.

Hon. Mr. DAVIS—I will speak on the third reading of the Bill.

The motion for concurrence in the amendment was declared carried.

It being six o'clock, the Speaker left the chair.

After Recess.

Hon. Sir RICHARD CARTWRIGHT moved that rules 24 a and 24 b be suspended insofar as they relate to Bill (CCC) An Act to amend the Inspection and Sale Act as regards grain.

Hon. Mr. DAVIS—I do not see any good object to be gained by suspending the rules. As I said this afternoon we have another Grain Bill known as the Manitoba Grain Act that will come before the House of Commons very soon. We have had a conference on this Inspection and Sale Act, and the western members this morning adjourned until to-morrow morning and it will take two or three days before we can decide on the different clauses of this Bill, so there is absolutely no necessity to suspend the rules. There is a difference of opinion as to how this question should be dealt with, but there is a general opinion that if the Bill is not railroaded through to-night, we may be able to agree upon an amendment which could be introduced into the Bill before it goes to the other House. On general principles, this idea of suspening the rules is not a good one. If anybody proposes to change a rule of the House, there is immediate opposition, yet day after day our rules are suspended in order that legislation may be rushed through the House. The object of the rules is to give us time to think over measures so as to have a clear idea of what we are doing; but if we are going to suspend them whenever anybody wishes to railroad a Bill through, we might as well have no rules at all. I showed the effect of suspending the rules last session in the case of a Bill which an hon. senator wanted to get passed in a hurry. It was carried through both Houses and assented to ten days before the notices required by law were completed. I could understand that there are occasions in the closing hours of a session when the rules should be suspended, but we have not yet commenced to sit on Saturdays and Mondays, and nobody can complain that we are overworked. I have calculated that this session we have not sat more than five or six hours a week, and we have been paid at the rate of $100 an hour for the time we have given to the public service. We meet and discuss adjournments and points of order and adjourn and meet and adjourn again. This is the first night we have sat this week, and perhaps will be the last night it will be necessary to sit, and we can afford very well to let this Bill stand over for another day. I am satisfied if it is allowed to stand until to-morrow, time will be saved in the end. We have disposed of the first order, and are now on the second, and there remains enough on the order paper to give us a long evening's work. Take the third item. The report of the Standing Committee on Banking and Commerce on the Traders' Life Insurance Companies Bill. There is material enough there to keep us busy the balance of this evening.

Hon. Mr. POWER—Oh, no. Does not the hon. gentleman know that the recommendation of the committee is that the promoters be allowed to withdraw the Bill.

Hon. Mr. DAVIS—I did not know it. I am not a member of the Banking and Commerce Committee and do not attend its meetings.

Hon. Mr. POWER—But the report of the committee appears in the 'Minutes" at page 1056. The hon. gentleman is very

fond of telling other hon. members what they should do; before he undertakes to lecture us he should read the 'Minutes.'

Hon. Mr. DAVIS—The hon. gentleman is an expert at reading the 'Minutes,' and I would advise him to keep on reading the 'Minutes,' but hon. members who have something else to do cannot devote much time that way. Although the Banking and Commerce Committee have recommended that the petitioners be allowed to withdraw their Bill, the item may involve a good deal of discussion. If we could dispose of that order however, in ten or fifteen minutes we come to item 4 which is consideration of the amendment made by the Commons to the Dominion Guarantee Companies Bill.

Hon. Mr. BAKER—Which will take exactly two and one-half minutes.

Hon. Mr. DAVIS—How does the hon. gentleman know that I would not speak three hours on that myself? I do not know what the amendments are; they may be very important. Possibly they might occupy the whole of the balance of this evening. We know that sometimes a discussion will arise out of almost nothing.

Hon. Mr. ROSS (Halifax)—That is the case now.

Hon. Mr. DAVIS—Sometimes a question is asked which leads to a discussion, and I have known such occasions when the House has sat for hours. The discussion of the Dominion Guarantee Company's Bill might lead to a discussion of the Union Trust Company, and there is no knowing where we would stop.

The SPEAKER—The hon. gentleman is somewhat previous in discussing this question. He is travelling far from the motion before the House.

Hon. Mr. DAVIS—The right hon. Minister of Trade and Commerce has moved to suspend the rules. He wants, I assume, to put something through to-night contrary to the rules, and I am trying to show that there is absolutely no necessity for it, that there is something else to be done. We have enough business to keep us here all evening, and I have a perfect right to show the amount of work we have before us.

The SPEAKER—Provided the hon. senator does not go on discussing the merits of a Bill not now before us.

Hon. Mr. DAVIS—I am pointing out that this proposition might develop a great deal of opposition. I am claiming that even one Bill might occupy the whole of this evening.

Hon. Mr. ROSS (Halifax)—In the interest of the farmers, I supported the hon. gentleman's amendment. I think common sense should guide us and allow the real business of the Senate to go on. The hon. gentleman is wandering away from the subject altogether. It would be better to appeal to common sense, and let the work of the Senate go on than to be rambling from Dan to Beersheba as the hon. gentleman is doing now.

Hon. Mr. DAVIS—Common sense is not common, and there is no use of appealing to it. In this case, we have already given our reasons, and I think we would arrive at an undestanding which would be satisfactory to all parties interested before to-morrow; but the right hon. Minister of Trade and Commerce is trying to railroad his Bill through the House to-night. If any one could show a good reason for rushing the Bill through now, I would be quite prepared to submit, but no reason can be shown. As a matter of fact, nobody can show a good reason for sitting here to-night. The fifth item on the Orders is the Bill to restrain the use of tobacco by young persons. The whole evening could have been properly devoted to discussing that Bill. It is a subject of great importance. It opens up a wide door for discussion. Then we come to the sixth item which proposes to amend the Railway Act and place telegraphs and telephones under the jurisdiction of the Board of Railway Commissioners. Hon. gentlemen will remember that I brought up this very question about a year ago, and if the subject were entered upon now it would take me probably an hour to say what I have to say on that very important measure. But if we wish to pass over that, we come to item No. 7 which is a Bill to amend the Customs Act. When we touch anything affecting the customs, you cannot dispose of it in a short time. It always involves a discussion lasting a con-

siderable time. We do not know what a large field that Bill might cover, and it might keep us for days. But even if we had none of these measures on the Order Paper, there is the 8th and last item, which is resuming the adjourned debate on the motion relating to an export duty on pulpwood. It has been before the House on two or three occasions, and each time has led to a good deal of discussion, and as yet we have only touched the fringe of the question. It will be seen that we have quite a bill of fare before us, enough to occupy our time so that there is no necessity of suspending the rules to railroad this particular measure through. We have worked hard to-day to put our views before the House and the country, and, whether we are right or wrong, we have acted conscientiously and deserve courteous treatment; but some hon. gentlemen when they get their hand on the lever run the car right through regardless of everybody. There is nothing to be gained by trying to force this measure through without proper consideration. We only ask in common fairness that the Bill be allowed to stand until we have a breathing spell and time to arrange a compromise. We have been told by the hon. senator from Portage la Prairie that this Bill and the Grain Bill will probably be amalgamated. It might be a very good idea, but it has not been done and the Grain Act is not yet before the Commons. In the meantime the Commons has more work to do than it can properly attend to. The northwest members have not yet finished the consideration of this Bill. We have only gone through three or four of the clauses, so that it will take us two or three days yet and there is plenty of time to attend to it here without forcing it through to-night. When a decision is reached, we are prepared to stand or fall by anything agreed to by the conflicting interests. I am prepared to take anything I can get for the farmers of my part of the country. If I can get any kind of an amendment or compromise that will enable them to be paid one cent on the bushel more for their wheat than they are getting now, I am prepared to accept it on their behalf; but we must have time to accomplish anything. We are not very strong in number, but our very weakness ought to entitle us to some consideration. During the discussion of this very Bill a short time ago, it was put over until after recess, and when we reassembled at eight o'clock the right hon. member in charge of the Bill did not put in an appearance. He did not take into consideration the fact that those of us who did come here had to give up other arrangements. We did not grumble at that; no doubt the hon. gentleman had a good reason for absenting himself, but I think we who ask for an extension of time now are entitled to a little consideration. I am satisfied if we are given a little time we will agree upon something for the protection of the farmers, an amendment which will satisfy everybody, except perhaps the right hon. gentleman in charge of the Bill. We are in a fair position to get a compromise if the Bill is not forced down our throats. All we ask is a little time for further discussion and consideration, and although we ask it in the interests of the people we represent, yet we are told we must go on. We are perfectly justified in discussing this question to show there can be absolutely no good reason for the suspension of the rules. If I asked to lay my sacreligeous hands on one of the rules of the House, the hair would stand on one hon. gentleman's head; he would expect the next thing I would do would be to make a motion that the snuff box be removed from the table. Why suspend the rule? I have on one or two occasions tried to amend rules of the House, but I do not know that I have ever tried to suspend a rule, and I am bound to say that when I attempted to amend the rules I went against a very tough proposition. Hon. gentlemen should have seen the hon. member from Halifax rise in his might and object; on the ground that these rules had been in force for forty years and were we going back on them simply because some socialistic chap had made a motion to do so. If I, a humble, common, unassuming member of the House could not get a rule amended when I moved for it with better reason than is urged for its suspension at the present time, I do not see why its suspension should be granted now? I could understand it, if it were the case of a private Bill which perhaps would be delayed until another session if we did not suspend the rule there would be legitimate reason

for it in that case. We disposed of two very important amendments this afternoon and discussed several others which never materialized, and we made good progress. The hon. gentlemen who have gone after us will find that we are very nimble in getting round. We are not asking anything unreasonable. I suggested several amendments and the hon. gentleman in charge of the Bill said he would confer with somebody about them; whether he did so or whether it had no affect I could not say, but I find the very amendments which he would not accept here are being passed by the other House. I am a great believer in peace, progress and prosperity, the watchword of the great Liberal party. If we had peace we would have progress, and if we had progress we would have prosperity —the farmers would prosper to the extent of three or four cents per bushel on their wheat. If this Bill were laid over until to-morrow we would have peace and prosperity. My hon. friend from Assiniboia and my hon. friend to my right represent the great province of Saskatchewan, the greatest free trading province in the Dominion, a province larger probably than any three states in the American Republic, which will be the greatest and richest of the Dominion in the near future, a province that may within half a century have a population of at least 20,000,000 of people, and as a wheat growing province, why are we not interested?

The SPEAKER—Will the hon. gentleman restrain his imagination and stick to the motion before the House.

Hon. Mr. DAVIS—It is the first time I knew I had an imagination.

Hon. Mr. ROSS (Middlesex)—The Speaker has said so.

Mr. ROSS (Halifax)—The Speaker has made the discovery.

Hon. Mr. DAVIS—I do not see that I am drawing on my imagination. I submit my motion before the House ?

The SPEAKER—The hon. gentleman may make these remarks at the third reading.

Hon. Mr DAVIS—We want to move some more resolutions, and I thought this evening we would discuss the other orders on the minutes. I thought I was keeping to the line, that I was hewing to the line and letting the chips fall where they may. The amendments proposed this afternoon were discussed and voted down. Now this legislation may not effect me or the hon. gentleman from Assiniboia, but it may affect our children and our chidren's children, and we do not know how long. When a motion is made to suspend a rule to railroad through the Senate a proposition which affects hundreds of thousands of people, we have a right to show the evil effects it may have and I have a right to refer to the fact that we raise 20 or 30,000,000 of bushels of wheat in the Northwest and that in the near future we may raise billions of bushels which might be affected by this Act and our desire should be to better the conditions of the Nothwest provinces. This law might affect the price of wheat in the future to the extent of 20 cents a bushel, and surely we should give such a measure proper consideration and not use brute force to rush it through.

Acting SPEAKER (Hon. M. Power)—The hon. gentleman has used the expression 'railroad through the House.' It is not a parliamentary expression. It is a reflection on the action of the House, and the hon. gentleman should not reflect on the action of the House. I call attention to the fact that this Bill was introduced on the 22nd of May, and one can hardly speak of 'railroading' in connection with it.

Hon. Mr. DAVIS—I should not like to transgress the rules of the House. If the Hon. Speaker says railroading is not a proper expression, I might use the word toboggan or trolley through. If the expression is offensive I wil not use it again. I have been accused of filibustering. I do not know whether that is a parliamentary expression or not. To my mind a filbuster means a pirate, and I take exception to being called a pirate. There was no filibustering about it. We endeavoured to get the measure through by six o'clock, but could not do so, and we were told that we must rush it through this evening. I object to the suspension of the rules, and I am sorry I am not better posted on the procedure of the House. However, after this mo-

tion is voted on, we shall deal with the third reading itself, and the Bill opens a great avenue for thought and discussion, which might take a week. We were routed hip and thigh this afternoon, and as the majority must rule we are prepared to submit to the will of the majority and we bow gracefully. We would like time to prepare a resolution that would be accepted by the House. We received valuable suggestions from the other side, and they said if we had moved so and so they would be with us. We were prepared to go on and accept the suggestions of these gentlemen, and then an objection was thrown in the way. I think everybody is actuated by proper motives in this discussion and I am sure it will be admitted by the other side that the hon. gentleman from Assiniboia and myself are honest in regard to it. We must meet if we wish to compromise. We have had expressions from the hon. gentleman from Lindsay, who is a practical farmer, no better in this House, and no man knows the requirements of the agricultural community better than the hon. gentleman. He has made the statement that if they would put in a certain claim it would satisfy him, and it would satisfy the hon. gentleman from Portage La Prairie, and it could go through tomorrow. But the hon. minister says it must go through to-night. It is easy to say that, but there is nothing to be gained by it. The resolution of the hon. gentleman from St. Boniface was objected to by the hon. gentleman from Portage La Prairie on account of the phraseology. At first blush it seemed to me to be right, but I desire time to consider that motion. The idea was a correct one, although the wording may not have been proper. We are not going to give up the fight. We are not built like that, and when we know we are fighting in the interests of the people we will keep at it as long as we have a leg to stand on. When we are defeated on one motion, we shall retreat to the next and will keep on moving until satisfactory arrangements are made. We have a lot of hon. gentlemen sitting here who are not as well posted on the subject as my hon. friend from Assiniboia and myself, but they are sitting with their ears open drinking in and trying to learn, and I am sure it will appeal to their sense of British fair play when we make this demand. When a proposition of this kind is brought up in any legislature and hon. gentlemen ask for a few hours to consider the matter it is granted as a matter of courtesy. We might demand it as a right. We have a right to take up time when we are trying to do what is right. The question might be discussed for three or four days yet, and we would not touch the edge of it. The hon. gentleman from Kingston laughs. He opened a large subject which was under discussion this afternoon, the question of smut. My hon. friend who is always open to be convinced and always looking for knowledge and insight in regard to anything before the House, brought up the question of smut and has not yet touched the fringe of the smut question let alone the fringe of this Bill. My hon. friend is a scientific man and he talks smut——

The SPEAKER—I think we have talked enough smut this afternoon. The hon. gentleman is out of order and he should speak to the question before the Chair.

Hon. Mr. DAVIS—I think I have shown, as far as my limited ability goes, good reasons why the request should be granted, and I have given reasons why this Bill should not be—I was going to say railroaded, but I will say pushed through the House quicker than it should go. I do not claim to be an orator, and perhaps my remarks have not been as entertaining as they might be. I claim to be a practical business man who deals with subjects as they come before us day by day, and I contend that we must consider this measure calmly and cooly. If anybody was to ask me to go into any kind of a business proposition and tell me it was a bargain, it might only amount to $10,000, but do you think I would do it at once? I would want time to consider. Yet here is a matter effecting hundreds of millions of dollars and we desire time to think it over. I have only occupied an hour and twenty minutes in placing these facts before the House, and I think that is a very short time indeed to discuss a matter of this magnitude. I have some extended remarks to make on the third reading of the Bill, and if this vote is taken to-night and the third reading proposed it will, no doubt, bring on a general discus-

sion. I do not want to touch any of the grounds now which I may want to cover in discussing the third reading. If the rules of the House would only permit me to explain the different phases of this question, I would do so. I have not yet attempted to show the amount of wheat which would be affected by the proposed amendment, nor the acreage under cultivation nor the character of the land on which the wheat is grown.

The SPEAKER—Surely the hon. gentleman knows that he is out of order, and if he has no regard for his own dignity he should have for the decorum of the House.

Hon. Mr. DAVIS—In what way am I offending ?

The SPEAKER—In bringing in new forms of obstruction in this House which are against the practice of the House, to say the least.

Hon. Mr. DAVIS—I do not think implications of obstruction should be made against any member of this House.

The SPEAKER—The hon. gentleman has been talking manifestly against time for the last hour and a half.

Hon. Mr. DAVIS—We are now discussing the rules of the House, and I do not know of any rule which prevents discussion on a motion, so long as one keeps within the range of argument relating to the resolution.

The SPEAKER—Unfortunately there is no closure in this House or in the other branch. Nothing but rule 16, which provides that the Speaker must preserve order and decorum, and I think the conduct of the hon. gentleman is against the decorum of the Senate.

Hon. Mr. DAVIS—If I have said anything offensive to any member of the House or not within the reasonable limits of debate, I shall certainly withdraw it, but I am not aware that I have said anything offensive or broken any rule of debate. I may not use as eloquent language as some of my colleagues, being a self-made man, but I try to speak plainly. It may be desirable to have closure in this House, and I am sure that many hon. gentleman will

agree with me that if I were to talk long enough to bring about such a desirable change it would affect others more than myself. I seldom speak, and only when I have something to say on matters affecting the people I represent. I have never obstructed the House or needlessly taken up time in discussing questions that I did not understand. The people I represent must judge whether I am right or wrong. If I violate any rule of the House I expect to be called to order, and until I am I have a right to go on speaking as long as I have anything to say on the subject. As long as I keep within reasonable bounds I have a right to discuss the question.

The SPEAKER—The hon. gentleman knows he has no right to repeat the same words fifty times; for instance he has asked for a 'breathing spell' very frequently, and he should be willing to give the House a breathing spell now.

Hon. Mr. DAVIS—I have asked for it fifty times and have not got it; perhaps if I ask for it fifty-one times I may get it. Ask and ye shall receive. I have kept on asking and expect to receive in the fullness of time. In the fullness of time I expect to be able to convince my right hon. friend in charge of this measure that I am right, and that he should grant what I ask. I have hardly broken the crust of this question.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. DAVIS—I am glad I have said something that my hon. friend approves. It makes me feel good.

Hon. Mr. POWER—I understood the hon. gentleman to say he has not approached the question, and I agreed with him there.

Hon. Mr. DAVIS—I said I had hardly broken the crust of the question. It is such a big question, that I might talk until morning but I do not intend to. I have given good reasons why we should not suspend the rules. I hope the promoter of the Bill will let the third reading stand until to-morrow and give my hon. friend from Assiniboia and myself time to consider it thoroughly.

Hon. Mr. LANDRY—I want to call the attention of His Honour the Speaker, to the framing of this motion. It is that rules 24 a and 24 b be suspended insofar as they relate to Bill (CCC) An Act to amend the Inspection and Sale Act as regards grain. Rule 24 a reads as follows :

One day's notice must be given of any of the following motions: (a) to suspend any rule or standing order or any part thereof; (b) for the third reading of a Bill.

The motion as framed asks the suspension of the power to suspend. If you ask the suspension of 24 a you cannot suspend, because the suspension of the power to suspend deprives us of the power of suspending. I call the attention of the chair to rule 30, which says :

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.

The object of the rule is to force the party applying for the suspension to give a day's notice, and to specify the rules to be suspended, and the purpose of such suspension. I claim that in the present instance the motion to comply with our rules should have been framed in this way —that rule 24 a be suspended so as to permit of the third reading of the Bill to-day. That is the object of the suspension. Even if the motion were in compliance with rule 30, I contend that we cannot ask the suspension of 24a ; we can only ask the suspension of 24b.

The SPEAKER—The hon. gentleman is probably right, and I believe the better practice to be followed would be to state, as clause 30 mentions, the object of the suspension; but the practice of the House has been to simply ask for the suspension of the rule which is an impediment to moving the Bill forward. In future, it would be more correct to state the purpose. The reason is generally obvious, as in this case for instance; but there is no difficulty in the way of adding 'for the purpose of moving forthwith the third reading of the Bill.'

Hon. Sir MACKENZIE BOWELL—Do I understand the honourable the Speaker to say that practice over-rides the law?

The SPEAKER—Practice does not override the law, but when practice follows the spirit of the law sufficiently, I would not upset a notice when it has been sanctioned in the Senate by long practice.

Hon. Sir MACKENZIE BOWELL—Will the Speaker tell us what the effect of suspending subsection (a) of rule 24 is? If we suspend that, where is the power left for suspending the other rule?

The SPEAKER—I stated I did not see the object of mentioning subsection (a) in the present instance. This is a general declaration which covers the suspension of any rule or standing order, and I would think it is only necessary to mention the rule one wants to suspend without mentioning subsection (a).

Hon. Sir MACKENZIE BOWELL—If we pass this motion we suspend subsection (a) and have no power to suspend subsection (b).

Hon. M. POWER—The rule says that one day's notice must be given of any of the following motions—to suspend any rule or standing order or any part thereof. The proposition was to suspend a rule which required a day's notice of the 3rd reading after the Bill was reported from committee. That seems reasonable. Then with respect to rule 30, I wish to direct the attention of the House to the fact that the right hon. gentleman yesterday, when the question of order was raised, gave notice that he would move to suspend the rule, and stated that it was in order that the Bill might be read the 3rd time. Rule 30 does not say that that part of the notice must be in writing. It must refer to this Bill, because that was the matter under consideration.

Hon. Sir MACKENZIE BOWELL—I would suggest to the right hon. gentleman who moves it, that he ask to be allowed to drop the first part and move the latter part.

The SPEAKER—The point of order is of a somewhat technical character. The notice given has followed the practice. I confess on reading subclause (a) of rule 24 there does not appear to be any necessity for mentioning it.

Hon. Mr. POWER—With all humility, I beg to differ from the Speaker on that point. Rule 24a says that a day's notice must be given of a motion to suspend the rule, and also to read a Bill the 3rd time. In this case, you are suspending the rule for a day's notice at the 3rd reading.

The SPEAKER—Clause 24 can be read separately. There are different subsections; as it reads, one day's notice must be given of any one of the following motions, so you can take any one paragraph, but the practice has been to take both. On the whole, I declare the point of order not well taken, because of the practice of the Senate. Perhaps we should adhere more closely to the letter of clause 30, because in this instance the right hon. gentleman did declare the purpose for which he moved the suspension of the rule.

The motion was agreed to.

Hon. Sir RICHARD CARTWRIGHT moved the third reading of the Bill.

Hon. Mr. DOUGLAS moved in amendment, that the Bill be not now read a 3rd time but that it be amended by adding to it the following :

That all Manitoba rejected wheat after passing through the terminal elevator and after being properly treated shall be graded by the inspector and put into special bins as No. 1, 2 or 3, to be known as cleaned rejected wheat.

He said : I do not submit this with any desire to obstruct, but with a desire to bring the parties together and carefully consider the different views that were advocated this afternoon. It can easily be seen that under this phraseology the parties can all agree to this amendment without any difficulty. My hon. friend from Portage la Prairie advocated a special class of grain for this improved wheat, and we had suggestions from the hon. member from Lindsay in the same direction. We had valuable suggestions submitted by my hon. friend from Wolseley, and in view of the motion made this afternoon, we have no objections to these suggestions. We yield because we have nothing to yield. We were ready to agree at any moment that there should be a special grading for this grain. We have met the views of the millers who do not like grain that has been scoured to enter any of the existing grades. We have met the opposite views of those gentlemen who are so very touchy upon interfering with the high standard of the grades in the foreign market. That is in accord with my own view. There is nothing here that can be construed into any deterioration of these grades. We simply create a grade for this grain under dispute, and have invented here a new name by which it shall be known in the future, and it will be sold under the name. Nobody will be hurt or injured, but dealers will be called upon to pay the proper price for it, and the profit will go to the parties interested. I hope it will meet with the approval of the right hon. gentleman in charge of the Bill.

Hon. Sir RICHARD CARTWRIGHT—I have no objection to state what I have decided to do. I have the greatest possible objection, and for very good reasons, to allow amendments which require serious consideration and consultation with experts on the subject, to be thrown at the head of the Senate or at my own head at the stage of the third reading. This Bill has been before the House for seven mortal weeks, and four times, either at his instance or at the instance of other parties, notably the hon. gentleman who addressed the House at such enormous length and to so little purpose this evening, four whole days were given him to consider. If the hon. gentlemen wanted to have laid these things before us, they had ample time. I cannot accept any amendment at this stage, but if the hon. gentleman will place that amendment in my hands it shall have full and fair consideration. That is all I can promise at the present. I will see that it is submitted and considered, and he knows right well that at this stage of the session it is only fair to the House of Commons that they should have this measure before them without further delay. Of course, if he wishes to proceed with this amendment I do not object. The motion is fair enough if he chooses to proceed, but he will merely prejudice the case, because there will probably be a decision against it on the part of the majority of this House. If he accepts my offer, on the other hand, he will get a full and fair consideration for what he has offered.

Hon. Mr. DOUGLAS—I do not know that we are just in a position to accept the proposition.

Hon. Sir RICHARD CARTWRIGHT—Then I would suggest to the hon. gentleman to move the adjournment of the debate. I do not want the House to have to listen to such another diatribe as we have listened to to-night. I would point out to the hon. gentleman that he will prejudice the motion he has made by taking that course.

Hon. Mr. DOUGLAS—I am confident that all the views that have been contended for in the discussion this afternoon are fully met in the phraseology of this motion.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman may be correct, but I warn him he will prejudice his case by the course he is taking.

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

Hon. Mr. KERR—I do not think the hon. gentleman understands the effect of adjourning the debate until to-morrow. I think he would serve his own purpose by letting the Bill be read the third time, and hand the motion to the hon. member in charge of the Bill, on his promise that the matter will be carefully considered.

The SPEAKER—Do I understand that before the hon. gentleman moves the adjournment of the debate he puts in my hand a motion in amendment?

Hon. Mr. WATSON—I hope that the hon. member for Assiniboia will accept the minister's proposition. He has submitted his amendment and, the minister has promised to give it favourable consideration.

Hon. Sir RICHARD CARTWRIGHT—I said full consideration—not favourable consideration.

Hon. Mr. WATSON—I would suppose that something along that line should receive favourable consideration, because I am satisfied that there is a desire to place smut wheat in some position to make a grade for it. I will not say that my idea is right, but some three weeks ago when this matter was being considered in the House I suggested that a special grade should be made for scoured wheat, which means smut wheat; after being properly treated.

Hon. Mr. LANDRY—What is the motion before the House?

Hon. Mr. WATSON—The motion is on the adjournment of the debate.

Hon. Mr. FERGUSON—The hon. gentleman cannot discuss that.

Hon. Mr. WATSON—I was remarking that I thought it would be well, in the interests of the Bill, and in the interests of the amendment proposed, not to adjourn the debate, but to allow the Bill to have the third reading. The hon. gentleman knows there are a number of gentlemen here, representatives of the Grain Growers' Association and other representatives who have had several conferences with the Minister of the Interior, who has taken charge of the Bill in the House of Commons, and he knows very well that these gentlemen are suggesting amendments to the Bill which has been already passed, and no doubt will make amendments and suggestions that will be introduced in the House of Commons, and surely the hon. gentleman can trust the representatives who are meeting the Minister of the Interior day after day, to frame some clause that will be acceptable to the Minister of Trade and Commerce, who has charge of the Bill, and which will be acceptable also to the House of Commons. I would ask therefore, that, in the interests of the Bill, and in the interests of legislation at this stage of the session, when the Minister of the Interior and the House of Commons representatives are anxious to have those two Bills passed through the House of Commons practically together, because the Grain Inspection Bill and the Standard Bill are kindred Bills and ought to go together, and I would ask the hon. gentleman from Assinniboia, in the best interest of the grain growers that he represents, that he should not press for an adjournment of this debate, but will allow the Bill to be read a third time, and be sent to the House of Commons so as to permit this conference to take place with the Minister of the Interior.

Hon. Mr. DAVIS—I should like to say, with respect to the adjournment of this debate, that I think it is a wise course to adopt. We have discussed this question, and I do not think there is a hair's breadth of difference between the hon. gentlemen who have been opposing the proposition and ourselves. I do not see why we cannot adopt this amendment in the Senate as well as in the House of Commons. Have we not ability enough to put it through? If we decide that this provision is a good one, we can insert it in the Bill, and if the House of Commons do not want it, they can strike it out. If the debate is adjourned, we shall have a conference of the Northwest members, and the proposition of my hon. friend from Assiniboia can be considered by the members at the conference, and if it is all right, why can it not be inserted after the conference to-morrow. Let us see if we cannot to-morrow arrive at some common ground that will be acceptable to all. There is no difference practically between us——

Hon. Mr. WATSON—With the exception that the hon. gentleman wants to delay the Bill, and I want to have it passed and sent down to the Commons.

Hon. Mr. DAVIS—We are not delaying it. The hon. gentleman knows very well it cannot be dealt with before to-morrow night. Just give us an hour and we will fix it up.

Hon. Sir MACKENZIE BOWELL—I voted with my hon. friend to my left (Hon. Mr. Douglas), because I thought his motion was in favour of the grower and the farmer, but after the declaration made by the Minister of Trade and Commerce, who has this measure in charge, if I might make a suggestion, I would say to my friend who has moved the adjournment of the debate, that it would be advisable to withdraw that motion, and accept the declaration made by the Minister of Trade and Commerce that he will give this question the fullest consideration; and, after that consideration, and, I presume, consultation with those who are interested in this question, that he will use his influence, whatever it may be, with his colleagues, to have the motion adopted by the House of Commons. I make this suggestion in the interest of the object that these two hon. gentlemen have in view, and I think my hon. friend is much more likely to accomplish his object by accepting the suggestion the Minister has made.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend who has just spoken has quite correctly interpreted the position of the government on the point.

Hon. Mr. DOUGLAS—Upon second thought, and, hoping that we shall have this matter discussed to-morrow morning, perhaps, in the interests of all concerned, it is better I should not move the adjournment of the debate, but place the matter in the hand of the Minister.

The motion was allowed to be withdrawn.

The SPEAKER—The question is on the motion for the third reading of the Bill.

Hon. Mr. DAVIS—I move that we adjourn the debate.

Hon. Mr. SCOTT—No. If the hon. gentleman is going to set himself up against all the rest of the House and defy the sentiment of both sides of the House, he cannot expect the House to accept any such proposition.

Hon. Mr. DAVIS—I do not draw my inspirations from the ex-leader of the opposition.

Hon. Mr. SCOTT—The hon. gentleman is not serving the cause he professes to advocate; he is rather damaging the cause.

Hon. Mr. DAVIS—That is a matter of opinion between my hon. friend and myself. I am responsible to the people for that—not to my hon. friend. Why could we not consider the proposition at the conference to-morrow morning? If the members of the conference say, 'We shall not accept it,' I will drop the matter and permit the Bill to go through at 3 o'clock; but if the majorities say that the clause should be inserted in the Bill, I want to keep the matter open until such time as we can make the motion to add this clause. Why should the Senate not deal with this question as well as the House of Commons? It is a reflection upon us to say that we cannot deal with it. As far as we have gone in the argument, the majority of the

members from the west are with us, and I think in five minutes we could convince the others. We have already convinced one doubting Thomas. I think we should have fair play. I do not desire to obstruct, and I propose to place my position before the House in a nutshell. In the interests of the producer, we wish to have something done with this class of wheat, and I desire to have the debate adjourned in order that something may be agreed upon. But we are told we cannot adjourn the debate and that the Bill must be forced through.

Hon. Mr. SULLIVAN—Supposing the Senate does not comply with the hon. gentleman's request ?

Hon. Mr. DAVIS—All right. Perhaps the people will. It is a good thing that some hon. gentlemen do not have to go to the country for election. Perhaps a great many of them would never come back. There is one thing sure : I do not have to stay in this House. I can go back to the House of Commons, and that is something that a great many members in this Chamber cannot say. It is evidence that I am doing the best I can for the country. I should like some hon. gentleman to run for any of the ridings in my part of the country and see where they would be. There is no use my trying to force this proposition if the Senate is not going to accept it. There is a press in the country, and they will know about it and deal with it, and there are platforms in the country, and the people will hear of it from the platform. I do not propose to talk any longer ; the Bill can take the third reading. I have asked as a favour that it should be postponed, but the request is not granted. Pass your Bill.

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

AGRICULTURAL FERTILIZERS' BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (LLL) 'An Act respecting Agricultural Fertilizers.' He said: The object is not to pass this Bill this session, but simply to have it printed and circulated.

The Bill was read the first time.

PROROGATION.

Hon. Mr. LOUGHEED—Without any desire to occupy the time of the House, may I point out to my hon. friend that the cards for prorogation are out to-day, and may I ask if the government have decided on the date.

Hon. Mr. SCOTT—There is no date on the cards.

Hon. Mr. LOUGHEED—From the rumors circulated in the press, which I presume are well founded, it would seem that parliament is to be prorogued a week from Saturday. When does my hon. friend intend to sit during the mornings? It is a well known fact that at a very early date we will receive the Civil Service Bill—in fact we should have had it to-day—and that will occupy a very great deal of time and attention.

Hon. Mr. SCOTT—That Bill has not come up yet.

Hon. Mr. LOUGHEED—A great many most important measures will be down in a few days, and it seems to me that my hon. friend as leader of the government in this House should adopt some measures whereby we can give more consideration to those Bills than we are doing, because during the next few days we will be deluged with the most important measures of the session, and it seems to me that in order to give proper consideration to them my hon. friend should take the necessary steps to provide for morning sessions.

Hon. Mr. SCOTT—I purposed doing so when the necessity arose. As the Bill have not come up to us yet I thought it was rather premature to make any change as yet.

Hon. Mr LOUGHEED—There is no reano why we should not have the Civil Service Bill here.

Hon. Mr. SCOTT—It was read a third time yesterday; there were a number of amendments made, and I presume they are having them reprinted.

Hon. Sir MACKENZIE BOWELL—I would suggest to my hon. friend the Secretary of State that he should give notice to suspend the rule of the Senate by which we adjourn from Friday until Tuesday, to enable the House to meet on Monday.

Hon. Mr. SCOTT—I intend doing that.

Hon. Sir MACKENZIE BOWELL—As to the intention of the government upon the very voluminous and important Bill called the Land Bill, I notice in the House of Commons after they had discussed the matter for some time, that the Speaker ruled it out of order; that it being a money Bill it should have been introduced by resolution, and after the resolution was adopted the clauses of the Bill should have been considered, but after the Bill had been introduced, and some 150 clauses discussed, the Speaker took exception to a motion made by Mr. Lake on the ground that it was a money Bill and his motion could not be accepted. Then the leader of the opposition, Mr. Borden, raised the same question in reference to the Bill itself, and the Speaker took it into consideration. I have not yet seen what decision he has given in reference to the last objection taken to the Bill. If the Speaker decided that the whole Bill was improperly introduced they would have to begin de novo by resolution, and if that is done it will take another three or four days to complete it. But even if we meet in the morning—and I do not see any necessity for it until we get the important Bills—the business to come before us is of sufficient importance to fully occupy the time of the Senate if they propose to give it any consideration, a much longer period than is to be allowed to us, if prorogation is to take place on the 18th, and I think it would be a very good lesson to the government if the Senate would move to delay the consideration of those Bills until next session, following the precedents set by the late Sir Alexander Campbell at the beginning of confederation when very important measures were sent to the Senate for consideration a few days before prorogation, then the Senate stood upon its dignity and asserted its right to have sufficient time to consider questions of so vast importance, and delayed the consideration of all the Bills sent up until the next session of parliament. If the Senate would adopt the same policy now, they would be asserting a right to have sufficient time given to them to consider all measures of such vast importance as those which are to be sent up to us—that is the Civil Service Act, the Election Act, this Land Bill, and one or two others of which notice has been given by the Premier. I hope the hon. Secretary of State will consider well the suggestions I have made to him, and if he desires prorogation to take place at an early date he had better postpone the consideration of these measures until the next session of parliament.

Hon. Mr. SCOTT—The number of Bills yet to come up is rather limited, very much less than usual, although, as the hon. gentleman says, they are of very great importance. The land Bill is, I understand, a consolidation of the present law. From the debate in the other House I gathered that the principal change was in reference to the sale of land in a certain area for the purpose of creating a fund towards the construction of the Hudson Bay Railway. That, I think, is really the principal feature of the Bill. There may be other points. I hope when the Bill comes before us to be able to point out anything new; but I think four-fifths of it must be the present law. I presume that by to-morrow some of the important Bills will be here. I will make inquiry.

EXTENSION OF MANITOBA BOUNDARY.

Hon. Mr. FERGUSON—Is it the intention of the government to introduce a Bill for the extension of the boundary of Manitoba?

Hon. Mr. SCOTT—I think an announcement was made in the other House that it was. It was mentioned in the Speech from the Throne, and by the Premier in the other House. Many difficulties have been suggested as to terms, and a variety of questions that could not be solved at an early period had to be postponed.

Hon. Mr. LOUGHEED—May I ask what the Prime Minister meant by informing the House that such a Bill would be brought down?

Hon. Mr. SCOTT—I am not controverting that fact.

Hon. Mr. LOUGHEED—The hon. gentleman should have knowledge on so important a subject.

Hon. Mr. FERGUSON—I asked the question, because an evening paper to-day announced that it was not the intention of the government to introduce a Bill, but to introduce a resolution declaring what the additions to the various provinces should be. I think the Prime Minister stated yesterday that the Bill was ready; but this would seem to be rather a contradiction of that statement.

Hon. Sir MACKENZIE BOWELL—No. A Bill of that kind would have to be preceded by and based upon resolutions that were passed. Am I right in that view that I take of the land Bill ? It is a consolidation, as I understand, of the laws now governing the dealing with the lands in the Northwest and incorporating in the Bill, the different orders in council which have been passed, and upon which the Minister of the Interior have been acting in the past—crystalizing them into clauses in the law. That is the view that I have taken of that Bill—not merely an amendment to the present law as it stands, and an incorportation of all the different acts into one ; but also making law of that which in the past has been dealt with by orders in council. If that be the case, to my mind it would be an advantage in dealing with so important a question; it would prevent the minister doing what it is alleged he has done, having orders in council passed relating to lands in an improper way.

Hon. Mr. LOUGHEED—Can the hon. gentleman also say when the Quebec Bridge Legislation will be brought down ? That is a subject which will create a lengthy and important discussion. This House would be recreant to its duty if the matter were not discussed at great length. Reverting to what was said about the boundaries of Manitoba, I would refer my hon. friend to the statement of the Premier, that resolutions extending the boundaries of Manitoba, Ontario and Quebec would be brought down yesterday.

Hon. Mr. SCOTT—I have not had time to read all those reports.

Hon. Mr LOUGHEED—Those are matters dealt with by council, with which my hon. friend should be familiar. All those measures appear to have been prepared by the government, and many of them have been disposed of by the House, and they certainly should be here by this time, and if this House should not dispose of them during the present session, my hon. friend will scarcely be able to blame those who desire to give proper consideration to them.

QUEBEC BRIDGE DISASTER.

Hon. Mr. LANDRY—Will my hon. friend not forget our tenacious claim for the papers relative to the Quebec Bridge Company. We have the report of the Royal Commission on the accident that took place, and that report is accompanied with a number of maps; but there is a volume that is missing, probably another volume that is being printed or is in the press, but it has not been given to the public yet. I hope we shall have that before we discuss the policy of the government on the bridge question. It completes the report, and I hope the minister will be good enough to see that it is placed in our hands in opportune time.

Hon. Mr. SCOTT—I do not think the printing will be ready before the end of the session. I do not think it will be possible.

Hon. Mr. LANDRY—That will go with the repairs of the Dufferin Terrace.

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

THE SENATE.

OTTAWA, Thursday, July 9, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WORKS ON DUFFERIN TERRACE.

INQUIRY.

Hon. Mr. LANDRY inquired :

By increasing the number of workmen to the utmost possible limit, can the government complete the works which it is actually doing at Dufferin Terrace, so as to permit the opening of that promenade to the public at the celebration of the tercentenary fêtes?

Hon. Mr. SCOTT—All the workmen, that it is possible to use to advantage, are now on this work, and it is not possible to complete it, to permit of that portion of the terrace which has been closed to the

public being used, before the Quebec celebrations.

DEBENTURES OF QUEBEC BRIDGE AND RAILWAY COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Up to what amount was the Quebec Bridge and Railway Company authorized to issue debentures?
2. What amount of debentures has the company issued?
3. For what amount has the government guaranteed the debentures issued by the Bridge Company?
4. What is the amount which the Bank of Montreal claims from the Bridge Company for advances in money made to the company, and what amount of debentures has it received as a guarantee for repayment?
5. Apart from this claim of the Bank of Montreal, has the Bridge Company borrowed directly from the government a sum of $2,000,000, by a discount of $1,000,000 upon 'La Banque de Paris et des Pays Bas,' and of $1,000,000 on the 'Credit Foncier Franco-Canadien,' repayable in one year at the Bank of Montreal at 4 per cent?
6. How much altogether does the company now owe:
   (a) To the government for advances of money?
   (b) To the Bank of Montreal?
   (c) To other financial institutions?
   (d) To the Department of Customs?
   (e) To the Phœnix Company?
   (f) To any other persons whatsoever?

Hon. Mr. SCOTT—The answers to the hon. gentleman's inquiry are as follows:

1. By chapter 54 of the Acts of 1903, up to an amount of $6,678,200.

2. The company under the said Act has issued bonds to the amount authorized, $6,678,200, which were pledged with the Bank of Montreal for advances.

3. The government has guaranteed the payment of the principal and interest of the issue referred to, as authorized and empowered by said Act.

4. The Bank of Montreal claims on guaranteed bond account for advances of principal.. .. .. $5,016,453 66
Interest to April 30, 1908.. 156,770 11

Total.. .. .. $5,773,223 77
Less $2,000,000 loaned by the government to the company and repaid to the bank under chapter 35, Acts of 1907.. .. .. $2,000,000 00

Balance claimed by Bank of Montreal on bond account April 30, 1908.. .. .. $3,773,223 77

The bank also claims from the company on account of temporary advances, including interim interest to May 31, 1908, $174,431.36.

The whole issue of bonds above referred to was pledged to the Bank of Montreal for the said advances amounting to $5,016,453.66. On repayment of the $2,000,000 on February 8, 1908, the Bank of Montreal transferred to the government of these guaranteed bonds £478,700, approximately $2,330,000, in accordance with the provisions of chapter 35 of the Acts of 1907.

5. On February 8, 1908, the government advanced by way of loan to the Bridge Company the sum of $2,000,000 under the statute referred to. The discounts by the Banque de Paris et des Pays Bas and the Crédit Foncier Franco-Canadien referred to in the question are distinct and separate transactions from the loan made by the government to the Quebec Bridge Company.

6. (a) Covered by former answers.

(b) Covered by former answers.

(d) The unpaid duty on bonded material at Chaudiere the greater part of which went down with the Quebec Bridge, is $32,682.00—secured by material in bond at Bel-Air valued at $286,776.00.

(c), (e) and (f).

On June 20, 1908, before the Select Committee appointed to investigate the conditions and guarantees under which the Dominion government paid money to the Quebec Bridge Company, the president of the company testified as follows:

When asked what the liabilities of the company were outside of the liabilities to the Bank of Montreal and to the government for $2,000,000—before February 8, 1908, a liability of the company to the bank—he said: 'They owe salaries for the last month.'

The Chairman: 'Is that all you owe?'

Mr. Parent: 'Yes.' 'Is there no floating debt?' Mr. Monk asks.

Mr. Parent: 'No, and there never has been any floating.'

Mr. Barker: 'What about your liability to the Phœnix Bridge Company?'

Mr. Parent: 'That is a question of law.'

RECONSTRUCTION OF QUEBEC BRIDGE.

Hon. Mr. LANDRY—I desire to call attention to a question I asked the hon. minister on Tuesday last, which reads as follows:

1. Since the fall of the Quebec bridge, has the company which had undertaken the construction of it, applied to the government for any assistance whatever?
2. When?
3. Of what nature was the assistance asked for?
4. What was the reply of the government?

The following debate took place on that inquiry:

Hon. Mr. SCOTT—The Phœnix Bridge Company, which had the contract for the construction of the Quebec bridge, has not applied to the government for any assistance.

Hon. Mr. LANDRY—Does the hon. gentleman say the Quebec Bridge Company has not applied?

Hon. Mr. SCOTT—No. The Phœnix Bridge Company has not applied.

Hon. Mr. LANDRY—I was not asking as to the Phœnix Bridge Company. I was asking as to the Quebec Bridge Company, and that answer is that the Phœnix Bridge Company had not applied.

The Phœnix Bridge Company has only taken a part of the construction of the bridge; that is the superstructure; but the substructure had been contracted for by Mr. Davis. It is the company that gave those two contracts, one to the Phœnix Bridge Company and one to Mr. Davis. I hope the hon. gentleman will reconsider that question.

Hon. Mr. SCOTT—I must protest against being catechized in the manner in which I am. We are rushed with important parliamentary business and the hon. gentleman considers that all my time must be given to answering questions of that nature. That question was answered as fully as I was able to answer it, and I can get no further information. He does not seem to be reasonable.

Hon. Mr. LANDRY—I am not speaking of the answer given to-day. I am speaking of a misunderstanding the day before yesterday.

Hon. Mr. SCOTT—Put it on the paper, and I will try and get an answer.

DEPLETION OF GOLD RESERVE.

INQUIRY POSTPONED.

The order of the day being called:

By the Hon. Mr. Ferguson:—

That he will call the attention of the Senate to the depletion of the gold held by the government during the months of November and December last, and will inquire of the government—

1. Was specie amounting to $5,115,000 withdrawn from the federal treasury in November and December last in consequence of an order in council made on November 12, 1907, as amended by another order in council made on the 26th of the same month, authorizing an issue of Dominion notes, without a corresponding increase in the circulation of Dominion notes?

2. Did the government when they made the said order in council, contemplate the issue and circulation in Canada of Dominion notes, or the withdrawal from the treasury and exportation of specie?

3. If such withdrawal and exportation of specie was not contemplated by the government, was it not their duty to guard against the depletion of the gold reserves of the treasury by providing that the notes issued, without lawful security, should not be presented for redemption, until the loans they were intended to facilitate had been repaid?

4. Did the specie mentioned in the first question or part thereof form part of the exportations of gold made to the United States, in November and December, 1907, amounting to $7,297,778?

5. What were the current premium rates on gold, stated weekly, in New York, in November and December, 1907, and did the government of Canada participate in the profits accruing from premiums on gold, withdrawn from the treasury, and sold in New York during the said months? If so, how much?

6. In what way did the withdrawal of the government gold reserves during the months of November and December, 1907, and the exportation in the same period of a corresponding amount of gold, to the United States, resulting from the said order in council, relieve the financial stringency in Canada and facilitate the movement of the western grain crop?

7. What portion of the loans, stated below (see return submitted to the House of Commons on April 8, 1908), made by the bank of Montreal, on account of the Dominion government for facilitating the movement of the western grain crop was used:—

1. In the purchase of grain direct from the producers?

2. In the movement of grain already in elevators, to the seaboard or points of consumption, before the close of lake navigation in 1907, giving the date of the latest shipment by the lakes route?

Date of loan.	No. of loan.	Amount.
November 21, 1907..	1	$ 500,000
November 26, 1907..	2	500,000
November 29, 1907..	3	500,000
November 30, 1907..	4	500,000
December 13, 1907..	5	150,000
December 24, 1907..	6	165,000
December 26, 1907..	7	300,000
December 26, 1907..	8	1,000,000
December 30, 1907..	9	750,000
December 30, 1907..	10	750,000
January 2, 1908..	11	200,000

Hon. Mr. SCOTT—I must ask the hon. gentleman from Marshfield to let this inquiry stand. The answer was prepared, but the Minister of Finance would not let it be presented until he saw it. He is in the House for 15 hours during 24, and it is quite impossible to get near him.

Hon. Mr. FERGUSON—I feel quite disappointed, because I have been ready all week. Now it will go over until next week, I suppose.

Hon. Mr. SCOTT—I had the first answer the other day.

Hon. Mr. FERGUSON—Two days ago.

Hon. Mr. SCOTT—It involved looking up a lot of accounts. I spoke to Mr. Fielding, and he was quite willing. I will try and see him before to-morrow. I understand the paper is ready, but they said they could not give it to me until Mr. Fielding had seen it.

The SPEAKER—It will stand until to-morrow.

Hon. Mr. FERGUSON—I would like to have it stand first on the motions.

Hon. Mr. SCOTT—Oh, yes.

A QUESTION OF PRIVILEGE.

Hon. Mr. DAVIS—Before the orders of the day are called, I wish to rise to a question of privilege. In the report of the debate of yesterday, His Honour the Speaker called me to order for obstructing the proceedings of the House. I find the following in the official report:

> Hon. Mr. DAVIS—We are now discussing the rules of the House, and I do not know of any rule which prevents discussion on a motion, so long as one keeps within the range of argument relating to the resolution.
>
> The SPEAKER—Unfortunately there is no closure in this House or in the other branch. Nothing but rule 16, which provides that the Speaker must preserve order and decorum, and I think the conduct of the hon. gentleman is against the decorum of the Senate.

I do not know whether the Speaker is properly reported or not. If he has been improperly reported, I would like to have this set right. I am a public man, and do not want it spread abroad that I have conducted myself contrary to the decorum of the House. I am in the judgment of the Senate to say whether I expressed myself in any way to warrant such a statement. Had I been called to order, I should have bowed to the ruling of the chair, as I always do. I think the remark attributed to His Honour the Speaker is uncalled for, and should be expunged.

The SPEAKER—If English were my mother tongue perhaps I would have used a more subtle term to convey the same idea that I expressed in, perhaps, somewhat abrupt terms. But I confess the words I did use fully conveyed my thought.

Some hon. GENTLEMEN—Hear, hear.

The SPEAKER—The hon. gentleman perhaps believed that the methods followed elsewhere should prevail in this Chamber. My understanding of the practice and customs of the Senate is otherwise, and the idea I wanted to convey was that the hon. gentleman could not violate for an hour or two the whole spirit, and, in very many instances, the letter of our rules without being called to order.

Hon. Mr. DAVIS—I am very sorry——

Hon. GENTLEMAN—Chair, chair. Order, order.

Hon. Mr. LANDRY— Why not?

Hon. Mr. SCOTT—The chair has given his ruling.

Hon. Mr. LANDRY—It is not a ruling at all.

Hon. Mr. SCOTT—He has given a decision as to what was said, and the Speaker's statement is called in question.

Hon. Mr. DAVIS—I do not question what might have been in the mind of the Speaker. I have been under the impression that the Speaker is the chairman of the House, and I think he has no right to jump to the conclusion that a member

is obstructing the business or doing anything contrary to the rules of the House. I know of no regulation which prevents a senator from discussing any motion or any subject in his own way. I may not have put my arguments before the House in a manner to suit the views of many hon. gentlemen, but I was trying to do what I thought was right in the interest of the people I represent. I am satisfied that nothing I have said could be fairly construed as violating the decorum or dignity of the Senate.

Hon. Mr. CLORAN—I wish to direct the attention of the Speaker to another opinion expressed by him in the paragraph quoted:

Unfortunately there is no closure in this House or in the other branch.

Is the country to understand that that is an official expression of opinion from the Senate?

The SPEAKER—The hon. gentleman will, I suppose, take it for granted that that was my personal view of the matter.

Hon. Mr. CLORAN—But it is a very serious opinion to put before the country.

The SPEAKER—I hope it will be shared by the majority.

Hon. GENTLEMEN—Hear, hear.

THE QUEBEC BRIDGE.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to ask whether the second volume of the report on the bridge question is now ready.

Hon. Mr. SCOTT—I do not know. I have no way of knowing that it is.

Hon. Mr. LANDRY—I suppose that when it is ready it will be immediately laid on the table?

Hon. Mr. SCOTT—Whenever it is printed, it will be placed on the table of the House.

Hon. Mr. LANDRY—Can the hon. gentleman tell us if it is in press?

Hon. Mr. SCOTT—There is no possible chance of those reports being printed for months yet. There is a great deal of lithographic work to be done.

Hon. Mr. LANDRY—That portion of the report has been printed; but there is an appendix containing all the minutes of the proceedings of the Quebec Bridge Company that were given to the Royal Commission and embodied in their report. The first volume states that that volume has gone to press, and I want to know when we are to have it. It is necessary to complete the report of the Royal Commission. Will the hon. gentleman be kind enough to make inquiry about that particular volume.

Hon. Mr. SCOTT—I will inquire.

BILLS INTRODUCED.

Bill (89) An Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill Park in the city of Ottawa as a hotel site.—(Hon. Mr. Scott.)

Bill (120) An Act to authorize the issue of Government Annuities for old age.—(Hon. Sir Richard Cartwright.)

Bill (189) An Act to amend the Civil Servce Act.—(Hon. Mr. Scott.)

Bill (191) An Act respecting the bounties on lead contained in lead bearing ores mined in Canada.—(Hon. Mr. Scott.)

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (112) An Act to amend the Railway Act as respects the construction of the Board of Railway Commissioners, as amended.

Hon. Mr. BEIQUE—I beg to move:

That the said Bill be not now read a third time, but that it be further amended by adding the following to subsection (c) of section 2 :—

And whenever he has acted it shall be conclusively presumed that he so acted in the absence or disability of the chief commissioner within the meaning of this section.

Hon. Mr. SCOTT—I accept the amendment.

Hon. Mr. LOUGHEED—While I do not wish to oppose the introduction of this amendment, I think it is a very bad precedent to establish, inasmuch as it is a well known canon of construction in the interpretation of statutes that the law will pre-

sume the statute has been complied with until the contrary has been shown, particularly in the construction of a statute of this nature. This is equivalent to saying that hereafter, in all statutes, you must state really what the presumption of law should be, or would be. That, it seems to me, is the objection which lies against the introduction of this amendment.

Hon. Mr. BEIQUE—I do not think the presumption extends as far as the hon. gentleman states, and, at all events, this is applying to subsection 2 the very same principle that is applied to subsection 3, and it is a sufficient reason, because if parliament deems it necessary in section 3 to make a declaration of that kind, it becomes necessary to make the same declaration as regards the assistant chief commissioner which is dealt with by this subsection.

The amendment was adopted.

Hon. Mr. FERGUSON—I beg to move that the said Bill be not now read a third time, but that it be amended as follows:

Section 62 of the said Act is repealed and the following is substituted therefor:

62. The board shall within three months after the thirty first day of March in each year make to the Governor in Council through the minister, an annual report, for the year next preceding the thirty-first day of March, showing briefly:

(a) Application to the board and findings thereon under this Act.

(b) Findings of the board in regard to any matter or thing respecting which the board has acted of its own motion, or upon the request of the minister.

(c) Such other matters as appear to the board to be of public interest, in connection with the persons, companies and railways, subject to this Act; and

(d) Such matters as the Governor in Council directs.

2. The said report shall be laid before both Houses of Parliament during the first days of the next session of parliament.

I think I made my notice comply entirely with the suggestion made by the hon. Secretary of State. The objection was entertained to requiring a statement of the expenditure of the board being furnished, and I have struck that out, although I notice that that is already in a manner being supplied in a report of the commissioners, not a full statement, but a statement of salaries, and such things as that is given in the report. I think that is quite immaterial, because I think they will all have to appear in the Auditor General's Report, and anybody who wants to look for it can obtain the information there. The only changes which this makes in the law as it stands at present, are that it requires that the findings on the applications shall be given. According to the words of the law at present, the board is required to report their proceedings and applications. I find they have published hundreds of applications without the findings. What is proposed here is, that they shall not only publish the applications but the findings, and I have introduced the word 'briefly,' in order to cover all this information and to insist on their making it quite concise. At present the report publishes hundreds of applications without a word about what their action on them was. The object of this is that they shall publish briefly the applications and the findings. Then paragraph B is a new feature, and provides that they shall also give their finding briefly, stating what they do under section 28 of the Act that is when they proceed on their own motions or on the request of the minister. These are two changes. I do not say that they are not important, because they will lead to very full information. Then we come to subsection 2. In that section as it stands at present, the report is to be made to the House of Commons, we should certainly not allow it to pass in that way, ignoring the Senate. The amendment there is that it shall be made to both Houses of parliament. I think my hon. friend will find that all his suggestions with regard to this have been complied with.

Hon. Mr. SCOTT—I should have preferred that my hon. friend confined this to cases of importance, because there will be hundreds and thousands of cases that the public won't take any interest in whatever, and I think it should be left to the discretion of the board to report only such cases as will be of interest. It is a mistake to load down these reports with immaterial matter, and probably nine-tenths of all the questions that come before them will not have the slightest interest to the public. There must be lots of cases that are simply a repetition of former decisions, and, therefore, I would be very glad to accept all

these amendments as far as I can, but there will be a remonstrance in the other Chamber about them, I am quite sure.

Hon. Mr. FERGUSON—No fear of it. The commissioners now make a much more voluminous report than I think is at all necessary, and two-thirds of it at least contains no information whatever. For instance, 500 or 600 cases of applications without one word of what is done with them. What is the good of that? What is the good to the public to know these applications were made unless we know what was done with regard to them? And then they go further and give a long list of some hundreds of informal complaints without a word of what was done on those complaints at all. It is not illuminating. It is not information for the public. We must bear in mind that the Railway Commission is clothed with very special powers. They receive appointments that cannot be cancelled in the ordinary way, and from the experience we have had this year, they decline to furnish parliament with information. A body that has these great powers the heads of which are not liable to be removed, should have light thrown on their action. I am asking for specific information. What is the use of publishing a long string of applications without a word as to what was done with regard to them. Then there are redundancies in the report, long judgments rendered, with the dissenting judgments of the different commissioners. What we want is in a concrete from the decision of the commissioners and not the arguments among themselves over them. A document of the same size might be made to contain more valuable information than this does. The Railway Commission are overlapping the work of the Department of Railways in the matter of statistics. I feel bound to say for the present deputy Minister of Railways, that after reading his evidence before the Civil Service Commission, and having had a long conversation with himself and his very efficient controller, Mr. Payne, on the subject, I know they are starting a work of railway statistics far better than we have ever had before, and which will become of vast value to the people of Canada. The Railway Commission is not equipped for that work; why should it be carried on in two places. The experience we have had in this House when the Railway Commission supplied information, was that it was very incorrect. I could occupy a good deal of time to show from this report that the statistical department of the Commission is on a very bad basis. I think my hon. friend, after hearing these observations, and looking at this report, will see that we want more precise information. I am not calling for a more voluminous report.

Hon. Mr. BEIQUE—I am in sympathy with what the hon. gentleman has in view, but I must call his attention again to the fact that his amendment goes altogether too far. My own office has filed with the Railway Commission Board at least 200 applications in connection with a comparatively small railway within the last year or 18 months, and out of those applications not more than half a dozen could be of any interest to the public. Most of the applications were for leave to cross streets or highways with the consent of the municipalities concerned. The policy of the Board has been to exact the consent of the municipality, but if they could not get it, the parties were heard. In every case the consent was obtained, the application was filed with the consent of the municipality and the order was rendered by the commissioner or the assistant commissioner privately, outside of the court. Where would be the necessity of encumbering their reports with matters of that kind? If a small railway entails such a number of applications of no importance to the public, what may we not expect when we deal with large railways crossing the continent? The hon. gentleman must see that it would entail incorporating in the report thousands of applications which are of no interest whatever to parliament or to the public. He should limit it to applications of public interest.

Hon. Mr. FERGUSON—The report at present contains a list of all the applications and all that remains to be done is to state briefly whether they were granted or refused. With regard to the work of the Board, and railway crossings espe-

cially, the House will infer from the hon. gentleman's remarks that the Board has dealt with almost innumerable cases of the kind. I have returns from the Board in regard to its dealings with railway crossings——

Hon. Mr. POWER—The hon. gentleman from De Salaberry referred to highway crossings.

Hon. Mr. FERGUSON—Did not my hon. friend refer to railway crossings ?

Hon. Mr. BEIQUE—Amongst others.

Hon. Mr. FERGUSON—I meant highway crossings. Although Mr. Mountain, before a committee of this House, stated that the Board had inquired into 503 cases and made orders for the protection of the public in regard to most of these, I find a statement in a return, which is said to be a partial one up to January 1—that there were only 2 electric bells ordered, gates and watchman 1, subways 6, overhead bridges 7, diversions and subway 5, under crossings 1, viaduct 1, concrete arch 1. This is from their own return.

Hon. Mr. SCOTT—It would not include highway crossings.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. SCOTT—Every time a concession line is crossed they cross a highway. They cannot run through a township without crossing several highways.

Hon. Mr. FERGUSON—It is with reference to protecting crossings already in existance, not dealing with the opening of a new railroad. I have here a return in response to a motion which I made for a statement showing, separately, the highway crossings at rail level on all railways, except railways under construction, within the jurisdiction of the Railway Commission in respect of which highway crossings, protection has been ordered by the board since its organization, said return to give the character of the protection ordered in each case, the name of the railway company, the local designation of each highway crossing, and the county and province in which it is situated, and the date of the order and regulation in respect thereof. Also, a similar return giving the highway crossings and rail-level ordered to be protected by the proper authority in each case on all railways not under the control of the board, including the Intercolonial Railway, and including orders made regarding railways under construction. Also, a similar return respecting all highway crossings at rail-level which had orders and regulations in respect to them in force, on the 1st day of February, 1904. It appears from this statement that everything is in chaos. The answer is as follows:

Referring to the above, I now submit a partial list covering the period from October 24, 1906, to January 1, 1908, and affecting 66 level crossings. The balance of the crossings affected by the above order are being prepared as rapidly as circumstances will permit and will be forwarded from time to time. I desire to point out that in order to furnish the information asked for by the order it is necessary to handle a very large number of documents. This can be more readily understood when I state that the total number of orders issued to date is approximately 5,000, and that in many of the orders relating to level crossings, the question of the kind of protection to be given has been reserved for further consideration of the board. The board has no statistical branch attached to it, no clerks who could be available to be set aside for such purpose, and, therefore, when information of this kind is asked for, it necessitates taking off several members of the board's staff, in this instance three out of a total staff of eight, and devoting their time exclusively to this purpose.

There is no regular fyle of the judgments or orders and findings. If they were fyled in a regular manner, or inserted in a book, it would be easy to get them, but it appears they are all put in promiscuously and they have to examine all those documents to separate them. It shows they are attempting to do statistical work there which they should not do, and with regard to this work which they should do, it is being done without any system. My hon. friend from De Salaberry pointed out yesterday that this would necessitate the publication of matters done in chambers. It will not do that. It only asks for cases on applications, or where the board has acted of its own motion. Where informal matters come up, they may publish that, but it is not called for by my amendment. The Act is very lame without the amendment, and if we allow matters to go on as at present, we shall always have trouble getting information. I do not think it should rest with the board to decide whether a

decision is important to the public or not. What they might think unimportant might be very important not only to the parties themselves but to others.

Hon. Mr. SCOTT—The first is 'applications to the board'—that includes all applications.

Hon. Mr. FERGUSON—The law requires that now, and proceedings on the application, but it does not provide for the findings. I want the findings given and the word 'briefly' introduced, so that the substance of the application and the finding may be furnished.

Hon. Mr. SCOTT—Section 62 of the Act provides for an annual report giving applications and proceedings, and such other matters as may appear to the board to be of public interest and such matters as the Governor in Council directs.

Hon. Mr. FERGUSON—The only difference is defining the report with regard to applications and requiring the board to give their finding in a matter that they take upon the order of the Governor in Council or of their own motion. We define what they should do with regard to applications. We do not require them to give the proceedings as the Act does now, but to give briefly the findings of the board and the applications.

Hon. Mr. POWER—Would it not be sufficient to have summaries of the findings, because the findings are just those long decisions to which the hon. gentleman has referred ?

Hon. Mr. FERGUSON—Instead of 'briefly,' we might say 'summarily.'

Hon. Mr. POWER—Applications to the board and summaries of the findings. I do not think summarily would be any better than briefly. You do not want the decisions set out at length; you want just summaries.

Hon. Mr. FERGUSON—I thought briefly would meet that, but I am quite willing to accept the word synopsis or summaries. My object is to get something very concise that will be useful for information.

Hon. Mr. SCOTT—The word 'applications 'ought to be qualified; those of public interest and not matters of form.

Hon. Mr. FERGUSON—As it is now, they are published fully.

The amendment was changed by inserting 'summaries of' and adopted.

Hon. Mr. LANDRY moved that the Bill be not now read the third time, but that it be read the third time this day three months. He said: I do not want to give any reasons for this motion except that I am opposed to the Bill altogether. I do not see why we should double a court of this kind when nothing has been shown to us to warrant it. We are adding about $25,000 a year in salaries to the expense already incurred, and when new judges are unnecessary. For my part I cannot approve of the principle of the Bill.

The amendment was declared lost.

The Bill was then read the third time and passed.

TOBACCO RESTRAINT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (173) An Act to restrain the use of tobacco by young person.

(In the Committee.)

On clause 1.

1. Every one is guilty of an offence and liable on summary conviction in the case of a first offence to a penalty not exceeding ten dollars, and in the case of a second offence to a penalty not exceeding twenty-five dollars, and in the case of a third or subsequent offence to a penalty not exceeding one hundred dollars, who, directly or indirectly, sells or gives or furnishes to a person under the age of eighteen years any cigarettes or cigarette papers, whether for his own use or not, or sells or gives or furnishes to such a person tobacco in any form other than cigarettes which tobacco he knows or has reason to believe is for the use of that person.

Hon. Mr. POWER—As I understand, this Bill, as originally introduced, fixed the age at 16 years, and it is to be regretted that any change has been made. Sixteen is the age which the criminal law generally has selected as the line of demarkation between young persons and grown up people. A youth under 16, if convicted of an offence, is sent to a reformatory or industrial school. A boy of 17 or 18 is sent to jail or other prison with adults, and I do

not think that it is a desirable thing that a young man of 17 who violates this section by purchasing tobacco should be liable to be sent to consort with grown up prisoners; and, further, there is a difficulty. A police officer or magistrate, or any one can generally judge whether a lad is over 16 or not. He can form a pretty good idea of it; but when you fix the age under 18 it is a different thing altogether. There are some youths at 18 who look as old as others at 20 and vice versa. While I cordially endorse the spirit of the Act, I do think we are going a little too far in carrying the paternal spirit to the age of 18, and I move that 16 be substituted for 18 in line 10.

Hon. Mr. SCOTT—I should regret if my hon. friend's amendment were adopted. If I were fixing the age I would make it 21. It is admitted by all physiologists that neither the mental nor physical part of the human body is developed until the age of 20, and I should rather raise it higher than to lower it. If the hon. gentleman had seen the maternal appeals that were made by some hundreds of women of this country, when they met Sir Wilfrid Laurier and some of his colleagues in the Railway Chamber of the House of Commons, he would not have uttered the sentiment he did just now, where these women pointed out that their sons were being destroyed mentally and physically by the use of tobacco. The testimony was abundant, and the way those poor mothers pleaded for an Act of this kind, touched my heart at all events, and I felt that if ever I had an opportunity to do so, I would favour their view of it. They even agitated to place it at a greater age and it would be a very great blow to reduce the age to 16 years.

Hon. Mr. LOUGHEED—Can my hon. friend say whether there was medical testimony before the government as to the injurious effects of smoking cigarettes? I have read articles in the Lancet, in which leading medical authorities on the continent have taken the ground that cigarette smoking is not more dangerous than any other form of smoking. It is a very controversial subject as to whether the use of cigarettes is more injurious to the system than other kinds of smoking. Then again, I would point out to the chairman that any youth under 18 years of age acting as a messenger, subjects the person who sends him on that message to a fine of $100. I would refer hon. gentlemen to lines 9, 10 and 11. It will there be seen that if a youth of 18 years of age be sent as a messenger, and a person may sell him tobacco or make use of him as a messenger, that person is liable to the penalties incident to a contravention of the provision:

> Who directly or indirectly sells or gives or furnishes to a person under the age of 18 any cigarette or cigarette papers, whether for his own use or not.

Hon. Mr. ROSS (Middlesex)—Which he knows, or has reason to know, is for the use of that person.

Hon. Mr. LOUGHEED—No, that is another clause. This clause says:

> Or sells or gives or furnishes to such a person tobacco in any form other than cigarettes which he knows or has reason to know is for the use of that person.

There are two classes of offences there, namely a person giving cigarettes or cigarette papers to a youth under 18 years of age, or selling to a youth for his own use, tobacco in any form other than cigarettes. I think that is carrying the law to an absurdity.

Hon. Mr. SCOTT—Laws of this kind will be evaded, I do not care how strong the language. We know very well that in the temperance legislation how far we were obliged to go in order to make the Act effective, and if you diminish the English used, you simply make a farce of it.

Hon. Mr. LOUGHEED—That is equivalent to saying that while it is legal to sell cigarettes to persons over 18, yet you have to use an adult to carry cigarettes through any channel. This, in my judgment, is simply absurd.

Hon. Mr. McMULLEN—I really think the last paragraph, from the word 'cigarettes' in the thirteenth line should be struck out. I am fully in accord with fixing the age at 18, but when you come to make a conviction you will have to prove that the man you are seeking to convict, knew or had

reason to believe that the purchase was for the use of the person to whom the tobacco was sold. A boy of 18 buys a plug of tobacco to chew. He pays for it and puts it in his pocket. You summon the merchant for selling a plug of tobacco to that boy. In order to convict and fine him you must prove that he knew or had reason to believe it was for the use of that boy. The boy may buy the tobacco, presumably for his father or for somebody else. If the seller says 'I had no reason to know that it was for himself,' you cannot convict him. I say that it leaves the clause absolutely nugatory by adding the last two lines, 'Which tobacco he knows or has reason to believe is for the use of that person.' I certainly think these words should be struck out, because if you leave them there, you will not get many convictions.

Hon. Mr. POWER—The question before the House is my amendment, substituting 16 for 18.

Hon. Mr. ROSS (Halifax)—I did not happen to be present when this Bill was passing its second reading, but if I had my own way, instead of reducing the age I would make it 20 instead of 18. A boy at 20 may be more feeble minded and feeble bodied than a good many at 18, and the anomaly is this: you punish a boy for using cigarettes; why not punish him for using tobacco of any description?

Hon. Mr. POWER—So it does.

Hon. Mr. ROSS—I believe the one to be just as injurious as the other. We are not doing justice to our young children or to our young boys, by the example we set them ourselves. A father, after his breakfast, takes his plug of tobacco and with his knife cuts it, charges his pipe, lights up and smokes away, fancying himself the greatest man in the Dominion of Canada, and his children are watching him, and as they grow up they will follow their father's example. The old saying is:

'As the auld cock crows,
The young cock learns.'

I think there should be no difference between the uses of tobacco either in smoking or chewing. Of course, men of independent means will, perhaps as a matter of taste, take a cigar, because they can afford to do so, while the poor man takes his pipe; but the sin and the abuse are just the same in whatever method you use tobacco at all. If I had my own way, there would be no father, no son and no child using tobacco in this Dominion, because I believe, next to the abuse of ardent spirits, it is the greatest curse we have to contend with to-day.

Hon. Mr. FERGUSON—The hon. gentleman would prohibit the snuff box on the table here I suppose?

Hon. Mr. ROSS (Middlesex)—When the Bill was brought into the House of Commons the prohibited age was 16, and that was advanced to 18 after the discussion of the Bill. After the House of Commons gave it consideration, they advanced the age from 16 to 18. I do not think we should go back on that age. I think it is a reasonable limit. In Ontario, no person is allowed to give intoxicating liquors to a lad under 18 or to allow a lad under 18 years to loiter around a hotel. We will adopt something of uniformity in the matter of tobacco if we select the age of 18, uniformity in Ontario as to the matter of liquor and I think uniformity will help as to the enforcement of both laws. We do not need to discuss the physiological effect of tobacco upon lads. That question is not really before the House. We assume that it is too well established. The number of petitions from all parts of Canada in regard to this subject is pretty clear warning to this House that the smoking of cigarettes by boys is a very great evil, and if this Bill would correct it, I think we would be doing nothing less than our duty to adopt the age of 18.

Hon. Mr. POWER—The hon. Secretary of State rather intimated that I was opposed to the principle of the measure.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. POWER—I took care to say I was not.

Hon. Mr. SCOTT—The hon. gentleman is taking the best way to show that he is.

Hon. Mr. POWER—The hon. gentleman does not distinguish.

Hon. Mr. SCOTT—A man is not a man until he is 21.

Hon. Mr. POWER—The criminal law fixes the age of 16 years as the dividing line between youth and maturity, or rather between childhood and youth. As I have pointed out, you run the risk of sentencing a young man between 16 and 18 to being put into the common prison with adult prisoners, if he is convicted and does not pay the fine under this Bill. That would be a most regrettable circumstance, I think. But in the various provinces—I suppose it would be the same in Ontario as in the province from which I come, they have bylaws which fix the age at 16; and if a boy does not smoke before he is 16, at any rate he has to a certain extent attained his growth and he is not so likely to acquire the habit then. These extraordinary provisions which it is found necessary to put into sumptuary laws, show you are legislating to a certain extent against human nature, and you should not go too far. It is desirable that every man should be virtuous; that he should be truthful and honest and in every way moral; but you cannot legislate him into that and it is the same way with regard to sobriety, and to a certain extent with respect to excessive indulgence in tobacco. I think the better way therefore, is to pass a measure which we can reasonably hope to see enforced. The policeman will not arrest young men of 17 or 18 on the street, for smoking cigarettes, and I think the better way is to confine the law to boys under 16.

Hon. Mr. FERGUSON—I do not agree that we are legislating against natural instincts at all. Natural instincts never lead anybody to use tobacco in any form. The taste is acquired, and acquired with difficulty; but when acquired as a habit it is very difficult to break away from it. I strongly support the age of 18.

Hon. Sir MACKENZIE BOWELL—There is one thing very certain; history shows that there is no country in the world, scarcely any race of beings, no matter whether they are savages or cannibals, that do not indulge in some narcotic or other. I think if hon. gentlemen will search in the library, they will find ample proof of the statement I have made, that no race of human beings has yet been discovered who do not indulge in some narcotic. Whether it is a natural instinct of the human race or not, I am not prepared to say; but that is an historical fact. I see great difficulty in enforcing so drastic a provision as this one. The difficulty will arise in ascertaining the age of the person. There are some boys at 15 years of age who look as old as others do at 19 or 20. You will always have the age difficulty presenting itself, and while this Bill is in accord with the Ontario Act, I am not sure that the Ontario Act has effected the reform that was anticipated when it was passed.

Hon. Mr. ROSS (Middlesex)—It has a tendency to frighten boys away from hotels, when they know it is contrary to law.

Hon. Sir MACKENZIE BOWELL—I should be glad to have had some experience of that kind. Any observations that I have taken in the city in which I live—and I presume it is much the same as almost any town or city in the country, and you will find little boys ten or twelve years of age with cigarettes in their possession. I have never yet known of any of them being punished. I would like to see the laws enforced; but if you place drastic laws of this character, however praiseworthy the object may be, on our staute-book you will find that they become a dead letter. I have seen, to my surprise, in a certain watering place in the province of Quebec, a father and two or three of his sons, ten or twelve years old, all of them as jolly as you please smoking their cigarettes and pipe. Does this Act reach those people? Is the father to be punished for permitting his boys to smoke? They think there is no harm in it. There is a difference of opinion in regard to the effect of smoking. If the use of cigarettes is as deleterious to the human race as it is represented to be, the best way would be to prohibit the manufacture and prevent the importation of them into the country, and then you would reach the object you have in view. But this law, while intended for good, and we hope it may effect some good, will be a dead letter on the statute-book.

Hon. Mr. LOUGHEED—Clause 1 does not deal with cigarette smoking. It really deals with persons furnishing cigarettes or tobacco to youths under 18 years of age. A law to be effective should be reasonable; it should not violate practical common sense and every practice of commercial life. We actually enact that an employer sending a youth under 18 years of age as a messenger to a tobacconist with a package of cigarettes becomes liable to a penalty of $100. Clause 1 deals, first of all, with the offence of an adult furnishing a cigarette or cigarette papers to a youth under 18 years of age, and the second offence of the adult under the same clause is where he furnishes the persons under 18 years of age tobacco for the person's own use—not cigarettes but tobacco in some form or other. We have those two classes of cases.

Hon. Mr. BAKER—Whether for his own use or not.

Hon. Mr. LOUGHEED—But in the other case, simply as a messenger a youth, your son or any other person under 18 years of age, to carry for him cigarette papers is made an offence, rendering the adult liable, no matter whether the youth is going to use it or not, no matter whether he ever opens the package or has any intention of opening it. The crime is first going to the tobacconist at the instance of an adult person to purchase tobacco, that does violence to every principle of common sense and makes it a dead letter.

Hon. Mr. McMULLEN—How does the hon. gentleman interpret the last two lines 'Which tobacco he knows or has reason to believe is for the use of some other person'?

Hon. Mr. BEIQUE—That person does not apply to the cigarette. The first part of the clause is as to cigarettes whether for his own use or not. The tobacco is on a different footing. The merchant is allowed to sell tobacco to a boy if he does not know or has no reason to believe that it is for the use of a boy. It is evident the clause was drafted in that way intentionally. I think it would be very difficult to legislate on that subject as far as the cigarette is concerned if we qualify it as the clause with regard to tobacco is qualified: 'When he knows or has reason to believe it is for the use of that person.'

The CHAIRMAN—That clause comes in later.

Hon. Mr. SCOTT—The question is on the 18 year proposition.

The amendmeut was declared lost.

Hon. Mr. McMULLEN—I think all the words after 'cigarette' should be struck out: 'Which tobacco he knows or has reason to believe is for the use of that person.' You never can secure a conviction with the clause in that shape. The party will say: 'I had no reason to believe it was for the use of the person.'

Hon. Mr. ROSS (Middlesex)—I think there is a reasonableness about that after all. There was no agitation in the country seriously against the use of tobacco until cigarette smoking became common. It is a modern invention. I knew nothing of it when I was a boy. When we were at school we never knew what a cigarette was. I was brought up in the country but even in the cities the cigarette is a modern invention. So the clause is strictly drawn. As to the use of tobacco in other forms by little boys, there is very little danger. It is not a menace at all. It may be hard to secure a conviction under the clause, but there will be very little occasion to prosecute boys for buying tobacco for their own use.

Hon. Mr. McSWEENEY—If they cannot get cigarettes, will they not procure tobacco?

Hon. Mr. ROSS (Middlesex)—The boy thinks the cigarette is a harmless thing, and that to use it is smart. He never thinks of the pipe. The cigarette is smart and tony, and appeals to his taste and he goes on smoking.

The CHAIRMAN—I understood the first clause was adopted.

Hon. Mr. LOUGHEED—I thought it was simply the amendment that was adopted.

The CHAIRMAN—I understood that I put the question and the clause was carried.

Hon. Mr. LOUGHEED—I move for a reconsideration of the clause.

The CHAIRMAN—You have a right to do that.

The motion was declared lost.

On clause 2,

2. It shall be the duty of any constable or person having the powers of a constable, or person authorized so to do by any by-law in that behalf made by any authority or person having power to make such by-law, to seize any cigarettes, cigarette papers or tobacco in any form other than cigarettes in the possession of any person apparently under the age of eighteen years whom he finds smoking or about to smoke in any street or public place.

Hon. Mr. McMULLEN moved to add after the word 'smoke' the words 'chew.' He said: In every city or town you will find a number of boys standing around street corners, not smoking but chewing tobacco and spitting all over the sidewalks. I know of a case where a man was riding past a school just at the hour of recess. Some 12 or 13 boys came out and asked him for a chew of tobacco. He handed them the plug, and half of those boys bit off portions of it and chewed the tobacco. Chewing is even a dirtier habit than smoking, and should not be permitted.

Hon. Mr. ROSS (Middlesex)—My hon. friend should add in the same clause 'or about to smoke or chew.'

Hon. Mr. McMULLEN—I accept the amendment.

Hon. Mr. WATSON—How are you to know when a boy is about to chew?

Hon. Mr. GIBSON—All the hon. gentlemen who have taken so much interest in the Bill do not taste tobacco. I have been in Holland and have seen children of six or eight years smoking cigarettes. I have seen ladies handing around cigars to their daughters. It is a ridiculous thing to put such legislation as this on the statute-book. The greater the restrictions, the greater the desire of those who are restricted will be to get tobacco. Surely the committee is not going to pass such an arbitrary Act as this which would render a young man of 18 liable to be arrested for smoking or chewing tobacco? It will lead to annoyance by over-officious busybodies who will be looking to discover pipes and tobacco on young men. I think the age of 16 is old enough.

Hon. Mr. McSWEENEY—That has been settled.

Hon. Mr. GIBSON—But you are making this more drastic by the amendments. When it comes to a question of searching a boy's person to find if he has tobacco on him, I think the committee is going too far. No one wants to see our young men going to the bad, from the effects of smoking at too early an age; but if an attempt is made to search young men of 18 for tobacco there will be trouble. I know when I was 18 if a man that I thought that I could lick had attempted to search my pockets there would have been trouble.

Hon. Mr. ROSS (Middlesex)—This only applies to smoking or chewing in public places. A young man can smoke at his own fireside, or in the stable, or in the outhouse, or in the woods, but not in public places. This is a protection of public taste. Although I have been a smoker for 40 years, I have never smoked in a public place in my life, or while walking with anybody else.

Hon. Mr. GIBSON—The hon. gentleman, like myself, is an inveterate smoker, and whether he smokes at his own fireside or in public places should not be a question for this committee to decide. If it is bad to smoke in a public place it certainly would be no better to smoke in a private place.

Hon. Mr. ROSS (Middlesex)—But the boy is not subject to interference if he smokes in a private place.

Hon. Mr. GIBSON—Did the hon. gentleman begin to smoke before or after he was 18 years of age?

Hon. Mr. ROSS (Middlesex)—I did not smoke until I was 26.

Hon. Mr. GIBSON—I have smoked since I was 13, and I am still on top. This measure is altogether too drastic. If it was a practical measure which could be put

in force, there would be something in it; but you are going to create unnecessary trouble. How are you to decide when a young man is about to smoke? Only the other day, I read of a case where a man had a pipe in his mouth on the street car, and a lady found fault with him, and said: 'You are not allowed to smoke on this car.' He replied: 'I am not smoking.' 'Well,' said she: 'You have a pipe in your mouth.' 'I have,' he said: 'And I have boots on my feet but I am not walking.' Now, how is a constable going to arrest a young man who may have a cigar in his mouth on the plea that he is going to smoke? I know men who are what are called dry smokers, who are never without a cigar in their mouths but who have never smoked in their lives.

Hon. Mr. SCOTT—Trying to break themselves of the habit.

Hon. Mr. GIBSON—Not necessarily. I quit smoking for five years at one time, and could quit it now, but I do not want to. This legislation will lead to trouble in our towns and villages.

Hon. Sir MACKENZIE BOWELL—I know a gentleman who is what my hon. friend calls 'a dry smoker.' He is scarcely ever without a cigar in his mouth; but this clause would not apply to him; he is over 40 years of age.

Hon. Mr. GIBSON—What I object to, is that a man can be arrested because he is suspected of being about to smoke.

The clause was amended and adopted.

On clause 3,

3. Every one is guilty of an offence and liable on summary conviction in the case of a first offence to be reprimanded, in the case of a second offence to a penalty not exceeding one dollar, and in the case of a third or subsequent offence to a penalty not exceeding four dollars, who, being under the age of eighteen years, smokes in a street or public place, or purchases or has in his possession, whether for his own use or not, any cigarettes or cigarette papers, or purchases or has in his possession for his own use tobaco in any form other than cigarettes.

Hon. Mr. McMULLEN moved that the words 'or chews tobacco' be inserted after the word 'smoke.'

Hon. Mr. SCOTT—That is provided for in the other clause.

Hon. Mr. McMULLEN—Boys are very apt to congregate at the corners of streets and indulge in this filthy habit, and we should legislate against it quite as much as against smoking.

Hon. Mr. GIBSON—The hon. gentleman is a chewer himself.

Hon. Mr. McMULLEN—I am over 18.

Hon. Mr. ELLIS—I should like the committee to give some consideration to the fact that anybody under 18 years of age is liable to the penalty provided here. My observation of police courts is that parents are often called upon to pay fines for their children's offences, offences which they do not desire their children to commit, and really you are putting a penalty upon the unfortunate parent who may do all in his power to prevent his child from wrong-doing. I really think that ought to be left out altogether. I am quite in sympathy with the Bill, but it should apply only to the persons who furnish the tobacco. A man of 18 is no doubt able to supply himself with tobacco in most cases, and probably, to pay his own fine; but if a child of ten or twelve or fourteen violates this law, the parent is mulcted for it.

Hon. Mr. SCOTT—It is a reprimand first, and the fine cannot be over a dollar for the second offence. It increases in a very small degree.

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

Hon. Mr. ROSS (Middlesex)—I wish to add the following as a subsection:

'Clause A.'

'It shall be the duty of the Justice to examine upon oath or affirmation all persons brought before him who are found guilty of violation of this section, as to where or from whom such persons purchased or obtained the cigarette or cigarette paper or tobacco found in his possession, and the refusal to give such information to the satisfaction of the Justice shall be deemed a contempt of the Court.'

This is mutatis mutandis, with slight variations, a copy of the clause in the Prince Edward Island Prohibition Act in

regard to liquor, under which a person found under the influence of liquor may be made to testify where he got the liquor. The same principle is in the Ontario Act as to persons interdicted from the vice of liquor at the request of parent, husband or wife. I made a remark the other day in the House, that if a person found guilty of an offence under this Act is required to tell where he got his tobacco, then the sellers of tobacco will be much more careful as to whom they sell this product.

Hon. Mr. GIBSON—I ask the committee to seriously consider the effect this amendment will have. You are simply encouraging some young fellow to be sent to a grocery store to buy tobacco for the purpose of getting the grocer into trouble. You compel the boys, who may honestly purchase the tobacco, to say from whom he got it. We know the effect that had in regard to the Scott Act, how many people made false statements as to where they got liquor and how much trouble it brought into every community where the Act was in force. Men denied that they had ever got it, and made all kinds of false statements, and you are going to create the same thing among boys by the proposed amendment compelling them to state where they got the tobacco.

Hon. Mr. SCOTT—It helped to cure the evil in Prince Edward Island.

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

On clause 5

5. The provisions of this Act, other than those which make it an offence for a person under the age of eighteen years to smoke or use cigarettes or cigarette papers, or tobacco in any form, shall not apply to any case where the minor is employed for the purposes of his business, by a dealer in tobacco, either wholesale or retail.

Hon. Mr. WATSON—You are making this very stringent if you will not allow a boy under eighteen to use tobacco in any form in public places. You allow a boy under eighteen to be employed in a tobacco factory ; it seems to me if you restrict that boy from using tobacco, you should not permit him to work in a tobacco factory.

The clause was adopted.

Hon. Mr. ROSS (Middlesex).

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

RAILWAY ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (118) An Act to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.

(In the Committee.)

On clause 8, subsection (3),

8. The Railway Act is amended by inserting the following section after section 26:—

26a. Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that any company has violated or committed a breach of an agreement between the complainant and the company—or by any company that any such municipal or other corporation or person has violated or committed a breach of an agreement between the company and such corporation or person,—for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such municipal or other corporation or person, of any structure, appliance, equipment, works, renewals or repairs upon or in connection with the railway of the company, the board shall hear all matters relating to such alleged violation or breach, and shall make such order as to the board may seem, having regard to all the circumstances of the case, reasonable and expedient and in such order may in its discretion direct the company, or such municipal or other corporation or person, to do such things as are necessary for the proper fulfilment of such agreement, or to refrain from doing such acts as constitute a violation or a breach thereof.

2. The board may take such steps and employ such persons as are necessary for the proper enforcement of such order, and in pursuance thereof may forcibly or otherwise enter upon, seize and take possession of the whole or part of the railway, and the real and personal property of the company, together with its books and offices, and may, until such order has been enforced, assume and take over all or any of the powers, duties, rights and functions of the directors and officers of the company, and supervise and direct the management of the company and its railway in all respects, including the employment and dismissal of officers and servants of the company for such time as the board continues to direct such management.

3. Upon the board so taking possession of the railway and property of the company, it shall be the duty of every officer and employee of the company to obey the orders of the board or of such person or persons as it places in authority in the management of any or all departments of the railway.

Hon. Sir MACKENZIE BOWELL—May I ask the hon. Secretary of State, the extent to which this clause can be applied. Supposing bonuses had been given by the municipalities, and also by the government, for the construction and repairs of a railway and the railway has been put into operation and worked for a certain time, and the company owning the road ceasing to work it, and allowing the whole road to go into disuse, permitting it to remain that way for years and years, would this clause empower the Railway Board to insist upon that company carrying out the original intention and the terms of the bylaws passed by the municipalities granting the bonuses? I know that in the country where I live, a case of precisely that character. The corporation of Belleville, the corporation of the township of Madoc, and the Ontario government and the Dominion government granted subsidies for the construction of a certain road. True, it was a connection only of about 6 miles. It was operated so long as certain hematite iron ores produced traffic for the road; but just as soon as the mines were closed, the railway was also closed. Was this clause intended to meet cases of that kind? It is true it is one of the great corporations who obtained this money. It was the time I was in office myself, and, partly through my own influence, the Grand Trunk Railway was given a certain bonus for assisting in the construction of this short spur which would connect their road at Madoc and northward with the Ontario Central. That money was spent. They applied for the difference between the amount which they were first granted and the $3,200 a mile which was given to assist in the construction of roads, in order to complete it and put it in running order. They received that money. For part of that road, the city in which I live, granted a bonus of $50,000, the township of Madoc a bonus of $30,000. I forget how much the Ontario government gave, but I think their usual subsidy of $2,500 per mile. I speak subject to correction as to that. That road has been allowed to remain a dead letter for the last eight or ten years, and the only answer the Grand Trunk Railway authorities give to those who complain of their action is, that it does not pay. In the interview which the warden of the county and myself had with Mr. Hays, he pointed out this fact. He said: 'My duty is to make the road pay, and if it does not pay, I am not justified in running it.' My answer was: 'We are now paying the taxes for the bonus.'

Hon. Sir RICHARD CARTWRIGHT—Have they made application to the Railway Commission?

Hon. Sir MACKENZIE BOWELL—No. I have been informed by Mr. Northrup, the member for Hastings in the House of Commons, who stands high in his profession, that there is no clause in the Railway Act giving them power to deal with a question of this kind. We discussed that matter repeatedly, and so did the municipalities, to compel the Grand Trunk Railway to fulfil the conditions on which these bonuses were granted, if there was power to do it. Would that clause meet the case I have cited?

Hon. Mr. SCOTT—The same question was put by Mr. Northrup in the House of Commons to the Minister of Justice, and I think the minister intimated that he did not think it would cover it. You will observe as you go on with this measure, that it contemplates a case where the Board would be justified in taking up a property and working it. The Board would scarcely make it pay, if the company could not make it pay. Under the clause, in enforcing the order of the Board they may take possession of the railway, but that would not help matters as far as I can see.

Hon. Mr. BEIQUE—If I understand the case put by the hon. gentleman from Hastings, it is one where the bonus was voted for the building of the railway, but without any obligation on the part of the company to keep the railway in operation for a number of years. I have known a number of cases of that kind where the bylaw voting the bonus does not go far enough. It merely votes the bonus for the purpose of aiding the construction of the railway, without stipulating that the company shall keep the railway in ope-

ration for a certain number of years, or attaching any other condition. A case of that kind would not fall under the provisions of this Bill; but if there were any agreement, or if there were a provision for a given number of years, then it would come within the provisions of this section. Under section 26 of the Railway Act, the Board is empowered to issue orders in connection with the compliance with any of the provisions of the Railway Act of a special Act; but section 26 as embodied in the law does not extend to any agreement between the railway company and the municipality, or corporations or any other company, and the recourse in such cases is left exclusively to the court. It is the common law recourse. The effect of this provision is to add to the common law recourse a recourse to the Railway Board, who, under this Bill, will have power to take up the question and compel the railway company or the municipality or the corporation to enforce their agreement or any agreement under the Railway Act. I might draw attention to the words in connection with subsection 2 of the same section, which go very far. It will be seen that for the purpose of enforcing any such order, the Railway Board is entitled to take possession of the railway and to work it at the expense of the company. At first glance, I thought that sections 2 and 3 were rather exorbitant, but on reflection I think they are fair provisions, and are necessary for the purpose of exercising the powers mentioned in the Act.

Hon. Sir MACKENZIE BOWELL—I am afraid there is where the difficulty has arisen. If I understand, there was in one of the agreements a condition that the road should be operated; but I am not sure whether it was a continuous operation or not. However, there is no question upon this point I think; there are some technicalities in the taking over of the road by the Grand Trunk in connection with the company that undertook to build the road that they claimed relieved them of that responsibility. But apart from that, and in the subsidy Acts passed by the government, I am not aware that there is any condition in the terms upon which the subsidy was granted, to compel the company to operate the road. We know that very large subsidies were granted for the Baie des Chaleurs road, and we know it was not operated, and that the government took it over and put it in repair. I am not prepared to say what position it is in now, but I do say that where a company has obtained aid to construct a road, as the Grand Trunk Railway and the Grand Junction Companies did in the case of that road—and used it for the purpose of completing the road, the law should compel them to operate it or hand it over to somebody else. I know that in connection with this matter other officials waited upon the late Sir Joseph Hickson and made this proposition to him: 'Transfer the road to certain people in the riding, and we will guarantee to put it in repair and run it in connection with your road,' and his answer was: 'The Grand Trunk Railway never gives up any of its property.' The result is that one municipality paid out $50,000, well not all, but a part of it, and the township paid to the extent of $30,000, for which they get nothing.

Hon. Mr. BEIQUE—I am not, for my part satisfied that under the Act the Railway Board has not the right to compel the company to operate the road. I am inclined to think the Board is vested with that power, because railway companies, are quasi public corporations, and they are obliged, in virtue of their charter, not expressly but impliedly, to keep the railways in operation, and without going too far, I would be very strongly inclined to the opinion that the Railway Board is vested with the necessary power in a case such as that mentioned, by the hon. gentleman, if they applied to the Board in the proper way.

Hon. Sir MACKENZIE BOWELL—I will call the attention of those who have had the matter under consideration to the opinion of the hon. gentleman, and if they adopt his opinion there will be a lawsuit.

Hon. Mr. SCOTT—Was the original charter granted to the Grand Trunk Railway or to a local company?

Hon. Sir MACKENZIE BOWELL—No, to the Grand Junction Railway Company, running from Belleville to Machedash bay,

and then an extension from the village of Madoc northward and it was afterwards taken possession of by the Grand Trunk Railway which, we suppose, assumed all the responsibilities for the road.

The subclause was adopted.

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

Hon. Mr. SCOTT moved the suspension of the rules to permit the Bill to be read the third time to-day.

Hon. Mr. ROSS (Middlesex)—The hon. gentleman from Toronto spoke to me in reference to some amendments which might be proposed to the Bill, and I think we might let the third reading stand over.

Hon. Mr. SCOTT—There is a case before the courts. The Board has made an order in reference to a particular crossing in Toronto. The companies have appealed against that, and I understand that certain parties desire an amendment which would take the jurisdiction away from the Board. An official from Toronto saw me in reference to it, and I asked him: 'Does this affect any other interests than the mere crossing?' and he said: 'Yes, there is a case in litigation; it is an appeal from decision of the Board.' The Board decided that they had authority under the Act. The companies appealed, and in order to hear the parties opposed, or parties agreeing to the decision of the Board, appeal was taken. It would never do for us to interfere in a matter of this kind.

Hon. Mr. ROSS (Middlesex)—I observe the hon. gentleman from Toronto is not present.

Hon. Mr. KERR—I think the Bill is all right, and contains all that can reasonably be asked in reference to it.

The motion was agreed to.

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

CUSTOMS ACT AMENDMENT BILL.

Hon. Mr. SCOTT moved the second reading of Bill (194) A Act to amend the Customs Act.

He said: This measure is for the purpose of authorizing the collection of the duties and repairs made to vessels outside of Canada.

It being six o'clock, the Speaker left the Chair.

After Recess.

CUSTOMS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of bill (194) An Act to amend the Customs Act.

He said: This Bill consists of three clauses only. The first gives the conductor of a railway train crossing the border additional powers to what he has at present. He is obliged at the time of making his report, if required by the officer, to produce to him the weigh bills of all goods on board his train. The next clause authorizes a duty on the equipment and repairs made on a Canadian vessel in a United States port, except where the vessel has gone in through stress of weather. My hon. friend opposite said that he was not aware of a time when those repairs were free. I inquired from Mr. McDougal, the assistant commissioner, and he said that during all his time, and for some period before that, repairs did not pay duty, and he sent me over a letter dated April 17, 1890, from the Department of Justice, relating to the subject. The letter is from Mr. Sedgewick, who was then deputy Minister of Justice. In the letter he said that the Minister of Justice is of opinion that duty cannot be levied on the repairs to a ship under item 468 of the Tariff, which imposes a duty of 25 per cent on wood and manufacturers of wood. He adds: 'The Act and the tariff had been carefully examined but I have not been able to find anything under which duty could properly be levied.' Mr. McDougal says that since he went into the department, which was somewhere in the beginning of 1896, repairs have not paid duty. The object of the Bill is to impose a duty of 25 per cent ad valorem on expenses of repairs, and the same rate of duty on equipments, including boats as if the articles were imported into Canada in the ordinary course.

Hon. Mr. LOUGHEED—Can my hon. friend say what a foreign country is?

Hon. Mr. SCOTT—Anywhere outside of Canada or the British empire.

Hon. Mr. LOUGHEED—My hon. friend will remember that he is amending the Customs Act, and, consequently, that a foreign country under the Customs Act would include any country outside of Canada, and a boat repaired in England would be in precisely the same position as any other commodity imported into the Dominion. The question is whether we have authority, under the Imperial Shipping Act, to do that.

Hon. Mr. SCOTT—I know that up to recently no duties were charged on British bottoms coming to Canada.

Hon. Mr. LOUGHEED—You are putting repairs in the same category as all other commodities under the Customs Act; you are not amending the Shipping Act. You are amending the Customs Act.

Hon. Mr. SCOTT—My impression is that British bottoms have not been paying duty.

Hon. Mr. POWER—Neither have any other bottoms.

Hon. Mr. SCOTT—Yes, foreign ships coming in pay duties. Any foreign vessels built outside of the British Dominion, coming to Canada to be used in Canada pay a duty.

Hon. Sir MACKENZIE BOWELL—I think the point raised by the hon. leader of the opposition is covered by the merchants Shipping Act. All vessels coming into Canada are not dutiable. If a vessel is bought in England, or in any other portion of the British Dominion, it comes in without payment of duty. If a vessel be bought in the United States, or in any foreign country, then it is dutiable. That is the practice, and I think that is the law. I know it has been carried to this extent; parties would purchase a vessel in the United States, perhaps a dredge or a tug, and they would take it down to Newfoundland, and there register it and get a British register and under the Merchants Shipping Act, that vessel, though built in the United States, would be admitted to the coasting trade and to the privileges of a Canadian vessel in Canadian waters. Of course that extends to all other vessels. If there were no other Act governing the shipping, my hon. friend certainly would be right, but under the circumstances, I think there is no question but what a British vessel would not be taxable. While on that point, I must confess I have no recollection of that decision of Mr. Sedgewick and any one hearing the letter read and the clause to which he refers would know at once that repairs to a vessel could not be charged; but if he will turn to other clauses of the Customs Act he will find that provision is made that all goods imported from any country must pay a certain duty, and the practice during the time I was in the Customs, was, that if you desired to have any article, it mattered not what it was, sent to the United States for repairs, when it came back into Canada the calculation was made at once as to the cost of repairs and duty was imposed upon whatever amount that might be. It might be 10 per cent, 25 per cent or 35 per cent, just in accordance with what the article was that was imported, and I must confess that when I saw this proposition, I thought there must have been an error in the past, or that they were legislating for something that was not necessary. I know very well what had been the practice, and if my recollection serves me, we must have charged duties on repairs to Canadian vessels when they were brought back into Canada to be used in the coasting trade. The duties have been collected, and the fact that the question was referred to the Minister of Justice is evidence of the truth of what I am saying. Whether after the receipt of that letter the practice was continued, I am not prepared to say; but I repeat that when repairs were made, the duties were paid upon the value of the repairs. I somewhat regret that the Minister of Trade and Commerce is not here, because I proposed to compliment him on the advanced stage at which he has arrived on the question of protection, because this clause is as direct a part of the protective policy as

could possibly be put upon a statute-book, providing protection to the shipyards, shipbuilders and shipwrights in this country. It is tantamount to saying: 'You shall not go to the United States and have repairs to your vessel made without paying the duty upon the repairs when the vessel is returned to Canada. Of course, I need not say that I fully approve of the proposed amendment to the Customs Act, and of that principle, however much it may be objected to by the shipowner. Can my hon. friend tell me what has occurred to necessitate the placing of this second paragraph in the Bill:

The said conductor shall at the time of making his report, if required by the officer, produce to him the way bills of all goods on board his train or two copies thereof.

I suppose it has arisen from the fact that when a bonded car enters the country, there is nothing to compel the conductor to produce the invoices or bills of lading which may be in his possession, and this is made a portion of the law in order to compel him to do so when required. The next clause is particularly intended to refer to vessels employed in the coasting trade of Canada. It would not apply to any other vessels except British vessels and Canadian vessels for the reason that United States vessels are not entitled to the privileges of the coasting trade. The next clause is merely a penalty clause, and the exception of this Act is precisely the same principle upon which the Customes Department has administered the law in the past; that is if a vessel in stress of weather or anything of that kind had to run into a port of the United States it was permitted to make such repairs as would be necessary to enable the vessel to reach its destination in Canada without being liable to duty. All of this may have been done through courtesy in the past, for aught I know, but now it is to be made the law. Railway companies are obliged under this Bill to carry the customs officers free when they travel upon railways for the purpose of examining baggage and so on. While this makes it compulsory, during the time that I was administering the customs, the railway companies never refused that privilege because it is an advantage to the traveller and prevent delays of the trains at the different stations. However, there can be no objection, I think, to that clause, nor do I find any objection, with the little practical knowledge I have of it, to the Bill as a whole. It is only really making law that which was 10, 15 or 20 years ago, the practice of the department, and it is giving the customs authority more power to enforce certain portions of the law than they had in the past.

Hon. Mr. LOUGHEED—Will my hon. friend point out in the Customs Act where duty is now levied upon ships?

Hon. Mr. SCOTT—I have looked over the Customs Tariff, and have not been able to find it.

Hon. Mr. LOUGHEED—Where does my hon. friend get authority for his opinion?

Hon. Mr. SCOTT—The customs authority say they have no power, and they have not been charging duty.

Hon. Mr. ROSS (Halifax)—If you buy a ship in the United States you pay a duty of 25 per cent on the vessel, and in the case of a steamer 35 per cent on the machinery.

Hon. Mr. GIBSON—I should like to call attention to the condition of things which existed some time ago in British Columbia. Last summer I happened to meet Mr. Richardson, superintendent of the Canadian Pacific Steamship Company, who had charge of that company's vessels on the British Columbia coast. He informed me that when a vessel came to a British Columbia port for repairs, it was invariably held up by a strike either of painters, or carpenters or shipbuilders or somebody else, with the result that instead of the vessel being properly repaired during the time she was changing her cargo, he was always detained, and in some cases lost a trip or two. To such an extent had this state of affairs existed that Mr. Richardson in the interest of the Canadian Pacific Steamship Company advised them to allow him to move his repair shops to Hong Kong where the vessels are repaired by Coolie labour, where there are no strikes, and where the work is as efficiently done for half the money that it cost in British Columbia, and in a more satisfactory man-

ner. The work formerly done in Canada was driven out of the country by the strikes in British Columbia. Now it is proposed to change the Customs Act, and impose a fine practically on the Canadian Pacific Steamship Company, because they have been obliged to get their repairs done abroad. I am not saying that this is done to strike a blow at the Canadian Steamship Company in particular.

Hon. Mr. SCOTT—Hong Kong is not a foreign country.

Hon. Mr. GIBSON—You impose a duty on goods coming from Great Britain.

Hon. Mr. LOUGHEED—It is foreign, according to the Customs Act.

Hon. Mr. GIBSON—Surely there ought to be some conditions regulating this traffic. If the hon. Secretary of State decides that repairs made in Hong Kong are not subject to duty, it can be put in the Bill that this will not apply. Then we would be dealing fairly with our own people. No large corporation like the Canadian Pacific Railway would want to have their repairs done in a foreign country if the conditions were right in Canada. They have been driven out of the country by labour unions and now under this Bill they are to be fined 25 per cent on the cost of repairs which they would like to have done in Canada, but which they were obliged to have done in Hong Kong. I bring this matter to the attention of the House and the government, because I look upon it as a hardship that this great company should be treated in such a manner. Much of the repairs that would naturally be done in Quebec are now made in Glasgow and Liverpool; through strikes the trade has been driven away from our own country and it is unfair that the companies which are obliged to get repairs done elsewhere should be punished for it.

Hon. Sir MACKENZIE BOWELL—This Bill only applies to vessels used in the coasting trade.

Hon. Mr. GIBSON—The vessels of the Canadian Pacific Steamship Company call at Vancouver and Victoria, and that is coasting. To avoid this duty they will have to choose either one port or the other as the only port of call on our Pacific coast.

Hon. Mr. SCOTT—I can assure the hon. gentleman that the Pacific trade never entered into the mind of anybody who discussed this matter, and I may say it has been very much discussed for the last three years. It applies only to the Great Lakes. We have been establishing harbours of refuge ourselves, and have establishments at Collingwood and elsewhere on the Great Lakes where the vessels can be repaired. The subject has been threshed out between those in favour of the duty and the captains and owners of vessels trading on the Great Lakes. The idea of it applying to the Pacific coast was never dreamed of. It may, but it occurs to my mind now for the first time. However, I do not look upon Hong Kong as a foreign port.

Hon. Mr. GIBSON—My hon. friend should make the Bill apply only to the great lakes. The Pacific between Vancouver and Victoria is waters of Canada just as much as the great lakes are. If the Act is meant to apply only to the great lakes, why not say so and dispose of the question I have raised altogether?

Hon. Sir MACKENZIE BOWELL—Suppose the hon. gentleman is correct, why should not the Canadian Pacific Steamship Company have the repairs to their vessels made in Vancouver or at Esquimault, where we have one of the largest dry docks on the continent? Why should they be exempt any more than the shipowners at Montreal? If they require their vessels to be repaired, let them have the repairs made in British territory unless they are obliged through stress of weather or absolute necessity to have them made in a foreign country.

Hon. Mr. POWER—The hon. gentleman from Lincoln pointed out why the Canadian Pacific Railway people sent their ships to Hong Kong to be repaired. It was because, as this gentleman told him, of strikes among the workmen employed on the ships in Victoria. The expense and the delays had got to be so serious that, in

self-defence, the company were obliged to have the repairs made in Hong Kong. I do not know anything about the circumstances in Victoria, but I know that in the city where I live, ships, which should have been repaired in Halifax, where we had a dry dock amply large for them, had to be sent to Now York for repairs just on account of the same circumstances that the hon. gentleman has referred to as existing in British Columbia.

Hon. Mr. LOUGHEED—I do not profess to have an extended knowledge about shipping, but I feel reasonably confident that the Bill as drawn would include British vessels. Foreign country, under the Customs Act, includes every country outside of the Dominion, and I hazard the opinion that we would not have authority to levy a duty upon repairs on English ships. The policy of the government has been to extend to foreign vessels the privileges of our coasting trade. I notice that even during the present session of parliament the extension of those privileges has been seriously discussed, and an order in council has been passed extending coasting privileges to Norwegian vessels.

Hon. Mr. SCOTT—The hon. gentleman is entirely wrong.

Hon. Mr. LOUGHEED—We enjoy reciprocal rights, I understand, on the coast of Norway, but certainly the privileges have been extended to Norwegian vessels.

Hon. Mr. FERGUSON—It has been withdrawn by order in council this year.

Hon. Mr. LOUGHEED—Let us assume for a moment that a United States vessel engages in the coasting trade of Canada.

Hon. Mr. SCOTT—She cannot.

Hon. Sir MACKENZIE BOWELL—She is liable to a penalty.

Hon. Mr. LOUGHEED—Assuming that by order in council she is engaged in the coasting trade, how could you enforce the collection of this duty?

Hon. Mr. ELLIS—I am always sorry when the hon. senator from Hastings is able to rise in his place and taunt us with adopting the policy of his party. I am a free trader, and I am conscious of the fact that the tendency of our legislation for some time past has been in the direction of hampering the trade of the country by the imposition of duty which had better be left off, and it is contrary to the policy of the Liberal party as formulated some years ago. There is no use denying that fact or covering it up by any phrase or words that conceal. I regret the absence of the hon. gentleman from New Glasgow, who understands the shipping business very well, and who would be able to give us some information with regard to this measure. Although the hon. Secretary of State says that the object of this Bill is to apply it to the lake trade only, it is applicable to the whole Dominion, and will be as effective in Nova Scotia or New Brunswick or all the provinces of the Atlantic or Pacific, as it is on the great lakes and therefore we must regard the question as a whole. A great deal of the coasting trade in our own country we are not able to do—a portion of it at any rate—as cheaply ourselves as foreign carriers can do it for us. Therefore, it is better, according to my ideas of business and the knowledge which I possess and the principles which I uphold, to hire the foreign carrier to do the work for us than to pay higher prices to the monopolists of our country. I have no hesitation in declaring these as my views and opinions, and I am sorry indeed that the government has assented to putting this tax on the carrying trade of the country, for that is what it is. My hon. friend opposite me may laugh if he pleases at the progress we are making in the wrong direction; he is warranted by the facts, and I am very sorry for it.

Hon. Mr. McMULLEN—I cannot allow the remarks of the hon. gentleman from St. John to go without reply. The policy of the Reform party to which he refers was adopted under a condition of affairs that does not exist to-day, and has not existed since that party came into power in 1896. The present government has been forced by the attitude of the United States to adopt the policy it has pursued. We were very anxious as a party to get a better trade relation with the United States than we had, especially in natural products, believing it would have been a decided advantage

to both countries; but after the Reform party came into power, the McKinley Bill was passed by the United States Congress striking directly at the trade of Canada and shutting out every commodity we were then sending to them, even down to a dozen of eggs. After that followed the Dingley Bill, shutting out everything we had to send to that market. Would my hon. friend say that under these conditions, when they slapped him on one cheek he should turn to them the other? Would he allow our neighbours to come in and destroy our market while shutting our people out of their market, and give them all the advantages? It would be neither wise nor patriotic to do so. I am amazed that a man of the intelligence of my esteemed friend from St. John should venture to express opinions so evidently out of keeping with the best interests of this country. I never was a protectionist as a matter of choice; I am a protectionist as a matter of necessity. We cannot do without it. We have a perfect right to adopt towards the United States the same attitude that they have adopted towards us. We cannot help ourselves. If we allowed them to come in, as my hon. friend suggests we should, Canada would become hewers of wood and drawers of water for the United States.

Hon. Mr. ELLIS—The hon. gentleman is putting words into my mouth I did not use at all.

Hon. Mr. McMULLEN—The hon. gentleman claimed to be a free trader, and he finds fault with the imposition of any duty that would protect any Canadian industry in repairing ships. He says this is another step in violation of the principles laid down by the Reform party. My hon. friend should try and think of the changed conditions under which we live now. We have not now such conditions as we had before, and we are driven to the necessity of meeting the United States people on their own terms. We cannot do anything else.

Hon. Mr. FERGUSON—Was it just when the Reform party came into power that the United States people became protectionists? One would suppose from the hon. gentleman, that the United States were ardent free traders in theory and practice up to the 23rd June, 1906. They then became protectionists and as a consequence, my hon. friend has to change his politics.

Hon. Mr. McMULLEN—Although they were protectionists, they were protectionists after a moderate fashion.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. FERGUSON—No.

Hon. Mr. McMULLEN—Yes, they were. Up to the time he mentions they never put a duty on eggs.

Hon. Mr. FERGUSON—Oh, oh.

Hon. Mr. McMULLEN—And under the Cleveland government they put the duty down to three cents. Will the hon. gentleman deny that?

Hon. Mr. FERGUSON—Yes, it is all wrong.

Hon. Mr. McMULLEN—My hon. friend must be a Rip Van Winkle; he must have fallen asleep.

Hon. Mr. LOUGHEED—Would His Honour the Speaker let us know what eggs have to do with this discussion? What would be the effect of this Bill on the two classes of vessels which are permitted to engage in the coasting trade? For instance, under existing legislation Norwegian ships which are British built may become British registered ships, and may then engage in coastwise trade in Canada, and so on. What would be the effect of the duty on a Norwegian ship, British built, permitted to engage in the coasting trade in Canada, and what would be the effect of the provisions of this Bill on a foreign built ship which has a right to engage in the coasting trade and which has been British registered since the 1st of September, 1902? It is called upon to pay 25 per cent duty before obtaining a license to engage in the coasting trade. If my hon. friend's interpretation of this Act be correct, namely, that a British ship would not be a foreign ship within the meaning of the Customs Act, all these ships practically would be British ships, because the Norwegian ship is British built and is permitted by our government to engage in the coasting trade, and the foreign built ship is British registered and is licensed by our government to en-

gage in the coasting trade. In view of that fact, I do not see how this government can impose a duty on repairs of the kind mentioned, because under the license the ship has a right to engage in the trade.

Hon. Mr. SCOTT—The hon. gentleman is quoting the fact that there are a certain number of Norwegian vessels engaged in the coasting trade. Some 40 years ago, not only Norway and Sweden, but a number of other countries of Europe were permitted to share in the coasting trade of Canada. The British Merchant Shipping Act controlled our legislation, and where a foreign ship had the privilege of the British coasting trade, she had also the coasting trade of Canada. That applied to eight or ten countries. Eight or ten months, or a year ago, a minute of council was passed, giving notice that after a certain day, I think the 1st of January next, the privilege then existing should be withdrawn. That is open to objection. Our friends in the lower provinces feel that those vessels are the only vessels that can carry coal economically for the mines on the coast of Nova Scotia to Quebec and Montreal.

Hon. Mr. LOUGHEED—Does the hon. gentleman say the privilege has been withdrawn from the Norwegian ships ?

Hon. Mr. SCOTT—No; about six months ago the order in council was repealed and the British authorities were notified that the privileges of our coasting trade which vessels of a number of countries, enjoyed equally with British vessels in British territory outside of the United Kingdom would be discontinued. On that, the ships of a great many countries claimed coasting trade privileges.

Hon. Mr. FERGUSON—Including Norway.

Hon. Mr. SCOTT—We decided we could put an end to that, and I think the time is fixed as the 1st of January next.

Hon. Mr. LOUGHEED—No, no, it is extended. They may become British ships and engage in the coasting trade after the 1st of January, 1909.

Hon. Mr. SCOTT—No. That is if they are British registered. But the vessels I speak of are not British registered, but those I speak of have not enjoyed the trade. Under a reciprocal arrangement, British vessels were allowed to enjoy the coasting trade in Norway, Sweden and other countries, and at that time the Merchants Shipping Act applied to Canada. It was thought, now we have a responsible government that we ought to act independently, and we notified the companies that in one year the privileges to these vessels should be withdrawn and that is the position it occupies to-day. There is a remonstrance with reference to Norwegian vessels, where it is said they are a necessity for the removal of the Nova Scotia coal. They say they can only get the Norwegian vessels to carry the coal properly.

Hon. Mr. POWER—I was going to say that the real bottom reason for the introduction of this legislation is the fact that certain gentlemen in Ontario, who take part in the business of repairing vessels, are anxious that their business should be protected from the competition of the United States shipbuilders on the other side of the Great Lakes.

Hon. Mr. SCOTT—Buffalo and Detroit.

Hon. Mr. POWER—There is something, if I may be permitted to say so in a Chamber where there are so many worthy representatives of the good province of Ontario, a little bit narrow about some of the people of that province, and we had another illustration of that narrowness some time ago with respect to the Bill regarding the services of masters and mates. This legislation will not suit in the lower provinces, and the reasonable thing is to confine it to the vessels that navigate the lakes and not extend it to the salt water.

Hon. Mr. ROSS (Halifax)—Of course the law on the other side is, say in Norway, Sweden, Austria and Italy, whatever country Great Britain gives the privilege of their trade to, she enjoys the coasting trade of that country, and that privilege extends to Canada just the same as to Great Britain.

Sir MACKENZIE BOWELL—No, No.

Hon. Mr. ROSS—I am not going to discuss the principle of free trade and protec-

tion, but I am largely in sympathy with my hon. friend from St. John, even at the risk of being rebuked for being in sympathy with his principles. Supposing a Halifax ship comes from South Africa or the West Indies and she is dismasted and carried into Boston or New York and is repaired there. The repairs are very expensive, as everyone knows, that are done in the United States. Then she comes into Halifax, and she has to pay duty on those repairs. Do you not think that that would be an extreme hardship ?

Hon. Mr. SCOTT—If repairs required because of stress of wheather were performed in a foreign port, she would not pay duty on them. The clause provides for that. It is only intended to apply where the parties go out of Canada to have repairs performed at Buffalo, Detroit or other places.

Hon. Mr. BEIQUE—I do not understand what the trouble is about this Bill. If we refer to the shipping Act, sections 953 and following, we see the position. Section 953 reads as follows :

No foreign built British ship, whether registered in Canada or elsewhere, as a British ship, after the first day of September, one thousand nine hundred and two, shall be entitled to engage or take part in the coasting trade of Canada unless such foreign built ship has first obtained a license for that purpose which may be granted by the Minister of Customs.

Then we find that the Minister of Customs may issue a licence provided 25 per cent ad valorem duty is paid. Then we have a clause providing for the reciprocity, Clause 958 reads as follows :

The Governor in Council may, from time to time, declare that the foreign provisions of this parliament shall not apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers from one port or place to another in such country.

The next section states :

" Where by treaty made before the 13th May, 1869, Her Majesty agreed to grant to any ships of any foreign state, such rights and privileges in respect of the coasting trade of Canada those rights and privileges shall be enjoyed by those ships so long as Her late Majesty agreed or His Majesty the King may hereafter agree to grant them."

That is the Shipping Act, chapter 113, sections 953 and following—Then the next section provides for a coasting license, that the Governor in Council may grant coasting license to British vessels navigating into inland waters in Canada, and may direct the payment of a fee of 50 cents and so on. It is well known that all the Imperial Acts prevail over the Colonial Acts, and therefor this Bill if it becomes law could not of course, override but would be subject to British legislation and to any treaty that has been made under that British legislation. This Bill merely provides for this; that any vessel engaged in the coasting trade or intended hereafter to engage in the coasting trade, if repairs shall have been made in a foreign country, within the year, that the master of the vessel will have to pay the duty mentioned in the Bill. It seems to me this is a very natural provision, the object of which is quite apparent. It is evidently for the purpose of encouraging repairs to be made in Canada instead of in foreign countries, and also for the purpose of protecting Canadian vessels against other vessels which are not entitled to the reciprocal coasting privileges. As was very well stated by the hon. Secretary of State, if any such repairs are made on account of stress of weather, then there is a provision in the Bill under which the owner of the vessel is entitled to a refund of the duty which has been paid. I fail to see that there is anything extraordinary about this Bill, or that it is liable to conflict in any form with reciprocity arrangements or with privileges which are enjoyed by British ships.

Hon. Mr. JAFFREY—I think this Bill is admirably suited to meet a difficulty that arises in our ship building yards. I understand it has been the practice to purchase vessels at a comparatively low figure in the United States and expend upon them more money than the original cost of the vessel. A vessel would be bought say for $5,000 or $10,000, and the purchaser would expend more than that amount of money upon it, and as far as that outlay is concerned they have avoided paying duty, and only pay duty upon the comparatively small sum that they paid for the original cost of the vessel. Then they bring in their supplies and everything necessary to fit up that vessel which escapes the payment of duty.

I think that is an unfair treatment of our own trade. I do not pretend to be either a protectionist or a free trader. I believe in trying to do what is right under the conditions as they exist, and I think the conditions as they exist entitle our ship building yards to the protection that is proposed in this Bill. Speaking of the coasting trade as between Victoria and Vancouver, I do not consider any vessels trading between Japan and Hong Kong and Victoria and Vancouver can ever be considered as engaged in the coasting trade or that this bill can be possibly made to apply to them. It would only be those that are trading between Victoria and Vancouver or other Canadian ports, and it is but right that they should have their repairs made in Canada, or pay the duty if they do not.

Hon. Sir MACKENZIE BOWELL—I was about calling the attention of the Senate to the clause which my hon. friend from De Salaberry read a few moments ago. If he had gone a little further, he would have learned exactly where the power exists to extend the privileges of the coasting trade to foreign vessels. My hon. friend read clause 953. That refers to a foreign vessel. Clause 958 reads as follows:

> The Governor in Council may, from time to time, declare that the foregoing provisions of this part shall not apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers from one port or place to another in such country.

Then there is another clause which gives power to the Governor in Council to declare that any country that will give to Canada the right to do a coasting trade, can have reciprocal privileges in the Canadian coasting trade. I know many cases during the time I was Minister of Customs in which a foreign country would open their ports to Canadian vessels to do coasting, and we, as a rule—and I think it has been followed out under the present government—passed an order in council admitting the vessels of that country to the coasting trade of Canada. My hon. friend, the leader of the opposition, spoke of a Norwegian vessel. The moment a vessel registers as British it is no longer foreign, and the moment it becomes British, it is entitled to all the privileges of coasting to which a British vessel is entitled. My hon. friend referred to the Bill introduced by the Finance Minister at the present session of parliament, in which he makes a provision for granting a privilege to a foreign country to do a coasting business in Canada; but under the law as it exists in the Shipping Act, once having granted that permission, there is no power given to the government to rescind it. Under the proposed amendment introduced by the Minister of Finance, a copy of which I hold in my hand, power is given to the Governor in Council in Canada to declare by an order in council that any foreign country, granting such privileges to Canadian vessels that they should reciprocate and that they can repeal this order at any time. When we get into committee we can take these matters under advisement. I should like to assure my hon. friend from Halifax, that however narrow-minded the people of Ontario may be, they have an eye, like my friend from the maritime province, to No. 1, and if there is any change in the law or any law that can be passed which is not detrimental to the whole Dominion, and which is in the interest of Ontario, I trust there will be a sufficient number of representatives in both Houses to look after their own interests as we know from experience the maritime provinces do, and I know of no gentleman sitting in parliament who is a greater stickler for the rights and privileges of the maritime provinces than the hon. gentleman who has designated Ontario representatives as being narrow-minded.

Hon. Mr. LOUGHEED—Might I suggest to my hon. friend whether it would not be wise to amend the Canada Shipping Act instead of making this part of the Customs Act. It is under the Shipping Act that the authority is given to place a duty on shipping, and it seems to me that, logically, that is the place where it should appear.

Hon. Mr. SCOTT—We might have to invoke the British authorities to use that.

Hon. Mr. LOUGHEED—Oh, no.

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

METAL SHINGLE AND SIDING COMPANY BILL.

SECOND READING.

Hon. Mr. CAMPBELL moved the second reading of Bill (HHH) An Act respecting certain patents of the Metal Shingle and Siding Company.

He said: This patent was issued in 1902. It is for some improvements in metal structures, and it was granted for six years, and it could be renewed or extended for a longer period; but in May of last year the general manager of the company, Mr. A. K. Cameron, went away on a trip, and before leaving he made an affidavit that he signed a cheque and left it with his clerk to send to the commissioner of patents to renew the patents. It cost him $40 for the renewal; but through some error or carelessness on the part of the clerk the cheque was never forwarded, and the time expired on the 8th of May of this year, and they therefore were obliged to present this Bill which will cost nearly $1,000 to get through the House asking for the extension of this patent for the unexpired portion of the term. Provision is made protecting anybody and everybody who may have engaged in the manufacturing of this particular metal during this time. Nobody is opposing it, and I do not think there can be any objection.

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

DOMINION GUARANTEE COMPANY'S BILL.

COMMONS AMENDMENTS REJECTED.

The Order of the Day being called:

Consideration of the amendments made by the House of Commons to (Bill V) An Act respecting the Dominion Guarantee Company, Limited.

Hon. Mr. BAKER said: The amendments consist in striking out two clauses of the Bill which were not absolutely insisted upon by the promoters. They affect the loan of money from an insurance company in Great Britain, and the lenders of the money insist upon getting an undertaking on the part of the directors to have that mortgage ratified and confirmed by Act of parliament. That has been done, but the amendments made by the House of Commons are not concurred in by the company. There has been an interview between the promoters of the Bill and the Superintendent of Insurance, and they have come to an agreement as to what these amendments should consist of. The purpose of the promoters now is to have the Senate pass a motion not concurring in the amendments made by the Commons, which would place the Bill in the same position it was in when it went to the Commons originally from the Senate. The parties there have agreed upon amendments which will satisfy all parties concerned and satisfy the Superintendent of Insurance. I therefore move:

That a message be sent to the House of Commons informing that body that the Senate does not concur in the amendments made by the House of Commons to the Bill entitled an Act respecting the Dominion Guarantee Company, Limited, for the causes set forth in writing accompanying the motion.

Hon. Mr. BEIQUE—Would it not be better to offer the amendment which has been agreed to by the parties?

Hon. Mr. BAKER—I think not.

The ACTING SPEAKER (Hon. Mr. Young)—The Senate is asked not to concur in the amendments made by the Commons. Rule 131 says that when amendments are made to a Bill of some importance, the course is to refer it either to a committee of the whole House or to the committee which originally considered the Bill; and inasmuch as you have here reasons which you must decide upon, it might be that the full procedure should be taken with regard to these amendments. I would suggest that for the consideration of the House.

Hon. Mr. BAKER—It would be manifestly impossible for the Senate to make any amendments to the Bill in its present stage. The only way of meeting the views of all parties interested is to get the Bill back to the House of Commons, and when they are notified that the Senate does not concur in their amendments they will substitute other amendments. They have power to do it when the Bill gets back to the House of Commons, but the Senate has no power to deal with it in any way except to reject or accept the amendments.

Hon. Mr. POWER—I would suggest that the hon. gentleman should move that rule 131 be suspended so far as regards this Bill, and that will leave the matter open. If that rule be suspended the hon. gentleman can take the course he proposes.

Hon. Mr. LANDRY moved the suspension of rule 131 in so far as it relates to this Bill.

The motion was agreed to, and rule 131 being suspended, the motion to send the Bill back to the House of Commons was adopted.

The Senate adjourned until to-morrow at 3 p.m.

THE SENATE.

OTTAWA, Friday, July 10, 1908.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WATER-POWERS FOR INDUSTRIAL PURPOSES.

MOTION POSTPONED.

Hon. Mr. DAVID—I beg to move:

That an order of the Senate do issue asking for a copy of the letters patent issued in the course of last year in behalf of any person asking authorization to construct booms on certain rivers or to use water-powers for industrial purposes.

Hon. Mr. SCOTT—That would be a very long proposition and no earthly advantage can be derived from it. I would be very glad to give the names, and if the hon. gentleman will select the ones he desires, the information can be obtained this session.

Hon. Mr. DAVID—That might be sufficient.

Hon. Mr. SCOTT—If the hon. gentleman will tell me what he wants, I will try and obtain information which will meet his wish.

Hon. Mr. DAVID—I have no objection to wait. It may stand.

The motion was allowed to stand until Tuesday.

ACCUSATIONS AGAINST MR. J. McGOVERN.

MOTION POSTPONED.

The order of the day being called:

By the Hon. Mr. Landry:
That he will inquire of the government—
1. Is it true that the government has ordered an inquiry into the conduct of Mr. J. McGovern, foreman of the Intercolonial Railway between Lévis and Rivière du Loup?
2. Has this inquiry been ordered as the result of grave accusations of peculation brought against this employee?
3. What is the precise nature of the accusations the truth of which the commissioner holding the inquiry has been ordered to find out?
4. Who has been appointed commissioner to hold the inquiry? Is it Mr. T. C. Burpee, of Moncton? If not, who?
5. When was the appointment made, and when is the inquiry to commence?

Hon. Mr. SCOTT—I have no answer to this question. I have done all I could to obtain the information.

Hon. Mr. LANDRY—That is the stereotyped answer.

Hon. Mr. SCOTT—Quite true; I cannot answer any other way unless I tell a lie.

Hon. Mr. LANDRY—Could we not change the machine, and in that way, perhaps, obtain an answer? We ought to be informed if it is true that the government has ordered an inquiry. I am simply asking if it is true.

Hon. Mr. SCOTT—I will obtain that information, certainly. I will insist on an answer to that.

Hon. Mr. LANDRY—We might get an answer for that paragraph this year, and perhaps next year another party will be in power, and we shall proceed a little faster.

The inquiry was allowed to stand.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. LANDRY inquired:

When does the government think that it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned:
(a) The statement indicating the amounts spent on the Deschambault wharf—February 4?

(b) The correspondence exchanged between the Department of Militia and Lieutenant-Colonel Davidson re the latter's dismissal and the promotion of Sir Henry Pellatt to the rank of colonel—February 14?

(c) The details asked for on the subject of the additional subscription of $200,000 to the capital stock of the Quebec Bridge and Railway Company—January 29?

(d) The statement showing what was the daily pay of the soldiers of the company No. 2 of the Ottawa Field Battery in 1865 and 1866—March 17?

Hon. Mr. SCOTT—I have no answer to that. I understand that is the printing of the papers in connection with the bridge disaster.

Hon. Mr. LANDRY—The return was ordered five months and a half ago.

Hon. Mr. SCOTT—I quite recognize it is indefensible, and I have no apology to offer on behalf of the government.

Hon. Mr. LANDRY—That was an order given by the House, and it has been complied with, with a rapidity that is astounding. What departments could we hold responsible for this haste?

Hon. Mr. SCOTT—The Public Works.

Hon. Mr. LANDRY—Could the hon. gentleman ask his employee to inquire from that department?

Hon. Mr. SCOTT—I will insist on the minister giving some answer.

Hon. Mr. LANDRY—And if the hon. gentleman would tell his employee that if he did not furnish a proper answer he would dismiss him, I am sure he would receive the proper answer, and the same thing would occur with the other inquiries. There is the return asked for from the Militia Department; the country is at peace, no war with the States or any one else, and while we are enjoying all the benefits of peace could we not take half an hour of the time of the department and trouble them to have the correspondence between the Militia Department and Colonel Davidson produced. If that is possible without injuring the country and without exposing our flank to the enemy, I would ask the hon. gentleman if he could do it.

Hon. Mr. SCOTT—I will do the best I can.

Hon. Mr. LANDRY—Statement D showing the pay of the Ottawa Field Battery in 1865-66 would only take 5 minutes to prepare. The officer would just have to open one file and prepare an answer, unless there were some explosives in that particular file and the employee of the department would fear to approach it; but if they are up to date military men they will be fearless and they will open that desk or drawer and find it. I hope the hon. gentleman will press that question.

Hon. Mr. SCOTT—I shall.

The inquiry was allowed to stand.

REBUILDING OF THE QUEBEC BRIDGE.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has the Quebec Bridge and Railway Company received, and has it communicated to the government, any proposals whatsoever on the subject of the rebuilding of the bridge at the same place as the bridge which has fallen?

From whom did such proposals come?

How much did they ask for the rebuilding of the bridge?

Would it be a suspension bridge, a truss bridge, or an arch bridge?

When will the reconstructed bridge be open to traffic?

Hon. Mr. SCOTT—I can answer No. 6. The answer is, no—that no proposals have been made—nothing has been done, practically.

Hon. Mr. LANDRY—Is that the answer of the government?

Hon. Mr. SCOTT—Yes, the hon. gentleman can take that as the answer of the government.

Hon. Mr. LANDRY—I am very glad this answer has been given, because Mr. Parent gave a contrary answer the other day.

MORNING SITTINGS.

MOTION.

The order of the day being called:

That when the Senate adjourns to-day it do stand adjourned until Monday next at 8 o'clock in the evening, and that on Wednesday next there be a morning sitting beginning at eleven o'clock and terminating at one, unless the Senate sooner adjourns. That when the Senate adjourns at one o'clock in the afternoon it stand adjourned unil three o'clock on the same afternoon, such sitting to continue until

six o'clock in the afternoon unless the Senate be sooner adjourned, when the Senate shall stand adjourned until eight o'clock in the evening; and that each of such three sittings be considered a distinct sitting.

Hon. Mr. SCOTT—I thought the Senate was to meet at 3 o'clock on Monday instead of 8 o'clock. I have been told by a number of gentlemen that they had made their arrangements for Monday, and they have asked if I could not postpone the sitting until Tuesday morning. It would not deprive us of a meeting of the House, and if hon. gentlemen would concur in that change, we can do more at the 11 o'clock meeting on Tuesday than we could do at the 8 o'clock meeting on Monday evening. Therefore I would change the motion so as to read that when the Senate adjourns to-day it do stand adjourned until Tuesday at 11 o'clock in the morning, the remainder of the motion will be the same. There will be three sittings a day, 11 till 1 o'clock, 3 until 6 o'clock, and 8 o'clock until the adjournment.

The motion was agreed to.

CONSTRUCTION OF WATER-POWERS.

Hon. Mr. DAVID—A communication has been handed to me about the motion which I made a few minutes ago in regard to water-powers, and I have been asked my object in putting the question I did to the hon. Secretary of State. I desire to say that my object is to ascertain whether the granting of such letters patent was always in accordance with the regulations adopted by the Senate in connection with provincial rights.

RESTRAINT OF THE USE OF TOBACCO BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (173) An Act to restrain the use of tobacco by young persons.

Hon. Mr. POWER—I propose to move an amendment. Hon. gentlemen will no doubt have observed that this Bill makes it a penal offence for any young person under the age of 18 years to use tobacco, to carry tobacco to another person or to do various other things. The motion which I propose to make is that we substitute 16 for 18. The word 18, I think, occurs in every clause of the Bill once or twice, and the motion is to substitute 16 for 18. The matter was discussed to some extent in Committee of the Whole, but there was a very thin committee and hon. gentlemen had not had an opportunity, I think, of considering the question fully, and I trust that the motion which was moved in Committee of the Whole will meet with more favourable reception from the House than it did from the committee. The reasons why I think we should substitute 16 for 18 are many. In the first place, it is desirable that we should observe uniformity, if possible, in our legislation, particularly legislation which deals with criminal or quasi criminal offences. The age fixed, as I understand, in all the provincial laws with respect to the use of cigarettes, is 16 years. It is desirable that the legislation of this parliament should harmonize with the provincial legislation as far as practicable. In all the enactments with respect to the criminal law, or nearly all of them, the age of 16 has been chosen as the dividing line between juvenile offenders and adult offenders, and I think we should preserve the same distinction here. That is one reason, that we should try and preserve uniformity. In the next place we have recently passed a Bill respecting juvenile delinquents, and that Bill has come to us from the other Chamber concurred in with one trifling amendment, so that practically it may be regarded as being at the present time law. That Act provides that all persons under the age of 16 who are convicted of offences, shall be dealt with under the provisions of the Act in question and not under the general criminal law. So that an important feature of the Juvenile Delinquents Act is that the juvenile delinquent is kept aloof from adult offenders. He is not to be brought into the same court. He is not to be sent to the same place of confinement. No delinquent under the age of 16 is to be sent to a common jail or to the ordinary prison where he would be brought into contact with adult criminals, and surely any lad who is guilty of the very trifling offense of using tobacco should not be sent to herd

with adult criminals. If we fix the age at 18, we sentence all youths between 16 and 18 who may be convicted under this Bill, if it becomes law, to associate with adult criminals. I feel that while some hon. gentlemen may think it is melancholy fact that young men between 16 and 18 years of age should use tobacco, it would be a much more unfortunate fact that young men between 17 and 18 should be sentenced to associate with hardened criminals. In the third place this Bill contains certain provisions which are of a very unusual character. Amongst others, it is provided that the parents of the offender are liable to a penalty. Under the strenuous conditions of life which prevail in Canada, there are thousands of young men between 16 and 18 years of age who are earning their own livings, and I contend that it is a most tyrannical and absurd provision to hold the father of the young man of 17 or 18 responsible for the fact that his son smokes tobacco. The father may know nothing about it, to begin with. Then, again, the young men of the present day are very likely to smoke whether their fathers like it or not, and the idea of rendering a father guilty of an offense in that case seems to me to be absurd in the extreme. Again I am satisfied that it would be quite impossible to induce the police authorities to enforce a measure of this kind, perticularly in dealing with young men over 16 years of ago. Just fancy a police officer going up to a young man on the street who is, perhaps, almost 18 years of age and taking away from him by force a package of cigarettes? It is revolting to one's ideas of what is proper. I may say as an illustration of the view that I take, and to support it, that in the city of Halifax we have an enactment which forbids the use of tobacco—I think cigarettes—by young persons under the age of 16. I had noticed numbers of boys, some of them not more than 13 years of age, smoking cigarettes on the street. Having some business with the mayor of the city, I called his attention to this fact, and suggested that he should instruct the chief of police to see that this enactment was enforced. In my presence, the mayor called in the chief of police and told him what I had said, and then the chief of police, as I thought, very improperly but very naturally said, 'I am not going to instruct any police officer to arrest a boy for simply smoking cigarettes. I might give the boy a cuff on the side of the head and let him go, but I am not going to order his arrest.' That spirit, hon. gentlemen will find, will prevail to a much greater extent when you come to apply the law to young men between 16 and 18. And, then, in a general way, this Bill is in advance of public sentiment, and if it became law would therefore not be enforced. It will simply be a dead letter. If you leave the limit at 16 years of age, there may be a partial enforcement of the law, but if you apply it to all persons under 18 years of age I am satisfied the law will be a dead letter as all laws are which are too far in advance of public sentiment. This Bill, I understand, was introduced by the government in the House of Commons. No doubt before introducing it, the government had considered it from nearly all points of view, and in their wisdom they fixed the age at 16. In the House of Commons some gentleman, acting no doubt with the very best motives, but still irresponsible, and influenced probably by sentiments that while creditable were not practicable, moved that the age be changed to 18 years, and inasmuch as a number of well meaning ladies were anxious to have the age fixed at 18, the members of the House of Commons were desirous of showing how gallant they were and they raised the age to 18. I think we had better go back to the place where the government were when the Bill was introduced, and I therefore move, seconded by the hon. Mr. Ellis:

That the Bill be not now read the third time, but that it be amended by substituting the word 'sixteen' for the word 'eighteen' whereever it occurs.

Hon. Mr. SCOTT—I would regret very much if the House were to adopt the amendment. The analogy which the hon. gentleman from Halifax has given is not parallel. They take children absolutely up to sixteen, but in having secured a child up to 16 the control is not reliquished at 16, not until 21 is reached.

Hon. Mr. POWER—I did not say they were not subject to control; I said they could not be sentenced.

Hon. Mr. SCOTT—They are not emancipated when they reach 16 or even 18. They have to continue under control until they are 21. The hon. gentleman points out that 16 was the age fixed in the Bill as originally introduced. From my standpoint, I would have the age 21, and I doubt if there is a father listening to my words now who would not be glad to see the law was observed until his boy was 21. If hon. gentlemen knew of the appeals made by tens of thousands of the best mothers in the country for this legislation, they would not hesitate a moment about accepting the proposition in the Bill. Year by year, for a long series of years, representative women from Halifax to Victoria, have appeared at the beginning of parliament and appealed to the members of the government to pass a law of this character. They put it that it will mean the saving of their boys. In the opinion of physiologists a boy is not developed mentally or physically until he has reached the age of 21. We read in the press from time to time of boys between the ages of 16 and 19 being turned down from positions of trust because they have the tobacco heart. I gave an illustration of that the other day, when I mentioned that about 75 per cent of the midshipmen were turned down at Washington because they had tobacco heart from smoking cigarettes. The age fixed in the Bill was changed to 18 by some one hundred and fifty or two hundred fathers in the House of Commons, who felt rather keenly on this subject, and I put the question practically, is there a father within the hearing of my voice who would not say that he would like his boy not to smoke until he had reached the age of maturity. It is a much more serious matter than those who indulge in smoking can properly appreciate. It is a very important social subject. It is melancholy now to see that our daughters are beginning to smoke, not to any extent as yet in Canada, but in Great Britain and some other countries. It is a melancholy fact that girls before they are in a position to become mothers are smoking cigarettes, copying from others, and as an assertion of independence. The Senate will make a very grave mistake if it in any way minimizes the clause, which, after a full discussion, we adopted yesterday and I should hope the Bill will be allowed to be read the third time as we disposed of it in the committee.

Hon. Mr. DAVID—For the good reasons given by the hon. senator from Halifax, I shall vote for the amendment, and I do so because I am in favour of the law. It is because I think the law is a good one. But if you want to have a law that will be enforced you must make it reasonable. If it is unreasonable, it will not be put into execution. There will be all kinds of means used to evade it. Young men of 17 or 18 are men. In the province of Quebec, I may say without pride, young men of 16 and 17 are men, and are no longer under the control of their parents. I think the law is good in this way, that it will help the parents to prevent their children from smoking; but a young man over 16 is not a child. He is very often earning his own living, and outside of the control of his parents, and if you apply the Bill to a young man under such circumstances, he will take all kinds of means to evade it. I think, therefore, that those who have confidence, as I have myself, that the Bill is a good one and will have a good effect, ought to vote in favour of the amendment.

Hon. Mr. LOUGHEED—I ventured to express to the House yesterday, sentiments somewhat similar to those expressed by the hon. gentleman from Mille Isles, and with all due deference to those hon. gentlemen who seem to feel most keenly about the Bill, I thought they approached it in a spirit of intemperance and endeavoured to outdo what I regard as the very extreme view of the Commons, and amended the Bill to such an extent that it will be entirely ineffective. One need not lay down this principle, that if the law is opposed to all common sense, and the ordinary practices of every day life, particularly where it establishes an artificial crime as this does, it will only result in violations of the law with impunity. One of the first principles to be observed by law-makers in passing a body of laws is to see that the law is reasonable. The whole tendency of sumptuary laws—and this is a sumptuary

law—is to go to extremes. The tendency of legislation within the last eight or ten years has been largely in the direction of reviving the old Blue Laws of New England, and endeavouring to govern people morally by law instead of appealing to their moral sense. Here is a case in which we establish an artificial crime. It cannot be contended that there is any moral wrong in a youth of 18 smoking tobacco. A number of excellent women, probably amongst them a large percentage of mothers, have asked the government to place upon the statute-book a law which they regard as necessary to prevent juvenile smoking. So far as I can learn, they were satisfied with fixing the age limit at 16 years. Some members of the House of Commons, who are overcharged with a degree of anxiety on this point, increased the age to 18, and the Senate yesterday, not to be outdone by the mothers constituting the Women's Christian Temperance Union and other organizations of a kindred nature, or by the members of the House of Commons anxious to make this Bill as sumptuary as possible, amended the Bill to such an extent as to make it absolutely ineffective. The Bill provides penalties for the artificial crime of a youth of 18 smoking tobacco. Have hon. gentlemen ever thought of this, that a large percentage of the military contingents which we sent to South Africa to fight on behalf of the empire were youths of about 18 years of age? One of those youths who won the Victoria Cross to the credit of his native city, the city of Ottawa, was only 19 years of age and yet this parliament deliberately proposes to place upon the statute-book a law which declares that young men who are old enough to fight the battles of their country, have to be shadowed by policemen and come within the pale of the criminal law if they are found smoking. Will hon. gentlemen in this Chamber, men who have passed the meridian of life, and are charged with holding the balance in this Chamber of common sense, deliberately say that men of that age shall not have the right to exercise the moral responsibility of smoking or abstaining from smoking tobacco? It is absurd in the extreme. Do you expect a law of this kind will be enforced? It will be a by-word and reproach against this Chamber and this parliament. I ask you if we are doing ourselves justice; if it is in the public interest that we shall deliberately legislate that men who are old enough to go into the field of their country's wars shall not be allowed to exercise their judgment as to whether they shall use tobacco or not? Yesterday, we deliberately amended this Bill so as to provide that if a father should give his son under 18 a package of tobacco, that that son might be pilloried by the magistrate and made to tell where he got the tobacco, and that the father likewise should become amenable to this sumptuary law and liable to pay a fine of $100 and costs. Are we a hysterical body? Does this body represent the extreme sentiments expressed by the very excellent women's organizations throughout the Dominion of Canada, or are we holding the balance of common sense and legislating in a practical manner? We find in this Bill the other absurd provision which I pointed out yesterday, that if any citizen in Canada should ask a messenger of 18 years of age to convey to some distant point not for his own use, but for a customer, a package of cigarettes, he at once becomes amenable to the law and subject to a fine of $100.

Hon. Mr. SCOTT—It does not apply to a boy employed in a tobacco factory.

Hon. Mr. LOUGHEED—That is another phase of the question altogether. I am referring to clause 1 of this Bill, under which, if I send a boy under 18 years of age to deliver a package of cigarettes for me, I render myself at once amenable to the law as having furnished him with tobacco. Now I am in sympathy with the general principle of this Bill that we should be in a position to suppress evils to which the rising youth may be subject. But we have to take this into consideration; you may fill your statute-book with sumptuary laws, yet if you divest the parent of that moral responsibility which must necessarily attach to him, and let that parent rely on the law for bringing up his boy morally and religiously, you strike a blow at the very best principle of national and domestic life. The parent cannot be divested of his re-

sponsibility. Parents have begun to accustom themselves to such an extent to soliciting parliament to pass sumptuary laws, that they are forgetting the responsibility devolving on themselves, and neglecting to throw around their children the precept and example so necessary in the teaching of the home. I speak on this subject as the father of four boys, and I hold those views very strongly and think parliament is going too far in passing this kind of legislation. I am in favour of a Bill with an age limit of 16, and that should be the outside age for which we should legislate.

Hon. Mr. KERR—I hope the hon. Secretary of State will see his way to accepting the amendment. When we come to think about the matter, this is a Bill in restraint of a habit which is usually formed before the age of 18. Take the case of a person who has already formed the smoking habit and who is over the age of 16, and you are obliging him to abandon the habit he has already acquired. There has been no prohibition in the law up to the present time restraining persons from contracting such a habit. It is, in other words, a perfectly lawful thing for a person to offer to any one under the age of 16 and by consequence under the age of 18, tobacco. It has been quite within the law that the boy should smoke it. Take the case of one who has already acquired the habit, and who is beyond 16 and under 18 years of age; you are obliging him to abandon the habit, whereas the true way of dealing with the matter is to legislate for an age when he will not probably have formed that habit? The habit is in process of being learned before the age of 16. If you stop that process at the age of 16 you are not restraining a habit so definitely formed, at all events, as you would be between the age of 16 and 18, and I think the law will be resented by a great many who have learned to smoke and who are practicing the habit between the ages of 16 and 18. It seems to me that it is only in the first instance the habit has to be broken, but you are prohibiting the formation of the habit afterwards up to the age of 18. The only difference is that those who have already acquired the habit and are beyond the age of 16 and not yet 18 will be obliged to abandon a practice which is perfectly lawful at the present time, out of which they take some enjoyment, whether they benefit from it or not. I am speaking as a non-smoker, or as a reformed smoker—one who has given up the habit. I quite understand that if I had not given it up of my own free will, but had to give it up because of an Act passed by the Secretary of State, I would have a hard feeling towards him, and it is because I have that feeling, I would like to remove from him the odium of fixing this age of 18. All the laws recognize the age of tutelage of the boy up to 16. After that he has passed into another stage. You are depriving him of doing that which he may have been taught by his father, which he may have practised in his home, and in which he may have been surrounded by his comrades and by his friends. It seems to me it is a small concession, particularly as it only applies to those who are now over the age of 16, and not over the age of 18.

Hon. Mr. ROSS (Middlesex)—We have already settled in committee the age of 18 and the House of Commons has agreed to that age. I do not know why we should unsettle what we have already done. No satisfactory reason has been given to me to unsettle what has been decided upon already. The whole object of the Bill—and that is largely what governs my judgment—is to prevent young people using tobacco a tan age of which it is, admittedly, very injurious physically. It is certainly injurious under the age of 16; it may be less injurious between the ages of 16 and 18; still that is a callow age for boys. They are not matured; their fibre is not hardened. They are still in a state of growth, and immature, and the poisonous effect of the drug at that age is said to be debilitating mentally and physically. We must draw the line somewhere. The hon. gentleman from Calgary regretted exceedingly that the restraint should be put upon young people at 18 years of age, because he says at that age people fight the battles of their country. There is no analogy in the two cases at all. We have to limit the age of citizenship. A man is an infant, practically, until he is 21 years of age. It is not whether he fights or whether he smokes. He is the ward of some one under the law, of his parents or

of the state, and because of his immaturity and because of the deleterious effects of tobacco at that age, we protect the child as long as we think we can reasonably do so. I am very averse to legislation that may not be considered effective; but this is the cry that is always raised against sumptuary legislation. I remember when we proposed to limit the age at which children should work in factories, there was an outcry, 'You cannot prevent them; their parents will smuggle them into factories under that age; the law will not be enforced, and will be practically valueless.' Well it is on the statute-book, and it is reasonably well enforced, and protection is given to children up to certain ages. The same way when we proposed to enforce compulsory attendance at school at certain ages. It was stated that that law could not be enforced. It is reasonably well enforced, and I remember when we passed a truant Bill in Ontario, requiring that children should not run at large during school hours, we had to appoint truant officers and impose penalties. We did this, and truancy has been reduced. All that is in the form, not of sumptuary legislation but of protective legislation. It is an old story to have this outcry. I see, myself, the importance of protecting children during their growing period. They are not mature at 18. Why not protect them till they are mature? Are we to stop short at the point where the protection is the most valuable? If we can prevent a boy forming the habit of smoking up to the time he is 18 years of age, perhaps he will not form it at all. Although I have been in the habit of using tobacco myself, I think on the whole it would have been better for others and perhaps for myself, if I had refrained from the use of it. At all events, we know that the use of tobacco is injurious to young people. I think we should let the clause stand as it is, and the law is strong enough to be enforced reasonably. It will be violated, of course, as all laws are. That is no reason why we should not pass it.

Hon. Mr. EDWARDS—I am surprised at my hon. friend from Middlesex questioning the propriety of this Chamber dealing with a matter that has already been passed by the Commons and by the committee of the Senate. It seems to me that this Chamber is, after all, the final resort saving of course the sanction by His Excellency the Governor General, of all legislation that passes the parliament of Canada. Now, like my hon. friend the hon. Secretary of State, I am both a teetotaler and a non-smoker, I am opposed, and always have been opposed to legislative prohibition, although I have committed the wrong of always voting for it, I am opposed to it just so long as it is legal to manufacture, import and sell the article. Under such circumstances, I think it is illogical to interfere with it, and I am opposed to interfering with smokers. Let them smoke if they want to, just so long as it is legal to manufacture and sell tobacco. It may be judicious to deal to some extent with the irresponsible youth, but there is a limit, and I must say that I think dealing in this way with youths of 18 years of age is an absurdity. I am a large employer of labour. Most of the men who labour for me in the woods, to the number of no less than 2,000 or 3,000 every winter, are between the ages of 16 and 18, and I think every one of them smokes. The law will have a mighty big task on hand to prevent those boys from 16 to 18 from smoking. Further, I think if the law should go into effect, after the age of 16 it would be a dead letter. All the forces of Canada could not make the law effective. In dealing with this question, I think we should be reasonable, and it is reasonable, perhaps, to make the age limit 15 or 16. It is true, there are many young men who are pretty well developed at the age of 16, but I cannot see how my hon. friend, who, a few moments ago, said that irresponsible youth extended to 21, stops at 18. He should go to 21, or perhaps 70. Of course, that would be dealing with youths of another age. It is unfortunate that any one smokes. It is a wasteful and filthy habit, a very regrettable habit, but it is legal to make and sell tobacco, and I regret that one of the greatest institutions for the good that will accrue from it in Canada in the future, is an institution founded by the tobacco smokers of Canada, and not by Sir W. McDonald at all, for the unfortunate people of Canada. It is regrettable that

this noxious weed should be used at all by any one; but if we are to legislate against it, let us legislate for the youth and not for the full grown man. Most of our youths are men at eighteen as much as they are at 21.

Hon. Mr. SULLIVAN—The human body is not fully formed at 21, so that it is merely an arbitrary age that is applied. I think there should not be any such terrible legislation as this. I think it is awful to punish the youth as well as the seller. If a vendor sells tobacco to a boy of 13 he ought to be punished, but from over fifteen or sixteen the youth should not be punished at all. Numbers of youths drink liquors, and if they drink after the proper hours you do not punish the boys who drink, but you punish the man who sells and the others get off free. Why do you not do the same with tobacco? Punish the man who sells it. The only argument that could be urged against the use of tobacco at an early age is one that has not been mentioned here, and that is it induces a taste for drink. There is no doubt about that. If you ask those who have had experience, law reformers and statisticians, they will tell you that there is a great tendency to drink in those who smoke. Nevertheless, I know that gentlemen who do not smoke, often have some other bad habit ten times worse. There is that tendency in human nature, if they have not one habit they will have another. If any hon. gentlemen will allow me to delve into this character or if men would expose the secret ways through which they pass we will find another vice ten times more heinous and undermining to the constitution than smoking. Tobacco smoking is not increasing; it is on the decline. Cigarettes are a bane to a young man, but that can be prevented by not allowing the young to smoke. I have smoked myself and smoked at a very early age. The habit is acquired in school, and you cannot prevent it being acquired. One boy will corrupt a dozen. As to the age at which it will do injury, it will do most harm at the beginning, it does not matter about the age, until the boy gets used to it. You can, to a certain extent, use deadly poisons. You will get sick at first, and then you will become accustomed to them and can continue the habit of taking them. Fortunately, they are not used to the same extent as tobacco. If tobacco were not used, there would be a tendency to use something else. I think that law is bad. I do not think it can be carried out; the age limit of 18 is altogether too late. If you prevent the sale of cigarettes to youths up to the age of 15, you would be doing something to help reform, but between that age and 18 you cannot possibly do anything to prevent the habit, because the habit is formed among those boys who are accustomed to go out to work early. They acquire the habit from seeing their elders using tobacco, and those are the ones most in need of reform. The wealthier class of people keep their children at home and look after them properly; but the working class require to let their children go out at an early age to work, and I think it would be a great shame to punish them with any penalty for indulging in this habit which no man in the world can stop. I do not think it is possible to stop it. We have spent a tremendous amount of time and study on the cooperative Bill, and it is nothing at all in comparison with this Bill. I think that if the Senate were to appoint a committee to look into the matter carefully, hon. members would be able to give an honest and independent vote. Our object here is to make laws that will do most good. I think this measure will do no good, but will do harm. I would be willing to limit the sale to minors, and put that age at 16.

Hon. Mr. WILSON—While I am in full accord with the principle intended to be inculcated by the passage of this Bill, to prevent children from using tobacco or learning bad habits, yet I am of opinion that we should apply that remedy at an age when it will have effect. If we do not apply the remedy to that age, we are placing upon the statute-book a law that will be a dead letter. It will not have any beneficial effect. As has been stated by the hon. leader of the opposition very forcibly indeed, while we call upon a boy of 18 years of age to go to the battlefield to defend the rights of the empire and fight

the battles of the people, and at the same time to say that he shall not be permitted to use tobacco, is to me a very absurd thing. He would say, 'You compel me to protect the country, to act the part of a man, to receive bullets and face death, but you will not let me have a chew of tobacco or an opportunity to smoke cigarettes.' Is it reasonable? As far as the effects of tobacco are concerned, we all admit that it is injurious to a certain extent, though we find plenty of people who commenced the habit at 14 and 15 and have practiced it regularly until they are nearly 100? Why does the tobacco not kill them? Is it not unreasonable that we should advocate the placing under this restriction a young man of 18 years, capable of forming his own opinion, capable of expressing his opinion, capable of judging whether it is right or wrong for him to have or to use tobacco, while we who are 65, 70 or 80 years of age, walk over to the table and take a pinch of snuff, which is more injurious to the system than if they used tobacco in their pipes? Upon whom will the tobacco habit inflict the greatest injury? Upon the young man of 18 years of age or the man of 65 years? We know that in advanced age, weakness of the heart is more likely to occur. And what would this man 65 or 70 years of age say if we should try to prevent him from smoking or using tobacco? Would it not be unreasonable that we should make this prohibition; yet with an apparent solemnity and devotion for the welfare of the people we find hon. members saying to-day that up to the age of 18 children should be debarred. I am strongly in favour of the amendment moved by my hon. friend, and shall feel myself doing justice not only to myself but to posterity, because I believe you cannot enforce the law, and that it would be an injustice to a person of 18 years of age to deprive him of his pipe or cigar, or whatever it may be, while we of 65, 70 or 80 years of age are permitted to use tobacco, and very frequently, if you go into one of our committee rooms, you will find the fumes of tobacco so thick that you could almost cut it with a knife. Is there any reason or any justification for such a drastic law? I agree with the principle of the Bill, to prevent if you can the use of tobacco by children. I believe any man is foolish who allows himself even at 60 or 65 years of age to continue smoking tobacco. I may say, by way of confession, that for many years I used tobacco and thought it was a luxury. I indulged in the habit, but perhaps not to excess. I found it was no benefit to me. I found rather that it was injurious and that my example might be injurious to younger people, and I therefore laid the pipe aside, and for 25 years I have not touched anything of the kind. If hon. gentlemen here were to show an example to the rising generation perhaps it would have more effect than this legislation; but do not use empty sounding words to try to convince other people that they should not indulge in a habit of that kind when we ourselves are indulging in it.

Hon. Mr. WILSON.

The House divided on the amendment, which was carried on the following division :

Yeas 32, nays 13.

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The Bill was then read a third time and passed.

THIRD READING.

Bill (HHH) An Act respecting certain patents of the Metal Shingle and Siding Company, Limited.—(Hon. Mr. Campbell.)

AGRICULTURAL FERTILIZERS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (III) An Act respecting fertilizers.

He said: I may say it is not the intention to pass this Bill at this session of parliament, so that I need not go fully into it. It is a Bill simplifying the Act, compelling the persons who put fertilizers in the market, to register in the department the composition and to attach a tag. That is one of the principal features of the Bill. The object is to give it a second reading now and have it printed and distributed by the department.

Hon. Mr. FERGUSON—I understand my hon. friend to say that the Bill requires the manufacturers to register and show the composition of the fertilizers that they are offering to sell. I am under the impression that that provision is in the Act as it stands.

Hon. Mr. SCOTT—At the present time they furnish samples. The buyer could insist on having it analyzed before purchasing. The party making the sale, furnishes the department with an analysis of it, so that the parties can inquire from the department what it is composed of, without going to the expense of analyzing it, and a tag showing the analysis is attached, verifying that the article sold, conforms with the article already indexed in the department.

Hon. Mr. FERGUSON—That is the present law, and has been for a number of years. The vendor is required to furnish a sample and it is analyzed in the department, and a bulletin is issued, and not only the manufacturer but the person who buys from the manufacturer sends his sample, and that is a test of the honesty of the transaction. I presume this is a consolidation of the old law, with some improvements.

Hon. Mr. SCOTT—The existing Act requires a portion of each sample of a fertilizer to be transmitted to the minister for analysis, together with the certificate of analysis of such fertilizer. The proposed Act does not require the submission of a sample, but provides that the manufacturer or agent shall require each brand to be sold, giving its name and guaranteed analysis. The existing Act requires all fertilizers offered for sale. to bear an inspection tag, if the purchaser so desires. This Bill provides certain details.

Hon. Mr. LOUGHEED—I think the government is to be congratulated upon introducing a Bill of this kind, making provision for a very much closer analysis of the contents of fertilizers; but it seems to me that the government might very well have proceeded with the Bill this session. If the Bill is to be passed, the sooner it is brought into force the better. I fail to appreciate why there should be any delay in introducing a law so manifestly necessary.

Hon. Mr. SCOTT—There is a law already, but it is thought not as convenient for the purchaser. The object of this Bill is to simplify it and make the sale more easy and parties will know what the fertilizer is composed of.

Hon. Mr. LOUGHEED—I should like to know what steps are being taken to circulate the draft Bill amongst the agriculturists throughout the country?

Hon. Mr. SCOTT—An extra large number will be printed, and the parties interested will circulate them and obtain the views of leading agriculturists over the country.

Hon. Mr. FERGUSON—I hope the department will, in the meantime, look very carefully into the law of Great Britain with regard to this subject. The agricultural fertilizer business in Great Britain has assumed enormous proportions. It lies practically at the foundation of successful agriculture. We have not reached the stage in Canada yet, but the time will come when we shall reach it, and, therefore, we should look carefully into the British laws on the subject. I have had to import considerable quantities of fertilizer from England, and I found that every sack contained a statement of its contents, how much phosphoric acid, how much nitrogen and how much potash. There are, under the British law, severe penalties if these proportions

are not reasonably well maintained. I hope that the department is looking carefully into the British law on the subject, and that when they consolidate our laws we shall have them as up to date as possible.

Hon. Mr. SCOTT—I shall call the attention of the department specially to that point.

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

CONTINGENT ACCOUNTS OF THE SENATE.

FOURTH REPORT OF COMMITTEE ADOPTED.

Hon. Mr. WATSON moved the adoption of the fourth report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. POWER—I do not propose to move against this report. I simply wish to direct the attention of the Senate to the fact that this report will make an increase in the cost of our staff, and a consequent reduction of the funds at the disposal of the Senate, of $1,750 a year. With respect to the major portion of that increase, in my humble opinion, it was quite unnecessary. I wish to put my protest on record; I do not think we are justified in adding unnecessarily to the expenditures of the Senate.

The motion was agreed to.

GOVERNMENT ANNUITIES FOR OLD AGE BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (120) An Act to authorize the issue of government annuities for old age.

He said: This Bill, which has been sent up to us from the Commons, is as probably my hon. friends well know, a good deal on the model of the draft Bill which was submitted and pretty extensively discussed in this body a year or so ago. The rules of procedure prevented me from bringing this Bill forward in the Senate, which I very much regretted, because it was a Bill which we would have discussed with as much understanding as the Commons were able to give to it, and I would have very much preferred to have originated it here. However, it is substantially the Bill presented and discussed informally in this House. Some amendments have been made, which can be more advantageously discussed in committee, but which I shall nevertheless briefly enumerate. The first important amendment made, is altering the term at which annuities can be given, from 60 to 55. This my hon. friend the Finance Minister has done on representations made to him on behalf of certain wage-earners engaged in certain trades which are said to be more or less deleterious to life and in which it was thought advisable to allow annuities to be issued at a considerable earlier age than I had contemplated. To that, I presume, there can be no objection, because annuities granted at that age will have to pay a proportionately larger sum. Also, the limit which I had suggested of $400 is increased to $600 with a proviso that in no case shall the amount paid to any annuitant or to joint annuitants, or in the case of husband and wife to any two annuitants, shall exceed $600 a year. That will be the maximum even if two parties are put together. Amendments were introduced by Mr. Ralph Smith, which we can discuss in committee. The objects intended to be attained by these amendments could have been attained under the general provisions of the Bill, but I see no objection to putting them in the Bill in extenso. Another amendment has been introduced to guard against possible fraud. It is held to be necessary, particularly when we decided to raise the sum to $600, to meet the possible case—though I do not think it would often occur—of a man about to go into insolvency, and at the same time having control of considerable funds. It is possible that such a man might take money from funds which properly belonged to his creditors, and invest them in the purchase of an annuity. A limit, however, is provided. Anything of this kind that is interfered with must be applied for within a certain limited time—at least that was the intention. We will see to that when we go into Committee of the Whole. The other clauses are, with some slight alterations in

the verbiage, precisely as they were placed in the Bill which was laid on the table by myself about a year ago. In committee, I shall be happy to discuss any of these clauses a little more in extenso with hon. gentlemen who are interested.

Hon. Mr. LOUGHEED—May we expect a draft of the tables upon which those annuities will be based when we reach the committee stage?

Hon. Sir RICHARD CARTWRIGHT—I can give the hon. gentleman general information on the subject. The drafting of those tables, particularly as the minimum term has been altered, will take considerable time, and I will have to employ a special actuarial expert for the purpose of drawing them up. I can give my hon. friend a general idea of them.

Hon. Mr. LOUGHEED—I should like a comparative statement, showing what an ordinary annuity company would sell similar annuities for.

Hon. Sir RICHARD CARTWRIGHT—Certainly, I shall be able to give my hon. friend all the information he desires on that. I may state, however, informally across the floor, that with some very slight modifications the rate of interest that we would allow on the amount subscribed, would be substantially equivalent to that given by the best annuity companies. We would allow probably a small trifle better interest than they can do, and the government will charge itself with the entire expense of the machinery, in the first instance at any rate. We have machinery at our disposal in the post office which will enable us to give the purchaser of an annuity a little larger sum than he could expect from any ordinary company. Also he knows we expect to make no profit out of it.

Hon. Mr. LOUGHEED—Will the fund be self-sustaining without a vote by the government?

Hon. Sir RICHARD CARTWRIGHT—It will be to this extent; our purpose is to make it perfectly self-sustaining, with the exception of a small annual grant which I estimate will not exceed forty or fifty thousand dollars for what is called the Central Bureau, which will disseminate information and possibly send lecturers abroad to give the public information on the subject, and diffuse it as widely as possible among wage-earners and other parties concerned. I have already received from various societies requests to know on what terms the government would be likely to deal with them if they choose to purchase annuities for their members. I refer more particularly to religious corporations, some of which, I am informed, would be very desirous of providing in this way an annuity fund for aged clergymen, and a number of large employers of labour have also expressed their desire to be allowed to make provision for their deserving workmen, after a certain age. My attention has likewise been called to a curious and interesting provision which is made in some foreign countries, notably, I believe, in Denmark, where parties engage in a sort of tontine—that is deposit a certain sum, either paid by instalments or paid directly with the State, and will receive a very handsome provision if they attain the age of 60 or 65; but on this condition, if they die earlier the whole sum goes to the State and goes to the benefit of others of that class. In that way, any gentleman who would choose to indulge in a little gamble would get much better terms if he lived long enough than we could give him on the terms we expect to apply to the larger portion of our insurance. That, however, is a matter of detail. I mention it to show, wholly apart from the question of providing annuities for wage-earners in the way laid down in this Bill, that there are other ways in which these annuities may be made acceptable to considerable classes of the population, and I have reason to hope from the various communications I have had, that after a little time, and when I have an opportunity of diffusing proper information on this subject among the public at large, and more particularly among the very large number of depositors in our savings banks (who exceed two hundred thousand) that this may be taken advantage of to a very considerable extent.

Hon. Mr. FERGUSON—I did not notice that this Bill was coming up to-day until

my hon. friend rose to make his motion; but as my hon. friend has said, this question was very thoroughly discussed last year in the Senate, although rather academically. It is not necessary, however, that we should discuss it to the same extent now. The discussion at present, is one which will more properly take place in committee. In a general way, I am quite satisfied that this Bill will not reach the people that need in old age the most assistance, that is the very poor people of our country. A measure of this kind based on contributions quite substantial will be really a method of assurance against old age on the part of the well-to-do or the middle classes of the people. Nevertheless, that is no reason why it should not be passed. I hold very strongly to the view that the portion of our people who are in the prime of life and in good circumstances should feel it their solemn duty to look after the interests of childhood and old age, and I have no doubt whatever that this measure, although a very conservative one, will contribute to the amelioration of the condition of a considerable number of people in their declining years. On that ground, I am glad that it has been introduced, and shall do all I can to assist in perfecting its details, if they require any, when we go into committee. I have looked through the Bill to ascertain if the rate of interest on which the computations are to be made is provided, and I find that it is not. The whole matter is left to the Governor in Council. Whether there will be a loss to the treasury from the operation of this Bill, depends altogether on the rate of interest the government will fix with reference to it. I understand that as the credit of the government is entirely behind this scheme, it will not be necessary for the government to do what the insurance companies are compelled under the law to do, namely, to hold a reserve; but it will be no less secure on that account. If a liberal rate of interest is named in the order in council, then the annuity that will become payable at a given age will be fairly large in proportion to the amount that is contributed. In our Civil Service Insurance Bill, passed I think, in 1893, we make the rate of interest 6 per cent.

Hon. Mr. FERGUSON.

Hon. Sir RICHARD CARTWRIGHT—I may state without absolutely binding the government, which as the hon. gentleman has said will reserve to itself the power, that it is not expected the rate of interest in any case would exceed 4 per cent.

Hon. Mr. FERGUSON—That is quite reasonable. I rather approve of leaving some degree of elasticity in the law, because the value of money may change very rapidly, and I rather approve of that feature. I did not altogether catch my hon. friend's observations with regard to the provision guarding against fraud.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend will find that set out in some detail in clause 11. It deals with a possible special case of a debtor attempting to defraud his creditors by purchasing an annuity with money that did not justly belong to him.

Hon. Mr. FERGUSON—My view with regard to that subject is this, that the small contributions the result of industry and frugality throughout the entire life of a person, paid into a fund of this kind should not be attachable in any shape or form.

Hon. Sir RICHARD CARTWRIGHT—I quite agree. If my hon. friend will look at the clause he will see that it is aimed at one particular case.

Hon. Mr. FERGUSON—That is a matter for the committee. I have much pleasure in supporting the Bill.

Hon. Sir RICHARD CARTWRIGHT—This clause, which was not in my original draft, was introduced at the instance of the Department of Justice, to meet this possible case; a man is allowed to buy an annuity by paying a lump sum. It would take a matter of $5,000 or $6,000 to purchase an annuity of $600 at the age of 65, and it would be a rather unfortunate thing, if we take the case of a tradesman, who is about to go into insolvency, and who, nevertheless, has under his hand a good deal of money, if he were to take $5,000 or $6,000 of his creditor's money and invest it in an unattachable annuity for himself and his wife.

Hon. Mr. FERGUSON—When I was discussing the Bill submitted to us last year, I pointed out that such a possibility existed.

Hon. Sir RICHARD CARTWRIGHT—I agree with the hon. gentleman, that in the case of people subscribing small amounts extending over a number of years, it should never be attached, and if he thinks it desirable to put any further words to make that clear, by all means let it be done.

Hon. Mr. LOUGHTED—You could not attach a fund in the hands of the government anyway.

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

LEAD BOUNTIES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (191) An Act respecting the payment of bounties to lead contained in lead bearing ore mined in Canada.

He said: For about 20 years past, we have had a statute authorizing the payment of bounties on lead bearing ores, and in 1903 the latest Act passed authorized the appropriation of $2,500,000 to be expended in lead bounties, limiting, of course, the amount to a certain fixed sum annually, to be divided up among those entitled to it. At that time, in 1903, the standard fixed was £12 10s. When the price rose above that in the British market, then the bounty pro rata diminished. The parties interested complained that it was of very little value. Up to the present time, the total amount paid is $667,404 out of the $2,500,000 appropriated. It is proposed to raise the standard from £12 10s. to £14 10s. It is only when it reached £14 10s. that the allotment begins to diminish pro rata. It is calculated that there will be paid this year about $45,000 in addition to the amount I have mentioned, leaving the balance of the original sum allotted by parliament of $1,788,078. The Act provides that only a fixed amount shall be payable in each year, and no further allotments shall be made pending the payment of the $2,500,000.

Hon. Mr. LOUGHEED—While I am most heartily in favour of the government assisting in every legitimate way the development of the silver lead industry, particularly as it exists in British Columbia, yet the principle of bounties is undoubtedly pernicious. Why the burden should be thrown upon the entire community of paying those bounties, is something that I cannot understand. If the government were to impose such a duty on lead as would prevent foreign lead from coming into the country, it would mean that the building up of that industry and those interested in the use of lead would necessarily pay the duty; but the distribution among the entire community of the burden of supporting a local industry, seems to me to be a heresy and one particularly that should not be countenanced by a government now committed to protection by tariff.

Hon. Mr. McMULLEN—If we desire to develop any raw material in this country, the proper way to do it is by a bounty and not by a duty. If our lead mines cannot compete with the lead industry on the other side, the better and more prudent way is to develop them by granting a bounty.

Hon. Mr. LOUGHEED—Why not put it on all our industries?

Hon. Mr. McMULLEN—All our industries are not developing crude material. Where we have raw material like minerals that cannot be produced without a bounty, the proper way is to grant a bounty. If my hon. friend wears a silk hat and kid gloves he pays a portion of the bounty that goes to produce lead; whereas if the policy that he advocates were adopted, only those who use lead would contribute to fostering the industry. Where you aid the industry by means of a bounty every one who uses imported goods contributes his mite to a national necessity. The lead industry is something we want to develop and the proper and prudent way of developing it is by granting a bounty.

Hon. Mr. ELLIS—When the hon. gentleman refers to 'the other side' what does he mean?

Hon. Mr. McMULLEN—The United States perhaps.

Hon. Mr. ELLIS—It is clear, the hon. gentleman has not examined the subject.

The competition is with the British market. Almost all the raw lead entering this country comes from Great Britain. When those of us who profess free trade principles are asked to continue a bounty system, we should be shown what has been the effect of the bounty which has existed for the last five years. Has it resulted in the development of the lead industry of this country to any appreciable extent? When we reach the committee stage, the hon. Secretary of State ought to show us what has been the result of this legislation. He said, in effect, that the orginal grant for this purpose was $2,500,000, and that only $667,000 of that amount had been expended. If I recollect right, in the first or second year, or very early in the history of this bounty, $200,000 was paid on the amount of lead taken out; but last year the hon. Secretary of State said the amount was only some $45,000. Although the payments for bounty may be somewhat affected by the price of lead, still it is quite apparent that the production of lead in this country is not increasing, notwithstanding the fact that we are granting this bounty. And it is now proposed to continue it for five years longer. While the hon. Secretary of State intimates that there will be only so much bounty paid each year for five years, yet if the whole amount to be appropriated is the balance between the $670,000, and the $2,500,000, if luckily, the production of lead develops, we shall still be bound to expend $2,500,000 in addition to what we have already expended.

Hon. Mr. SCOTT—No. The whole amount voted is $2,500,000. There is still unexpended $1,700,000.

Hon. Mr. ELLIS—How can we go on expending $500,000 a year, if we are not providing for an expenditure of $2,500,000 in five years?

Hon. Mr. SCOTT—The bounty is paid if the price in the British market falls to a certain figure. If it is above a certain figure the producers get no bounty. Fortunately for the trade, the price has ranged nearly all the time above, so that the amount distributed has been comparatively small where you take it per year. It has been only a little over $100,000 a year distributed among the parties entitled to the bounty. You cannot tell how long it will last; but under the Bill no more than $500,000 can be paid in any one year, so if they earn the whole amount, the unexpended balance would not extend over between three and four years.

Hon. Mr. ELLIS—That is the point I wanted to make about the expenditure. It is provided that no more than $500,000 shall be expended in any one year; but we are proposing to extend the payment of bounties for another five years, and that involves the possibility of having to pay $2,500,000 in that period.

Hon. Mr. SCOTT—I said that $2,500,000 was voted; that of that a certain amount had been unexpended. The principal change is that we are raising the standard. The Act is perfectly clear that only $2,500,000 is to be paid out in five years.

Hon. Mr. ELLIS—I quite admit that; but if, for instance, the lead manufacturers or the lead producers come in next year and say 'We are entitled to $500,000 by the amount of lead we have produced,' they have to be paid that.

Hon. Sir RICHARD CARTWRIGHT—Yes. After the third year they would get nothing.

Hon. Mr. SCOTT—After the fourth year they would get nothing.

Hon. Mr. ELLIS—I am not so clear that is the state of the law.

Hon. Mr. LOUGHEED—Look at subclause 2 of clause 1. It is explanatory.

Hon. Sir RICHARD CARTWRIGHT—Perhaps my hon. friend had better let it stand until the House goes into committee. These matters can be dealt with much better there.

Hon. Mr. ELLIS—I do not favour this bounty system, and while this proposition may be better from one point of view than ordinary protection, still it is all unjust.

Hon. Mr. DAVID—I do not think I understood my hon. friend. Is he in favour of customs duties?

Hon. Mr. ELLIS—I am not in favour of protection.

Hon. Sir MACKENZIE BOWELL—I have listened with some little degree of interest to what has been said on this question, and I have come to the conclusion that the hon. leader of the opposition must have been studying the speeches of a gentleman who must have had a seat in the House of Commons, and who has now a seat in this House, because he seems to have been considering the same objections to this bounty question as my hon. friend who sits opposite me just now. I do not know that I should take any exception to that, holding the views I have always held upon this question, that it were much better it should be a customs duty which would be a direct protective duty, instead of a bounty for the reasons advanced that those who use the article would then have to pay the duties, if the article was not produced in sufficient quantities in the country to enable them to buy it as cheaply as they could import it from a foreign country. I am not surprised at the hon. gentleman from Wellington, because we find that in all matters affecting trade, whatever his opinions may have been in the past, if it is necessary to defend the action of the government in any step they may take which is in direct opposition to the principles they advocated years ago on the opposition benches, the hon. gentleman is willing to defend them.

Hon. Mr. McMULLEN—That is not correct.

Hon. Sir MACKENZIE BOWELL—He says that the man who wears the silk hat and the gloves, the imported goods, if his theory is right, has already paid his proportion to the revenue in the way of duties imposed upon those articles, yet under the bounty system he is called upon to pay his proportion of that which he never uses, and may never require to use. That is the difference between customs duties and bounties; he compels the man who pays the customs duty to assist the man who makes the lead, and yet he tells us that it is a justification of the bounty system. There is only one justification for the bounty at all, and that is when the granting of a bounty will tend to the production of an article which otherwise would not be produced, and the question should be asked whether a good round protective duty would not accomplish the same object. We know very well that by imposing a protective duty sufficiently high to prevent the importation of articles into the country, the industries so protected began to exist and continued to exist until they now occupy a position by which they are enabled to compete with the foreign manufacturer who sends his goods into this country. That is the doctrine we laid down as protectionists. I do not object to granting a bounty to encourage an industry which could not otherwise exist. My own convictions are that when you look at the large importations which have been made of lead from the United States and from other countries, that if a sufficiently high protective duty were imposed on foreign lead it would not come in, and the mines in British Columbia and other portions of Canada would be working and producing such raw material and have smelters in this country sufficient to supply the market and also to export our own lead products to China and Japan and other countries, where they use large quantities of tin foil. It is another development of the heresy we heard denounced the other day, and I congratulate my hon. friend the Minister of Trade and Commerce on the rapid conversion which has taken place.

Hon. Sir RICHARD CARTWRIGHT—No conversion has taken place.

Hon. Sir MACKENZIE BOWELL—Then the hon. gentleman is sailing under false colours.

Hon. Sir RICHARD CARTWRIGHT—No.

Hon. Sir MACKENZIE BOWELL—I came to the conclusion that the transition from free trade to protection is much more rapid than Darwin's theory on the Development of Species where the monkey evolves into a man.

Hon. Sir RICHARD CARTWRIGHT—If the hon. gentleman understood the question of bounties and protection, he would have known that the argument I used was this: that the robbery in this case is very much less where you have a bounty, than where you have a protective duty. One knows how much the people are robbed

when you give a bounty and you know whether it is a robbery, and what is obtained for it. Under a protective duty, ten times the amount may be taken out of the pockets of the people by the number of changes of the tariff than would be taken by the bounty.

Hon. Sir MACKENZIE BOWELL—I heard the hon. gentleman make that statement the other day, but it is not in accord with his previous utterances.

Hon. Sir RICHARD CARTWRIGHT—It is in accord.

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

BOARD OF TRADE ACT AMENDMENT BILL.

AMENDMENT CONCURRED IN.

Hon. Mr. SCOTT moved concurrence in the amendment made by the House of Commons to Bill (PP) An Act to amend the Board of Trade Act.

He said: The amendment made by the House of Commons enlarges the opportunities for forming the Board and makes it more general.

Hon. Mr. LOUGHEED—Is there an interpretation put on the word 'district?'

Hon. Mr. SCOTT—That would be an electoral district in the older parts of Canada.

Hon. Mr. LOUGHEED—It should define what district means.

Hon. Mr. SCOTT—I rather think it was taken in the general term.

Hon. Mr. LOUGHEED—It can do no harm any way.

The motion was agreed to.

CUSTOMS ACT AMENDMENT BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (194) An Act to amend the Customs Act.

Hon. Mr. LOUGHEED—Can my hon. friend give any information to the Chamber how many ship repairing yards in Ontario would be benefitted by ths amendment?

Hon. Mr. SCOTT—In drawing up the Bill, we had in mind entirely the Great Lakes. It may apply outside, but that was not in contemplation.

Hon. Mr. LOUGHEED—It will apply throughout the whole Dominion.

Hon. Mr. SCOTT—I think there are about four yards on the Canadian side, Collingwood, Kingston, Toronto and Port Levis.

Hon. Mr. LOUGHEED—Are those all dry docks?

Hon. Mr. ROSS (Middlesex)—Yes.

The clause was adopted.

On clause 2,

The equipments or any part thereof, including boats purchased or supplied in a foreign country for, or the expenses of repairs made in a foreign country upon, a vessel intended to be employed, or which is thereafter employed in the coasting trade of Canada, shall on the arrival of the vessel in any port of Canada, if arriving within one year after the repairs have been made or the equipments have been purchased or supplied, be liable to entry and the payment of duty on the cost thereof in the foreign country at the following rates: (*a*) on the expenses of repairs, twenty-five per cent *ad valorem;* (*b*) on equipments, including boats, the same rate of duty as if the articles were imported into Canada in the ordinary course.

Hon. Mr. SCOTT—This clause provides for the duty on equipment and repairs.

Hon. Mr. LOUGHEED—How does my hon. friend come to tack that to section 69? There is nothing germane in the section.

Hon. Mr. SCOTT—That may be. The main object is to favour certain yards in Canada. I may say the right has been abused. Take a vessel, a hull which is pretty well used up, it will be taken over to the United States, Rochester or Buffalo, and four or five thousand dollars repairs made to it, and will then be brought back to Canada. This clause has been introduced in the Act here. It has no affinity to the section that precedes it.

Hon. Mr. LOUGHEED—This permits a duty of 25 per cent to be imposed upon boats. Under the Canada Shipping Act, our government gets its authority for im-

posing the duty which it levies. We thus have two Acts imposing a duty upon boats, the Canada Shipping Act 25 per cent and the Customs Act 25 per cent. This amendment extends not only to equipment and repairs but to boats.

Hon. Mr. SCOTT—Where it includes boats, it takes the ordinary duty whatever it happens to be.

Hon. Mr. LOUGHEED—Not at all, because you have it in two distinct Acts. Under the Canada Shipping Act you levy a duty of 25 per cent.

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—If my hon. friend will turn up the Canada Shipping Act, he will find that is where the government gets its authority to levy the duty which it now collects, and under this Act you propose levying a duty of 25 per cent duty on foreign boats. It is an anomaly, and will lead to trouble because it gives authority under both Acts.

Hon. Mr. WILSON—I should like to ask the hon. minister why it is that the collection of duty shall not take place after one year? The clause says that it must take place within the year.

Hon. Mr. SCOTT—Yes, if it does not, it has to come under the ordinary law with regard to a vessel.

The clause was adopted.

On subclause 3,

If, however, the owner or master of the vessel furnishes satisfactory evidence that the vessel, while in the regular course of her voyage, was compelled by stress of weather or casualty to put into a foreign port to make the said repairs, in order to secure the safety of the vessel or to enable her to reach her port of destination, or that it would be impracticable to make the repairs in Canada for the want of dock or sufficient capacity to receive the vessel, the Minister of Customs may authorize the refund of the duties on the repairs, and the vessel shall not be liable to forfeiture under the next preceding subsection.

Hon. Mr. SCOTT—This is the exception. Where a vessel puts into a foreign port from stress of weather, an accident occurring, he may not be enabled to reach a British port, and then the law would not apply.

Hon. Mr. LOUGHEED—There will be two sections 70 in the Act.

Hon. Mr. SCOTT—I do not think we had better touch it.

Hon. Sir MACKENZIE BOWELL—You do not repeal section 70 in the Customs Act, but you make another clause 70.

Hon. Mr. POWER—The usual practice is to add a letter. I move that it be marked 70 A.

The amendment was adopted.

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

BILL INTRODUCED.

Bill (193) An Act to amend the Timber Marking Act.—(Hon. Mr. Scott.)

The Senate adjourned until Tuesday, July 14, at 11 a.m.

THE SENATE.

OTTAWA, Tuesday, July 14, 1908.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

DEPLETION OF THE GOLD RESERVE.

INQUIRY.

Hon. Mr. FERGUSON rose to

Call the attention of the Senate to the depletion of the gold held by the government during the months of November and December last, and to inquire of the government—

1st. Was specie amounting to $5,115,000 withdrawn from the federal treasury in November and December last in consequence of an order in council made on the 12th of November, 1907, as amended by another order in council made on the 26th of the same month, authorizing an issue of Dominion notes, without a corresponding increase in the circulation of Dominion notes?

2nd. Did the government when they made the said order in council, contemplate the issue and circulation in Canada of Dominion notes, or the withdrawal from the treasury and exportation of specie?

3rd. If such withdrawal and exportation of specie was not contemplated by the government, was it not their duty to guard against the depletion of the gold reserves of the treasury by providing that the notes issued, without lawful security, should not be presented for redemption, until the loans they

were intended to facilitate had been repaid ?

4th. Did the specie mentioned in the first question or part thereof form part of the exportations of gold made to the United States, in November and December, 1907, amounting to $7,297,778?

5th. What were the current premium rates on gold, stated weekly, in New York, in November and December, 1907, and did the government participate in the profits accruing from premiums on gold, withdrawn from the treasury, and sold in New York during the said months ? If so, how much ?

6th. In what way did the withdrawal of the government gold reserves during the months of November and December, 1907, and the exportation in the same period of a corresponding amount of gold, to the United States, resulting from the said order in council, relieve the financial stringency in Canada and facilitate the movement of the western grain crop ?

7th. What portion of the loans, stated below (see return submitted to the House of Commons on the 8th of April, 1908), made by the Bank of Montreal, on account of the Dominion government for facilitating the movement of the western grain crop was used :—

1st. In the purchase of grain direct from the producers ?

2nd. In the movement of grain already in elevators, to the seaboard or points of consumption, before the close of lake navigation in 1907, giving the date of the latest shipment by the lakes route ?

Date of loan.	No. of loan.	Amount.
1907, November 21...	1	$ 500,000
1907, November 26...	2	500,000
1907, November 29...	3	500,000
1907, November 30....	4	500,000
1907, December 13....	5	150,000
1907, December 24....	6	165,000
1907, December 26....	7	300,000
1907, December 26....	8	1,000,000
1907, December 30....	9	750,000
1907, December 30....	10	750,000
1908, January 2...	11	200,000

He said : It will be observed that my notice does not lead to a discussion of the legality of the issue of Dominion notes in connection with the advances made through the Bank of Montreal to facilitate the movement of the western grain crop, in the months of November and December last.

That part of the subject has been already discussed in both Houses and a Bill of indemnity passed. In the course of these discussions, the illegality of that issue of Dominion notes has been fully admitted by the government.

Some of the newspapers seem to be under the impression that my questions are intended as a criticism of the banks especially of the Bank of Montreal. I desire to make it clear at the outset that I make no complaint against the banks. I have no doubt they carried out in an honourable manner the work which was imposed on them by the government. For the bungling, or something worse, which marked the transaction from beginning to end, I hold the government responsible.

The secrecy which has characterized this affair, was not as has been stated elsewhere, enjoyed by the banks. From Mr. Fielding's letter to Mr. Clousion of the 13th of November it appears that he insisted on a confidential treatment of the business for the time being.

In this connection let me say in passing that the remarks of the right hon. Minister of Trade and Commerce in this House on the second of December last in which he declared himself as opposed to a reduction of the gold reserves of the Treasury, was very misleading. At the time the hon. gentleman made this statement, a reduction of reserves amounting to $2,000,000 had been made.

The transactions to which I am directing attention were based on an order in council made on the 12th of November, as amended on the 26th of the same month. I make brief extracts from these documents.

The original order says :

That the minister be authorized to issue such additional amount of Dominion notes as may be necessary not exceeding in all, ten million dollars. A strict compliance with the terms of the Dominion Notes Act would require that such issue should be made against the deposit of an equal amount of gold in the treasury. For the reasons already stated it would be exceedingly difficult to comply with the letter of the provision of the law in this respect. The Minister of Finance is of opinion that under such circumstances the government might properly issue such notes against the deposit by the banks of high class securities.

Then follows the amended order :

b. That the advances to be made to the banks be made through the Bank of Montreal.

That the Bank of Montreal acting on behalf of the government be authorized to advance such sum or sums as may be required not exceeding in all ten million dollars for the purpose set forth, in the order in council of November 12, at such rate of interest, not less than four per centum per annum, as the

said Bank of Montreal may deem fair and reasonable.

That the Bank of Montreal shall pay to the government such sums as it may receive by way of interests from the banks to which such advances shall be made.

That for the purpose of providing the funds necessary for such advances the Minister of Finance shall deposit in the Bank of Montreal from time to time Dominion notes equal to the amount so advanced.

That the Bank of Montreal shall receive from the banks to which such advances shall be made such securities as are deemed by the Bank of Montreal satisfactory and that such securities shall be held by the bank of Montreal in trust for the government against the issue of Dominion notes herein referred to, but such securities may be released from time to time as the advances may be repaid by the banks.

That the Bank of Montreal besides holding the securities in trust for the government as aforesaid, shall become responsible to the government for all advances so made and shall guarantee the repayment of such advances to the Minister of Finance on or before the first day of May, 1908.

That for its services in the management of the business and for guaranteeing repayment so to be made the Bank of Montreal shall be paid a fair and reasonable commission to be hereafter fixed by the Governor in Council.

The statement as to what was actually done under these orders in council, made by the Finance Minister, has not disclosed the real facts. In some very essential particulars they are incorrect. I read from the 'Hansard' of the House of Commons of the 18th of June:

Mr. FOSTER. Your reserve of gold on October 31 became depreciated by about $5,000,000, between that date and January 1.

Mr. FIELDING. The gold never diminished but inasmuch as there was a larger issue of notes the percentage of reserve was diminished.

An examination of the monthly statements of circulation and specie published by authority in the Canada 'Gazette,' reveals facts altogether different from those stated by the hon. Finance Minister. The gold reserve was diminished to the extent of $2,000,000 at the 30th of November, and to an additional extent of $3,115,000 at the 31st of December. It was not a relative, but an absolute diminution of specie reserves which took place. In support of this statement I submit a table showing the movement of specie and Dominion notes at the end of each month from September to May:

Date.	Specie, including guaranteed sterling debentures.	Other securities held per order in council by Bank of Montreal.	Dominion note circulation.
	$	$	$
Sept. 30.....	46,943,729	Nil.	61,914,157
Oct. 31.....	46,564,410	Nil.	61,241,544
Nov. 30. ...	44,641,266	2,000,000	62,519,400
Dec. 31.....	41,632,495	5,115,000	62,626,368
Jan. 31.....	40,844,011	5,090,000	61,812,564
Feb. 29.....	42,295,273	2,815,000	60,899,417
Mar. 31.....	43,637,417	940,000	60,445,991
April 30.....	45,815,699	665,000	62,432,448
May 31.....	46,812,188	Nil.	62,664,837

Reduction in gold reserves held by government, as between the 31st of October and the 31st of December, $4,931,915.

The statements in the 'Gazette,' for the months during which the gold was outstanding, were ingeniously framed to conceal the missing specie. Securities held by the Bank of Montreal, were given in the gross statement of specie as ranking with gold and guaranteed sterling debentures. In reality $2,000,000 at the 30th of November, $5,115,000 at the 31st of December, $5,090,000 at the 31st of January, $2,815,000 at the 29th of February, $940,000 at the 31st of March, and $665,000 at the 30th of April, of securities held by the Bank of Montreal, were specifically described in the official statements in such a manner as to deceive a casual examiner. The last column in the table I have submitted gives the Dominion note circulation for the period named. It shows that not one dollar of the notes issued under the order in council, remained outstanding at the end of the month of issue. They were immediately presented for redemption. The gold was withdrawn and the notes were not circulated.

This fact reveals an extraordinary breach of trust on the part of the government. The gold which was handed out in the redemption of those notes was not, strictly speaking, the property of the government, but belonged to the bona fide holders of Dominion notes.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—The hon. Secretary of State laughs at that. I am sorry the right hon. Minister of Trade and Commerce is not in his place, because I am quite confident he would not laugh at it. My own opinion may not be entitled to much weight, but the hon. Secretary of State ought to attach importance to the opinion of his colleague the right hon. Minister of Trade and Commerce who was for many years Finance Minister, and who understands the financial system of Canada thoroughly. I have here the opinion expressed by my right hon. friend the Minister of Trade and Commerce less than three weeks ago, and I quote it in support of my charge of a breach of trust:

> The vast bulk of what is now called gold reserve ought to be called government certificates for gold held, not property of the government in any true sense, but held for the banks, who find it more convenient to hold the certificates of the government redeemable in gold, than to hold the gold which in ordinary circumstances would be held in the bank vaults, our system is peculiar in that respect. In that respect we have made ourselves custodians of species which under ordinary circumstances would be held by a bank or banks. . . . At this moment the vast bulk of the gold which is held is, to all intents and purposes the property of the banks and not of the government.

Under our Banking Act the banks are compelled to hold 40 per cent of their reserve in Dominion notes. In order to comply with the law, the banks were forced to deposit gold with the government, dollar for dollar, for these legal tender notes.

And it was a breach of trust, I repeat, to lay hands on that gold and deliver to any persons except those whose gold it was.

I say without fear of contradiction that no order in council could, and I will go further and say that no Act of parliament should warrant a breach of trust or an act of spoliation both of which are found as elements in this transaction.

The bold undeniable facts are that $5,115,000 of gold was withdrawn from the treasury in the months of November and December last and that there was no corresponding circulation of Dominion notes. The sum of $200,000 was similarly withdrawn in January with a like result.

In further support of my contention that this gold went out of the country, I submit a statement of the total gold and guaranteed sterling debentures held by the banks and the government for the last two months of 1907:

Total specie and guaranteed sterling debentures held by the government and the banks for all purposes.

1907—	
September 30	$71,041,215
October 31	72,360,940
November 30	72,318,772
December 31	66,890,852
1908—	
January 31	65,746,627
February 29	65,932,780
March 31	69,562,894
April 30	69,592,955
May 31	70,148,267

Reduction between October 31 and December 31, $5,490,088.

It is probable that a good deal went into private keeping during the financial excitement of November and December. Of course, it is not possible to locate the gold in the country, except approximately. More of it may be held by monetary institutions such as trust companies as well as by brokers, at one time than at another, and no doubt some of it went into stockings, on account of the panic of last fall.

We now come to inquire what happened to the gold which passed out of the coffers of the government during these two months? The trade and navigation returns show that $7,304,279 in gold was exported in that period—$7,297,778 of which went to the United States. This leaves $5,188,592 as the excess of exports over imports during the two months under review.

Gold imported in November and December, 1907.

From—	
Great Britain	$ 248,000
United States	1,867,687
Total	$ 2,115,687

Gold exported in November and December, 1907.

To—	
Great Britain	$ 6,404
United States	7,297,779
Other countries	95
Total	$ 7,304,279

Excess of exports over imports, $5,188,592.

Although it is impossible to ear-mark money, and the same may be said of grain and other commodities, yet it is as clear as the sun at noon that the enormous quantity of gold which left the government vaults in November and December last was sent out of the country and found its way to the city of New York.

An interesting question arises at this point. During these two months, gold commanded substantial premiums in New York. My information is that the premium was from 2 to 3½ per cent, as will be seen from the following letter from Mr. W. E. Bagnall, broker for stocks, bonds and investment securities, Trust Building, 48 Sparks street:

Ottawa, Ontario, July 3, 1908.

Hon. Senator Ferguson,
Senate, Ottawa.

My Dear Senator,—The following shows the premium on currency in New York from November 4, to November 23rd—November 4th to November 9th, 3½ per cent. to 2½ per cent.—November 11th to November 16th, 2½ to 3½ per cent.—November 13th to November 23rd, 2 to 3 per cent.

Yours faithfully,
(Sgd.) W. E. BAGNALL.

This would amount on the $5,115,000 which left the treasury at 3 per cent to the sum of $153,450. I shall be delighted to learn from the members of the government that some such amount found its way to the credit side of the public accounts.

In one of my questions I inquire if the government contemplated a withdrawal of specie and a possible exportation of specie. If they did they should undoubtedly have provided that the premium should be accounted for.

Having established these facts we now inquire what benefits did the grain growers of the west derive from these transactions? The Dominion notes went straight back to the treasury, the gold handed out in their redemption, went to New York. What resources had we left to us to move the western grain crop? We had to fall back on the banks of Canada and depend on their circulation and resources. It has been alleged that the limit of circulation in Canadian banks was almost reached last fall, hence the necessity of issuing Dominion notes more freely. There would be something in this if these notes were circulated, but, as they were not, we are back to our starting point. There might be some difficulty in keeping Dominion notes out, as the banks might have an interest in getting them out of circulation. Their ability to do this implies an abundance of their own notes, and proves that there was no necessity of government intervention.

In 1880, Sir Leonard Tilley made all the disbursements in connection with Indian agencies, in the Northwest and British Columbia, in one dollar notes in order to get out Dominion notes.

It does not appear from the bank returns that bank circulation last fall made a nearer approach to its limit, than in former years, and there was a considerable margin in November and December last. I submit a statement showing the bank circulation authorized but not used for the last nine months:

September 30	$15,066,183
October 31	10,321,343
November 30	10,241,061
December 31	16,274,418
January 31	27,972,211
February 29	26,372,870
March 31	25,915,958
April 30	28,323,293
May 31	27,021,537

The bank managers of Canada declared last autumn that while they were refusing advances for speculation in stocks, town sites and even farm lands, they were able and willing to supply the funds necessary to meet the legitimate requirements for moving the crop. Their assurances were brushed to one side as mere bluff. The government listened to the representations of less informed people, and, I fear, in some cases, to those who had axes to grind. The wail of the stock or land speculator can be read between the lines in much of the correspondence submitted to the other House.

Money was offered through the Bank of Montreal to certain banks at what was deemed to be current rates of interest. The banks refused to touch it. That was what might have been expected. Just imagine such banks as the Canadian Bank of Commerce, Imperial Bank, the Dominion Bank, the Bank of Toronto, the Traders' Bank, the Union Bank of Canada, and the Bank of Hamilton, accepting funds at famine rates of interest for their share of money to carry out such a comparative small undertaking.

The government then reduced the interest to 4 per cent for the first 60 days, 5 per cent for the next 60 days and 6 per cent for the next 60 days. Only 20 per cent of the government's offering was accepted, when lake navigation closed on the

7th of December. This was probably not more than 5 per cent of all the money used in moving the wheat crop of 1907.

Another amount of $3,115,000 was taken up in loans near the end of December and $200,000 on the second day of January. As I have already said, the lake navigation closed on the 7th of December and it is difficult to understand the object of these belated transactions.

An impartial examination of this matter conclusively shows that the only result which can be claimed as beneficial to the trade of the country was the furnishing of some funds, at a reasonable rate of interest, to certain banks after most of the grain had left the farmers' hands and the lakes were frozen.

In what respect were the resources of Canada bettered by this transaction? Hon. gentlemen have told us—and I think I hear their voice still ringing in my ears—that the result of this announcement by the government was that prices made an enormous bound in the Northwest almost immediately.

Hon. Mr. WATSON—Hear, hear.

Hon. Mr. FERGUSON—In order to deal with that, I will produce an authority which my hon. friends who say 'hear, hear' will not dispute very much. I have in my hand the Winnipeg 'Free Press' for the days during which this transaction was going on. I have the paper of November 14 in my hand with sensational headings as follows:

> Millions for Western Canada.—Handling of wheat now assured.—Government to place $10,000,000 of the reserve in circulation.

That was on the 14th. We have been told that prices went up with a bound in consequence of that announcement, 8 or 10 cents a bushel. That was the 14th. I now turn to the 15th, and I will read what this paper says about the market:

> A dull wheat market to-day, cables lower, trading light, all news of crop bullish.

This was the day after the announcement was made.

Hon. Mr. WATSON—That is the foreign market that is referred to.

Hon. Mr. FERGUSON—I will read what is said about the Winnipeg market. It says a 'dull market—it was dull in Winnipeg.'

Hon. Mr. WATSON—Why? Because it was owing to the foreign market.

Hon. Mr. FERGUSON—My hon. friend made the statement that the moment the announcement was made that the government were coming to the rescue, wheat went up 10 per cent.

Hon. Mr. WATSON—Yes; in the local market.

Hon. Mr. FERGUSON—Here is what the 'Free Press' says about the Winnipeg market on that day:

> Winnipeg market was the weakest for cash market there has been for days. There was literally nothing doing and certainly no improvement in the financial situation was noted this morning.

I hope my hon. friend will regard that as conclusive. Now, we come to some later quotations. We were led to believe that when Mr. Fielding took snuff in Ottawa, the farmers in the Northwest sneezed at once, that the price of wheat went up with a bound. I know my hon. friend from Portage La Prairie has great respect for the Winnipeg 'Free Press' and everything it says, and I do not think he would be guilty of such great impropriety as questioning anything which appears in its columns. Here is a telegram dated the 15th November, the day after the announcement I have read, about the ten millions of gold reserve going into the Northwest, from my hon. friend from Killarney, addressed to the Finance Minister:

> Winnipeg, November 15, 1907.
>
> Hon. W. S. Fielding,
> Ottawa.
>
> No results so far from your arrangements. Banks here awaiting definite instructions, important you urge prompt action on part of banks; answer.
>
> F. M. YOUNG.

So it does not appear that the hon. senator from Killarney had heard anything about that extraordinary jump in prices of 8 to 10 cents which occurred just on the announcement that the government were going to help the grain dealers, or he would not have sent such a telegram to the Finance Minister.

Notwithstanding the depletion of the government gold reserves, the late date at

which anything was attempted, the failure to circulate additional notes, and the refusal of the banks to accept any considerable assistance, the government and their friends still proclaim themselves the saviours of Canada.

It would seem from the results of this gigantic bungle, that the country was under a delusion when in these dark November days we lamented a scarcity of money. The Fielding prescription dispelled the delusion. The sending of gold by the million to assist our poverty stricken brethren in New York, must have had an effect on our financial economy approximating to the marvellous alleviations, which, doctors of the old school were always ready to affirm, followed bloodletting in the human system.

What a wizard of finance Mr. Fielding must be! By a mere swing of the door of the treasury vault, allowing millions of Canadian gold to slip away to New York, he produces a joyful clink of dollars in the pockets of western farmers, and starts a magnificent procession of enormous railway trains and majestic steamships sweeping over prairie, lake and ocean, and carrying to the mouths of hungry Englishmen the last peck of the wheat crop of 1907.

But we would warn Mr. Fielding to be careful. It may be well to have magical skill, but it may not always be wise to use it like a magician. Having by a wave of his hand in the early months of last winter, moved a mighty crop from the centre of one continent to the great cities of another, without the aid of gold or Dominion notes, and regardless of such paltry difficulties as shortage of cars and frozen waterways, he may venture further and interdict such superfluities, in crop production, as rain and sunshine, to say nothing of such vulgar ancilliaries as seeding and harvesting. He may, if he does not curb his energies, provoke the jealousy of the gods. His friends should also have a care. When he shows a tendency to sneeze, they should devoutly pray that the foundations of the world may not tremble. I will now ask my questions, and my hon. friend can give me his answers. The first question is:

1st. Was specie amounting to $5,115,000 withdrawn from the federal treasury in November and December last, in consequence of an order in council made on the 12th of November, 1907, as amended by another order in council made on the 26th of the same month, authorizing an issue of Dominion notes, without a corresponding increase in the circulation of Dominion notes ?

Hon. Mr. SCOTT—The answer is, most unqualifiedly, no.

Hon. Mr. FERGUSON—I undertake, if I am given a committee, to prove it to the very hilt, notwithstanding the hon. gentleman's answer, 'no.'

Hon. Mr. SCOTT—The hon. gentleman should proceed with the questions.

Hon. Mr. FERGUSON—I am entitled to interject a remark.

The SPEAKER—I think the hon. gentleman is only entitled to put his questions now.

Hon. Mr. FERGUSON—While I am kept on the floor asking the questions in detail, I submit that I have the floor.

The SPEAKER—The hon. gentleman can put his questions in a series, and they can be answered, or they may be put separately and an answer given to each question.

Hon. Mr. FERGUSON—I am not particular; but if my hon. friend insists in breaking in on my questions——

Hon. Mr. SCOTT—I will answer them as the hon. gentleman asks them.

Hon. Mr. FERGUSON—Under those circumstances, I am in order when I interject a remark. My second question reads :

2nd. Did the government when they made the said order in council, contemplate the issue and circulation in Canada of Dominion notes, or the withdrawal from the treasury and exportation of specie ?

Hon. Mr. SCOTT—The order in council is before parliament, and makes no reference whatever to any withdrawal of gold.

Hon. Mr. FERGUSON—That is not an answer. Did the government contemplate this when they made this order in council?

Hon. Mr. SCOTT—No, certainly they did not, never thought of it. It was not in their minds.

Hon. Mr. FERGUSON—My third question reads :

3rd. If such withdrawal and exportation of specie was not contemplated by the government, was it not their duty to guard against the depletion of the gold reserves of the treasury by providing that the notes issued, without lawful security, should not be presented for redemption, until the loans they were intended to facilitate had been repaid ?

Hon. Mr. SCOTT—The answer to that is, no. Such an arrangement could not have been practicable.

Hon. Mr. FERGUSON—My fourth question reads :

4th. Did the specie mentioned in the first question or part thereof form part of the exportations of gold made to the United States, in November and December, 1907, amounting to $7,297,778 ?

Hon. Mr. SCOTT—There is nothing to show any connection between the transaction of the government and the export of gold at the time referred to.

Hon. Mr. FERGUSON—My next question reads :

5th. What were the current premium rates on gold, stated weekly, in New York, in November and December, and did the government of Canada participate in the profits accruing from premiums of gold, withdrawn from the treasury, and sold in New York during the said months ? If so, how much ?

Hon. Mr. SCOTT—The government had nothing whatever to do with the exports of gold.

Hon. Mr. FERGUSON—My next question reads :

6th. In what way did the withdrawal of the government gold reserves during the months of November and December, 1907, and the exportation in the same period of a corresponding amount of gold, to the United States, resulting from the said order in council, relieve the financial stringency in Canada and facilitate the movement of the western grain crop?

Hon. Mr. SCOTT—Any withdrawals of gold which took place occurred in the ordinary way of business, and had no connection whatever with the government's arrangement for facilitating the movement of the grain crop.

Hon. Mr. FERGUSON—My next question reads :

7th. What portion of the loans, stated below (see return submitted to the House of Commons on the 8th of April, 1908), made by the Bank of Montreal, on account of the Dominion government for facilitating the movement of the western grain crop was used :—

1st. In the purchase of grain direct from the producers ?

Hon. Mr. SCOTT—The loans, as the orders in council show, were made to the banks for the purpose of aiding the handling of the grain. The banks accepted them for that purpose, and the government has no reason to doubt that they fulfilled the condition.

Hon. Mr. FERGUSON—Then my hon. friend is not able to say what portions of the loans were used for that purpose?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—The second part of my seventh question reads as follows:

2nd. In the movement of grain already in elevators, to the seaboard or points of consumption, before the close of lake navigation in 1907, giving the date of the latest shipment by the lakes route ?

Date of loan.	No. of loan.	Amount.
November 21, 1907....	1	$ 500,000
November 26, 1907....	2	500,000
November, 29, 1907....	3	500,000
November 30, 1907....	4	500,000
December 13, 1907....	5	150,000
December 24, 1907....	6	165,000
December 26, 1908....	7	300,000
December 26, 1907....	8	1,000,000
December 30, 1907....	9	750,000
December 30, 1907....	10	750,000
January 2, 1908.....	11	200,000

I suppose the same answer applies to this.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—Notwithstanding the denials of the government, I am prepared, if I am granted a committee, to prove the statements I have made, up to the hilt.

Hon. Mr. SCOTT—We must all admire the industry and energy with which the hon. gentleman pursues his topic. We could have hoped that he had taken up some subject more worthy of his intellect, and something that would have redounded to the benefit of the people of Canada, or to the information of the Senate. The hon. gentleman drew his conclusions. He had made up his mind that the government had paid out this gold, and it was shipped off to New York at once to speculate with there, and his sole effort in this study on which he has expended some months, pro-

bably, has been to prove that the deductions he first started out with are absolutely true. I deny the hon. gentleman's conclusions in toto. Whether this transaction had taken place or not, that gold would have gone out to New York. If you look back to any particular crisis in Wall street, there was invariably a flow of gold to New York, and that was the cause of it on this occasion. The hon. gentleman has shown us that some of the gold was going out on January 31.

Hon. Mr. FERGUSON—I made no such statement. The hon. gentleman misunderstood me.

Hon. Mr. SCOTT—The hon. gentleman stated that up to January 31 the gold went out.

Hon. Mr. FERGUSON—No, there was that much outstanding at that time. The $200,000 went out on the second of January, but I made no such reference as he alleges.

Hon. Mr. SCOTT—The hon. gentleman spoke about seven millions as the amount of gold. I am within the hearing of the House when he mentions that seven millions was the amount out altogether. I state that, as a fact, on the occasion of every crisis in the United States when gold is at a high premium, gold goes out, and the Bank of Montreal, the Bank of Commerce and other banks naturally take advantage of the occasion to make a little money, as is very proper. If I were to go back into the past history of this country, I could show where the Bank of Montreal made enormous sums of money when gold was at a premium in New York. It was an occasion of that kind that gave the Bank of Montreal its start. In every crisis, the banks take advantage of the opportunity, very properly, to gain a handsome result for their shareholders. As I have said, the hon. gentleman's conclusions are ill-founded, and have no connection whatever with the premises. There was no thought of gold going out when this order in council was made. The hon. gentleman admits that we got first class securities, as good as gold at any time, and convertable into gold, and back of those securities was the Bank of Montreal. Does the hon. gentleman think the government should have gone behind the Bank of Montreal to find whether they were safe in lending $5,000,000 for the purpose of avoiding a serious crisis in the Northwest? The hon. gentleman would have seen the farmers of the west lose their frozen wheat; he would have seen hundreds of thousands of dollars lost to individuals there, rather than that the government should do a practical thing. Any government, under the same conditions, would have done exactly the same; if not, they would have been unworthy of being members of a government, because there was no possibility of loss. The keenest imagination could not conceive that there could be a fraction of a loss. It is idle to claim that the government was in any way endangering the finances of the country by advancing $5,000,000 on first class securities, with the Bank of Montreal ready at any moment to make up the amount. I am surprised that the hon. gentleman, with his keen intellect, should have come to any such conclusion, and to claim that the government had been guilty of a very grave offence. We would have been guilty of a very grave mistake if we had not taken the action we did take to meet an emergency. Did not parliament, a day or two ago, authorize the banks to do a good deal more without the intervention of the government—allowing them to extend their circulation during the months between October and January in order to move the grain? Parliament did not hesitate to do that, and yet this insignificent advance of $5.000,000 is made the subject of hours of debate as to the dangers to which this country was exposed by reason of the government coming to the assistance of the banks to move the crops of the west. I am rather surprised that my hon. friend should have become so excited in this matter, because, after all, he is making a mountain out of a mole hill. The money came back when we expected it would; no one was injured and the credit of the country did not suffer. No doubt considerable benefit accrued to the country. The government got interest on the amounts of money out. Then the hon. gentleman says that even gold in the hands of the government does not belong to the government but

to the banks. Very well, if so, we were giving it back to the owners.

Hon. Mr. FERGUSON—If you were giving it to the same banks.

Hon. Mr. SCOTT—The whole transaction took place through the Bank of Montreal, and I presume that bank holds its share. My hon. friend has scarcely convinced the House that the government were recreant to their duty in coming to the rescue of the trade at an important crisis, and that they took the safest way of preventing any possible loss arising from the transaction.

Hon. Mr. FERGUSON—I should like my hon. friend to reconcile the emphatic 'no' he gave to my first question, with his later statement, that the gold would have gone out any way. My hon. friend first denied that it went out.

Hon. Mr. SCOTT—No. I denied it went out from the government. The government paid out Dominion notes, not gold.

Hon. Mr. FERGUSON—My first question was this:

1. Was specie amounting to $5,115,000 withdrawn from the federal treasury in November and December last in consequence of an order in council made on November 12, 1907, as amended by another order in council made on the 26th of the same month, authorizing an issue of Dominion notes, without a corresponding increase in the circulation of Dominion notes ?

I did not say that the government had taken it out themselves, but that they had enabled others to do it. That was the result of their action. In his speech afterwards, my hon. friend said he considered the gold would have gone out any way, absolutely contradicting the statement which the department gave him.

Hon. Mr. SCOTT—The hon. gentleman draws deductions that are not warranted.

Hon. Mr. DOMVILLE—I have listened with a good deal of interest to my hon. friend's melodramatic speech, in which he has quoted largely from the poets and other authors who have had their day. What is this attack? I would attack the government or any other man or woman if I thought it was necessary and I could accomplish anything; but the whole thing is now over. The hon. gentleman is trying to show that the government sent gold to New York.

Hon. Mr. FERGUSON—I did not say that the government had sent it to New York; I said they opened the door of the treasury and permitted it to be sent.

Hon. Mr. DOMVILLE—Opening the door is dramatic again; they do not open the door of the treasury. Dominion notes are legal tender, and those who hold them can demand gold for them and get it. I might call my hon. friend's attention to a time when he was an honoured member of the government, when we could not get gold for legal tenders. When legal tender was issued at St. John, it was stamped payable at Toronto.

Hon. Mr. FERGUSON—A very good plan to keep the notes in circulation.

Hon. Mr. DOMVILLE—When they were issued at Toronto, they were stamped payable in St. John, and when you went to the treasury to get gold for them you could not get it. Sometimes the banks might oblige you with a certain amount. I always listen with interest to the hon. gentleman's speeches, and I have no doubt they are read in the country; but his remarks to-day will not influence anybody who understands financial affairs. Every one is not gifted the same way. We cannot all read lectures on every event that takes place. I have here a statement issued by the chartered banks. At a certain time of the year they have so much money loaned out. They cannot increase their circulation, because they are up to the limit. They can only issue notes to the extent of their capital. The last return showed the amount of capital to be $99,000,000, and notes in circulation $67,000,000. They could not keep all the notes in circulation, because they are continually coming back in different parts of the country. I come now to the point which my hon. friend has attacked. A similar emergency will arise again this fall. There is a bumper wheat crop predicted, and it means so much money not realized. What are you going to do with it? The banks are in the same position to-day that they were in last fall. They have all their

money loaned out. They are trading on their money and the shareholders want dividends. They are earning 18 to 22 per cent a year, and paying dividends of 8 to 12 per cent. Our little bank in New Brunswick has paid 12 per cent annually for many years. When this golden harvest, to use my hon. friend's poetry, is reaped, how are the farmers going to get money for it? There are different ways. Either you must have more banking accommodation, or the government must initiate some scheme by which the deadlock may be got over. If the wheat is there, in the ordinary course you take it to the elevator and go with the elevator receipt to the bank for the money. The bank says: 'We cannot give it to you.' You ask why, and the reply is: 'We are up to the limit of our circulation.' Naturally you ask where are your reserves, and they answer: 'We cannot give you any of them, we must hold them against our circulation.' Now, how are you going to meet the question? The government saw that something had to be done, and although they had no authority under Act of Parliament, they are an Act of Parliament unto themselves, in case of necessity, for the whole of Canada. What would be done in England in an emergency? Suppose a war were to spring up and parliament were not in session? Money must be had, and the government must act on the responsibility placed on them by the people of the country. The people did not elect them to go only by cast iron rules. The government is there to meet the emergencies of the moment. My hon. friend's criticism of the government may be fair in a certain sense; but the country will not understand him. I think some radical change must be made in our banking system. The banks are very powerful. They can decide when they shall lend money and when they shall not. That is something that must be looked into. The crops of the great west must be taken out of that country, and we must consider how the financial position is to be arranged to meet conditions that are sure to present themselves in the future. I for one am against all circulation by the banks. It is a dangerous position to put a bank in. I believe in the system that prevails in England. You can register as a banker and do all the banking you want, providing you can have the money. How do the Barclay's, Lloyds, London, Washington and other great institutions and other bankers get on in England without circulation? They are simply lending money. In this country, our banks are largely discount houses, endeavouring to make a very large profit out of the assets of the banks, in many instances, overreaching to make more profit than they should. The profit on bank circulation is not over 2 per cent. Therefore, a bank that is able to show so much circulation is getting only 2 per cent on it. If the government had the circulation instead of the banks earning 20 per cent as at present, you take off 2 per cent and that leaves 18 per cent as their profits, and that ought to satisfy the shareholders. If we had no bank circulation there could be no run on any bank. Very often the banks are in a tight place with fifty or one hundred branches, and circulation may be coming in when they are not prepared for it. They must be prepared to meet that circulation at any time. If tight times come, and people get anxious about their money—because you know that money is easily frightened—they go to the banks and demand gold in exchange for their notes. There was a run on a bank caused by a man merely looking in at the door of the bank, and the bank went down. The banks should have no circulation; it should be all in the hands of the government, and any profit there is in it should go to the people. I doubt myself if there is a great deal in it for the banks. It is a means of distributing through the country the likenesses of the president and vice-president of the bank, one on each corner of the note, and the public are able to admire those likenesses well trimmed up and very nice as an advertisement. The time will come when the people will see that all the circulation is in the hands of the government. Then there will be no danger of a run on any of our banks, and they will not be crippled by having to keep immense reserves in New York, what they call liquid assets, to be prepared to meet a run at any time. We must get down, as they

have it in England, to sound banking principles. I do not mean to say that our banking system is unsound now; but not many years ago our banks had few branches, and they did not have to deal with the western wheat problem. We must soon take up the banking question and decide how we are to deal with our immense wheat crops and other crops. The banks to-day cannot do it. They take our capital away from the east to meet the demands of the west. On the other hand, if their money is loaned in the east and in New York they have no money to move the crops in the west. My hon. friend has done one good thing; he has called attention to the fact that the government did have gold, that when the demand came on them for legal tender, they had the gold and they gave it very willingly, because any discussions I have heard have been not against the government, but largely in favour of the government that could act quickly and recognize the responsibility resting on them to alleviate and ease off any pinch of the moment.

Hon. Mr. WATSON—It is hardly necessary to go over the discussions which took place some weeks ago practically on the same motion; but the hon. senator from Marshfield has seen fit to bring up this question to endeavour to minimize the benefit the farmers of the west derived from the government coming to their relief last fall. I repeat, it was a great benefit to the west that the government were bold enough and strong enough to come to their relief, even though they may have violated some of the rules laid down by parliament in doing so. The people of the west got the benefit, and the country lost nothing. As the hon. Secretary of State has said, the government took no chances in advancing the money to the Bank of Montreal. If the amount had been twice as large, the security would have been perfectly good. Whether the gold went to New York or not I cannot say; but the hon. gentleman from Marshfield seems to think it his particular business to show that the west derived no benefit from the efforts of the government to relieve the situation, and he quotes the market prices from the Winnipeg 'Free Press' in support of his statement. I want to tell the hon. gentleman that for days there was practically no market; nobody was buying wheat, because there was no money to be had until the government came to our relief. The hon. gentleman shakes his head; I know what I speak of, and if the hon. gentleman will read a statement of the wheat shipments going forward at that time, he will find it was practically nil. At the very time the government came to the relief of the situation, money could not be procured from the bankers to forward even a couple of hundred thousand bushels across the lakes. I care nothing for the statement he has made here that the bankers said they did not want the money and would not take it. At that time the strongest banks in Canada were not advancing to the grain dealers of the west over 50 per cent of the amount they had advanced the year before on the wheat crop. I can quite appreciate Mr. Walker or any other bank president telling the public there was plenty of money. Had he done otherwise, there would have been a run on the banks. But the banks should not have attempted to deceive the Finance Minister, because they were telling him they had ample money to handle the wheat crop, although that was not the case. As soon as it was announced that the government were coming to relieve the situation, wheat went up from 6 to 8 cents a bushel in the market. The hon. senator from Wolseley will endorse that statement. It was endorsed at Winnipeg by the Grain Growers' Association, during the investigation not long ago. The fact is, wheat was not selling at all, and I am safe in saying that 50 per cent of the elevators in the west were closed for days because there was no money to buy wheat and wheat could not be forwarded. The hon. gentleman says that money was loaned after the first of December when the canals were closed. But the hon. gentleman knows that wheat is shipped all rail in winter.

Hon. Mr. FERGUSON—In limited quantities.

Hon. Mr. WATSON—A great deal of it came to Ontario, and some to St. John. That is, the damaged grain. A great deal of that damaged grain has gone forward by boats on the Cornwall canal, for export,

and that class of wheat was handled all winter, and properly so. I believe that had the government not come to the relief of the situation, the people of the west would have suffered to the extent of many millions of dollars by reason of not being able to forward the grain. A large amount of it was damaged grain. If there is one act which has been appreciated by the people of the west, it was that the government felt themselves strong enough to come to the relief of the situation last fall and assist the farmers in getting a market for their crop.

Hon. Mr. PERLEY—I did not intend to say a word on the subject. It is beyond my calibre to discuss banking business. I have listened to the different speeches, particularly the speech by my hon. friend from Portage La Prairie, and I wish to say that it was not because of a shortage of money at all that there was difficulty in forwarding the wheat last year. I am speaking to business men. The whole crop of the Canadian west was frozen.

Hon. Mr. WATSON—No.

Hon. Mr. PERLEY—The hon. gentleman must not interrupt.

Hon. Mr. WATSON—There was not five per cent of the wheat of Manitoba frozen.

Hon. Mr. PERLEY—A large portion of it was frozen, and a large portion of was no good, and where the grain was good, it was a very small crop, only ten or twelve bushels to the acre. In Alberta and Saskatchewan they had hardly any good wheat at all, and the result was that the banks that had advanced money owing to the prosperous times for six years prior to that, had lent out their money and were depending on another good crop. I told the people to be cautious and not to assume that they would always have good crops. I said: 'You will have a poor crop and you may have a calamity in the country.' The reason the banks did not advance the money was not that they did not have the money, but because the wheat was such an inferior article.

Hon. Mr. WATSON—No.

Hon. Mr. PERLEY—I say yes.

Hon. Mr. WATSON—The best evidence that that statement will not be borne out, is the fact that at the very time wheat was selling for a dollar a bushel, and May wheat was selling for $1.08, better than gold.

Hon. Mr. FORGET—Which is always the case.

Hon. Mr. PERLEY—I sold 4,000 bushels of wheat for $1.02 a bushel in September, and had no difficulty in getting my money when I had good wheat to sell; but I could not sell the wheat I raised last year. It was frozen wheat, and everybody knows we cannot store frozen wheat. The bank that advanced the money on it was fearful until the quality of the wheat was known. The banks wanted to know how the wheat was going to keep, and there was no market for it on the start. If Ontario had not wanted our feed wheat, I do not know what would have become of us. We found a market for it in Ontario. After it became established, so that people knew its keeping qualities, we had no trouble in selling it. We sold 30,000 bushels of wheat off the Perley farm, and we got our money in two minutes and a half. The moment damaged wheat had a market value and people knew what it was going to be worth, we could sell it and get our money. I never had to wait an hour and a half for my money, and I never heard the complaint that there was not money to move the crop before. The trouble was that the merchants had trusted the people who grew the wheat, and the farmers grew poor wheat that they could not sell and were therefore unable to pay their obligations; money was not available for injured wheat. The trouble was not a shortage of funds in the banks at all. Where did it go to? There was plenty of money if you only had a good article to give for the money; but when you had a article everybody was afraid of, dealers were very careful about buying it, and the banks would not advance money on it. That was the reason the banks held their money. They did it on a commercial basis: they were not going to advance it to people who were not able to pay back again. I never

found fault with the banks, because they did their business on business principles. They would not pay for an article that might be of no value whatever. There has not been any great change in the price of wheat; my hon. friend is wrong in regard to that. I experienced no difficulty, nor did the farmers around Wolseley. The only difficulty we had was to get the cars to put the wheat in, and the moment we got the wheat in the car we could get the cash in Winnipeg from the three banks. They would give you about 70 per cent of the value of the wheat when it was in the car on the track. You could not sell it in the elevator, but when you put it in the car, you can get 75 per cent of its value, and when you have the grade and weight, you can get the balance.

Hon. Mr. FERGUSON—The hon. gentleman from Portage la Prairie asked the hon. gentleman from Wolseley as to whether the price of wheat had not gone up?

Hon. Mr. PERLEY—I answered the hon. gentleman at the time. There was no change.

Hon. Mr. FORGET—If you buy at five months option, you have to pay 5 or 6 or 7 cents a bushel for that. You have to carry the wheat for six months.

Hon. Mr. WATSON—Yes, but there is no risk in buying wheat for a dollar a bushel, if you can sell May wheat for $1 a bushel.

Hon. Mr. FORGET—In that case it was damaged wheat.

Hon. Mr. WATSON—No, no.

WATER POWERS FOR INDUSTRIAL PURPOSES.

MOTION DROPPED.

The order of the day being called:

That an order of the Senate do issue asking for a copy of the letters patent issued in the course of last year in behalf of any person asking authorization to construct booms on certain rivers or to use water powers for industrial purposes.

Hon. Mr. DAVID—I think I will accept the advice of the hon. Secretary of State and wait until next session to renew my motion, but in the meantime I will make a collection of the letters patent, and I think I will be in a position at the commencement of next session to show that the issue of certain letters patent has not always been in accordance with the principle which has been laid down by this House, nor in accordance with the resolutions which have been adopted. We have been told very often by promoters of Bills which we refuse, that they could get letters patent without any difficulty, and, as far as I have been able to ascertain the fact, I think it is true that in certain cases promoters of Bills, who cannot have their Bills passed, can obtain letters patent which would give them the same rights that we refused them. I will give an example: In certain cases, letters patent have been issued where the objects for which they were issued were purely provincial. There can be no difficulty upon that question of fact; yet when they asked for the same power here they have been refused. Therefore, as I am disposed to follow the advice of the hon. Secretary of State, I will take the liberty of giving him a suggestion; namely, to consult the Minister of Justice during the recess before next session, in order that they may be able to meet our objections at the beginning of next session.

Hon. Mr. LANDRY—Provided they come back next session.

Hon. Mr. ELLIS—Are letters patent not issued according to the terms of the Joint Stock Company's Act?

Hon. Mr. DAVID—I do not understand.

Hon. Mr. LOUGHEED—Does my hon. friend contend that the hon. Secretary of State should not exercise the power vested in him under the Joint Stock Company's Act in such matters?

Hon. Mr. DAVID—I contend that he may issue letters patent in virtue of that law, provided the object for which the letters patent are issued are within the jurisdiction of the federal parliament.

Hon. Mr. LOUGHEED—He cannot exercise greater powers than are conferred upon him under the Act.

Hon. Mr. DAVID—I am not able to discuss the question. I am not very sure that the position which I take is sound.

That is the reason I wish to wait until next session, so as to obtain the necessary information to enable me to explain my position. I have not the letters patent here, but I remember one was issued not very long ago, a very long letters patent, giving a company the right to do anything which can be done in this country, and giving a right especially to use certain water powers to generate electricity, to do certain works on certain rivers situate wholly in the province. I contend that if the Senate and the House of Commons had not the right to pass Bills, granting such powers, because the objects are provincial, that the hon. Secretary of State cannot legally issue letters patent giving the same right.

Hon. Mr. ROSS (Middlesex)—Hear, hear.

Hon. Mr. LOUGHEED—May I take the liberty of suggesting to my hon. friend, that what he should do is to give consideration to the propriety of parliament restricting the powers already vested in the Secretary of State under the Joint Stock Companies Act. I think that is the only way the end which he has in view can be reached.

Hon. Mr. DAVID—I have no objection.

The motion was dropped.

ACCUSATIONS AGAINST MR. McGOVERN.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired of the government:

1. Is it true that the government has ordered an inquiry into the conduct of Mr. J. McGovern, foreman of the Intercolonial Railway between Lévis and Rivière du Loup?
2. Has this inquiry been ordered as the result of grave accusations of peculation brought against this employee?
3. What is the precise nature of the accusations the truth of which the commissioner holding the inquiry has been ordered to find out?
4. Who has been appointed commissioner to hold the inquiry? Is it Mr. T. C. Burbee, of Moncton? If not, who?
5. When was the appointment made, and when is the inquiry to commence?

Hon. Mr. SCOTT—I have no answer to that.

The inquiry was allowed to stand.

PAY TO SOLDIERS OF OTTAWA FIELD BATTERY.

INQUIRY POSTPONED

Hon. Mr. LANDRY inquired of the government:

When does the government think that it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned:—

(a) The statement indicating the amounts spent on the Deschambault wharf—February 4?

(b) The correspondence exchanged between the Department of Militia and Lieutenant Colonel Davidson re the latter's dismissal and the promotion of Sir Henry Pellatt to the rank of colonel—February 14?

(c) The details asked for on the subject of the additional subscription of $200,000 to the capital stock of the Quebec Bridge and Railway Company—January 29.

(d) The statement showing what was the daily pay of the soldiers of the Company No. 2 of the Ottawa Field Battery in 1865 and 1866—March 17?

Hon. Mr. SCOTT—On my reproaching the Militia Department, they said that they had sent over a return, and it was issued to the House, and that the hon. gentleman was aware of it, and saw the original report in the department. The letter to me states that Senator Landry has seen the original in which his return is filed.

Hon. Mr. LANDRY—I am very sorry to speak against that report. The gentleman who wrote that letter——

Hon. Mr. SCOTT—The deputy minister.

Hon. Mr. LANDRY—I do not care who he is. He does not understand the question at all. I am referring to paragraph (d) of inquiry No. 4.

Hon. Mr. SCOTT—Would the hon. gentleman wish me to file what I have here?

Hon. Mr. LANDRY—Certainly, but not as an answer. I will get that answer, and we will not leave Ottawa before I get it. The return the hon. gentleman has brought down is of no use at all. I will put the inquiry in such plain words that the hon. gentleman will understand. I also asked some time ago—and it was ordered by this House—for a copy of a return showing the daily pay of soldiers of Company No. 2 of the Ottawa Field Battery, compared with

the payment of other companies in Ottawa. I got the pay of the first companies. I did not get the Ottawa Field Battery No. 2. What I want is that special field battery pay, so that I might compare it with the others. They are giving me answers to all other questions, and they are evading the answer with regard to that single company. I want this answer, and I will get it.

Hon. Mr. SCOTT—The statement I have, appears to be a statement of non-commissioned officers, the Ottawa Garrison Artillery——

Hon. Mr. LANDRY—That is not the order. That is the first part of it. I got that. What I want is the Ottawa Field Battery, No. 2 company, so as to compare what No. 2 company got with what the other companies got. It is a simple question, and it takes an ordinary head to understand it, even in the Militia Department. It will stand until to-morrow.

Hon. Mr. POWER—I suggest that the hon. gentleman should address his inquiries to the Archives Department.

Hon. Mr. LANDRY—Is the hon. gentleman living there?

Hon. Mr. POWER—This inquiry relates to something which took place before the union of 1867. It may be an interesting matter to know how those men were paid before the union, but the Archives Department is the proper place to look for it.

Hon. Mr. LANDRY—I want to complete an answer which has already been given in 1886 by the same Militia Department. They gave the first part and are able to give the second part.

The SPEAKER—Questions three and four will stand until to-morrow.

CONSOLIDATION OF REPORTING SERVICE OF TWO HOUSES.

MOTION.

Hon. Mr. POWER moved:

That the Committee on Reporting the Debates be empowered to consider the advisability of consolidating the reporting service of the two Houses and to report a scheme to the Senate.

Hon. Mr. LANDRY.

He said: At this stage of the session, it can hardly be expected that one should deal at any length with this question, and particularly as the question has already been dealt with on more than one occasion during the session, and also I think during the last two sessions. Our reporting service, costs us now a very considerable sum, somewhere altogether between $16,000 and $20,000 I think. As I have said, on more than one occasion, I do not think we are getting value for the money. I am not finding any special fault with the reporters, but under the system we have, we are not getting value for the money. The reports of our debates do not go before the public to any extent. The only intimation that the general public has, as to what takes place in the Senate, is contained in the summarized report made by the reporter who sits at His Honour's right; and I think if we are to continue to spend considerable sums of money for reports which are practically of no value, we ought to understand that position; but if we are to continue to spend money we ought to get value for it, and I contend as far as one can see now, if we are to continue to have reports, we should adopt the system which they have at Washington, and in London, and as I understand in Australia, that the reports of the debates of the two Houses, go out together to the public and are, at any rate in England, produced by the same staff. The subject has been discussed on various occasions. I think it is clear that some action is necessary if we are to continue the reports. If we are not to take some action which will cause these reports to be of more value to the public than they are now, we had better make up our minds, I think, to drop the official reports altogether. We are paying a lot of money and getting practically almost nothing in return. That view has been put before the hon. chairman of the Debates Committee on more than one occasion, and he has had occasion to consider the matter, and I fancy that he has also probably discussed with gentlemen connected with the reporting of the debates of the House of Commons; and I have no doubt that he and his committee have views on the subject

and it would be well that we should have those before the Senate. I am not going to read anything, but I would direct the attention of the hon. chairman of the Debates Committee to a report which, I have no doubt, he has seen, on the English Parliamentary Debates, and at page 29 of that report the hon. gentleman will find the way they arrange things.

Hon. Mr. LANDRY—What year is that?

Hon. Mr. POWER—1907. The report from the Select Committee on Parliamentary Debates, together with the proceedings of the committee, ordered by the House of Commons to be printed July 4, 1907. At page 29 of that report hon. gentlemen will find the way in which things are done in England. They have the same difficulty to deal with there that we have in this country.

Hon. Mr. ROSS (Middlesex)—Can the hon. gentleman state the effect of it in brief?

Hon. Mr. POWER—I cannot state it more briefly than by reading what the witness said.

Hon. Mr. SCOTT—Nothing can be done this year.

Hon. Mr. POWER—I do not see why not. The witness who was being examined was Mr. Burt, chairman of the company, who reported the debates, and he states :

We have a staff of nine always in the House, and we have frequently to add on three or four.

Q. That is to say when the House of Lords and the House of Commons are sitting, you probably have seven available in the House of Commons?—A. No, I had omitted the House of Lords staff when I gave you the nine as the regular staff employed on the debates. It would be ten and that is frequently added to. When there is a debate in the House of Lords, it is impossible for one man to take it, and probably three or four reporters take a part.

Q. Then do I correctly understand you to say that you always have nine reporters available in the House of Commons?—A. We always have nine available in the House of Commons on debates work—in the House of Commons and the House of Lords.

Q. No, that is not what you said?—A. There are ten altogether with the House of Lords.

Q. But under ordinary circumstances, you allow at least two for the House of Lords, I suppose?—A. In the House of Lords the length of sittings is very erratic. One reporter ordinarily can deal with it until a Bill goes up requiring lengthy discussion and then we supplement him by two, three or four according to the length of the sitting.

Q. What is maximum staff when you are having a longish night in the House of Commons and in the House of Lords?—A. Four more than the number I have given you.

Q. Fourteen for the two Houses ?—A. Yes.

They do not have any difficulty in doing the work there, and I do not see why we should have any difficulty here.

The motion was agreed to.

RECONSTRUCTION OF QUEBEC BRIDGE.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired :

Since the fall of the Quebec bridge, has the Quebec Bridge and Railway Company applied to the government for any assistance whatsoever?

When?

Of what nature was the assistance asked for?

What was the reply of the government?

Hon. Mr. SCOTT—I have no answer to that. I will consult some one else about it, and endeavour to get an answer.

The inquiry was allowed to stand.

THIRD READINGS.

Bill (202) An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony, on the Souris branch to Elmira.—(Hon. Mr. Scott.)

Bill (201) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press.—(Hon. Mr. Scott.)

Bill (200) An Act respecting the salary of the Superintendent of Insurance.—(Hon. Mr. Scott.)

PUBLIC LANDS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (181) An Act to consolidate and amend the Acts respecting the public lands of the Dominion.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at the evening sitting.

Hon. Sir MACKENZIE BOWELL—Does my hon. friend think there is any one in this House who can digest or even understand what is contained in the hundred odd clauses of this Bill in the few hours we have at our disposal, particularly a Bill of vast importance like this? I would suggest to the hon. gentleman to let it stand until next week.

Hon. Mr. SCOTT—It looks voluminous, but it is only a consolidation. It is a transcript of the Bill which was before parliament last session. The only really material feature of it—and that was in the Bill last year—is the setting apart of a certain area in the new provinces, chiefly Alberta, to be sold to homesteaders at the rate of three dollars an acre, for the purpose of building a railway to Hudson Bay. Beyond that, I presume it is very little more than crystallizing into the form of an Act of parliament the regulations and orders in council of the department for the sale of lands in the Northwest. I hope to be able to point out to hon. gentlemen any new features in the Bill when it comes up in committee. With that assistance we will be able I trust to discuss the new clauses. Clauses that, after a long experience, it has been thought not proper to amend will not call for long discussion.

Hon. Mr. LOUGHEED—I know of no hon. gentleman who has the happy faculty possessed by my hon. friend of minimizing the importance of the most important measures, and of assuring the House that he will be quite prepared to explain and satisfy everyone, no matter how critical and censorious he may be, to his entire satisfaction so that the matter may be disposed of immediately. This is a trifling matter, we are told, only disposing of millions of acres of land; but I hope my hon. friend will be able to explain that it has been done on former occasions, and there is no reason why the Bill should not pass instanter. I should like my hon. friend to furnish information as to the extent of the domain proposed to be alienated? If I understand the most essential feature of the Bill, it is that it proposes to give to settlers 320 acres of land practically as a homestead, and absorb the whole of the unalienated lands within the provinces of Saskatchewan and Alberta. Before this House can be fully assured of the wisdom of dealing with an area that will represent probably a hundred million dollars in value, it should have the most explicit information on the subject. As to making provision for the building of the Hudson Bay Railway, that is a rather unique proposition in view of the fact that the government has already announced in the House that its policy respecting that project has not yet been decided upon. This is peculiarly a Bill which the Senate would do credit to itself by postponing consideration of until next session. Because it is utterly impossible, in view of the fact that the Governor General is almost knocking at our doors to-day for prorogation, to deal intelligently with a matter that involves in value more than any other measure and probably represents in value a greater amount than the aggregate of the Bills that have been before us this session. It is a Bill which demands the utmost consideration at the hands of the Senate, and it is for such careful consideration of Bills that we have a Senate.

Hon. Mr. SCOTT—The proposition is not as my hon. friend has stated it. The proposition is to allow homesteaders to take up a second homestead of 160 acres, with the right to purchase the adjoining 160 acres at three dollars per acre. That proposition is limited to what is known as the semi arid lands in the western provinces. The location is defined in the Bill. I think it is between the Canadian Pacific Railway and the Intercolonial boundary. I shall be prepared at the next reading of the Bill to give the locality exactly. In reference to the government project in connection with the Hudson Bay Railway, it is proposed this year to appropriate a certain sum for the survey and location of the land. Then the allotment of land will be at the rate of three dollars an acre. The calculation is that it will take about five million acres of land, a very small fraction of the area within the limit I have already roughly defined. It does not embrace all the lands of the new provinces by any means, but is limited to a particu-

lar section, chiefly in Alberta, in what are known as the semi arid lands.

Hon. Mr. LOUGHEED—If I understand the Bill, it proposes to open up all the unsettled lands between the international boundary and township 44, which is about 240 miles north of the boundary. It practically takes in the settled portions of the provinces of Saskatchewan and Alberta. If they are all semi-arid lands, then the provinces of Alberta and Saskatchewan in their entirety are semi arid, and I would not wish my hon. friend to libel or slander the magnificent lands of those provinces by having the statement spread abroad for the purposes of his argument this morning, that those lands are semi arid.

Hon. Mr. SCOTT—I have a very high appreciation of the character of the lands of Southern Alberta. We have all heard of the magnificent crops produced there, but the reservation is, as I have already indicated, near the international boundary, and extending as far north as township 44.

Hon. Mr. LOUGHEED—It is important that we should have not only the area, but the available acreage which will be affected by this Bill before we can discuss it properly. I have no doubt the Minister of the Interior has that information, and I would ask my hon. friend to bring it down before the next stage of the Bill.

Hon. Mr. SCOTT—Certainly it will be brought down.

The motion was agreed to.

BOUNTIES ON CRUDE PETROLEUM BILL.

FIRST READING.

A message was received from the House of Commons with Bill (199) An Act to provide for the payment of bounties on crude petroleum.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at the evening session.

Hon. Mr. LANDRY—Is that a protective measure?

Hon. Mr. SCOTT—No. They are now getting oil in shale lands in New Brunswick, and it is for the purpose of extending the bounty to oil extracted from shale. At present there is a small bounty on oil produced in Canada.

Hon. Mr. LANDRY—That is not a reply to my question. I asked if it is a protective measure.

Hon. Mr. SCOTT—No, I have explained it is a bounty on oil produced from shale.

Hon. Sir MACKENZIE BOWELL—This is another advance that our free trade government is making in the heresy of protection.

The motion was agreed to.

OFFICE OF AUDITOR GENERAL BILL.

FIRST READING.

A message was received from the House of Commons with Bill (208) An Act respecting the office of Auditor General.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at the evening sitting.

Hon. Mr. LOUGHEED—What is the purport of this Bill?

Hon. Mr. SCOTT—Simply an increase of salary, bringing the Auditor General up to the level of the deputy minister.

Hon. Mr. LOUGHEED—Will not the Civil Service Act cover this?

Hon. Mr. SCOTT—There is some doubt about it, and that is why this Bill is introduced.

The motion was agreed to.

CHAMPLAIN AND ST. LAWRENCE SHIP CANAL COMPANY'S BILL.

HOUSE OF COMMONS AMENDMENTS.

A message was received from the House of Commons, returning Bill (SS) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company, with amendments.

Hon. Mr. POWER (in the absence of Hon. Mr. Belcourt) moved that the amendments be concurred in. He said: These amendments are of the most formal character. The first one provides that the work

shall begin within two years, instead of three as the Bill provides, and that it shall be completed in five years instead of seven as provided in the Bill originally.

Hon. Mr. LANDRY—Does the promoter of the Bill accept the amendments.

Hon. Mr. POWER—I hold a note from the promoter to Senator Belcourt, in which he says he accepts the amendments.

Hon. Mr. FORGET—Can the hon. gentleman tell us how many times this charter has been revived?

Hon. Mr. POWER—That was all dealt with by the committee of the House before. We are not dealing with that now.

Hon. Mr. FORGET—I want an answer to my question, and I object to concurrence now.

Hon. Mr. POWER—Then I move that the amendments be taken into consideration at the next sitting of the House.

The motion was agreed to.

CANADIAN PATRIOTIC FUND ASSOCIATION BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (JJJ) An Act respecting the Canadian Patriotic Fund Association.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at the evening sitting. He said: It appears that the fund is a pretty large one, and cannot be distributed unless you get the Lieutenant-Governors of the various provinces here. That cannot be done, and it is to enable them to vote by registered letter on any question that may be submitted to them that this Bill is introduced.

The motion was agreed to.

The Senate adjourned until 3 p.m. to-day.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

SUSPENSION OF RULES.

MOTION.

Hon. Mr. SCOTT moved that rules 23F, 24B and 24C, be suspended during the remainder of the session, so far as they relate to all Bills presented during the balance of the session.

Hon. Mr. LANDRY—I think the motion is not in order. Under the pretence of suspending the rules, this motion is in reality making a new standing rule for the remainder of the session. It says that from this day to the end of the session all those particular rules which have been mentioned should be set aside. That is suspending not for a particular object, but suspending them entirely, which is equivalent to repeal of the standing orders for the time being.

The SPEAKER—In so far as they relate to Bills.

Hon. Mr. LANDRY—Those rules relate to Bills.

Hon. Mr. SCOTT—I thought the motion was qualified—so far as relates to Bills.

Hon. Mr. LANDRY—But they do not relate to other things. They relate to Bills. The rule itself relates to Bills; 23F is for the second reading of a Bill; 24B is for the third reading of the Bill. So the rule itself applies to Bills, and you are asking, not the suspension of the rule for a particular case as it comes up, but you are asking suspension of it for the remainder of the session.

Hon. Mr. SCOTT—I think that has hitherto been the rule when we were within two or three days of the close of the session. However, I have no objection, if the House desires, that any particular Bill should not be read the third time, or should not be referred to committee.

Hon. Mr. LANDRY—I am speaking in general terms. What do I understand the hon. gentleman to say?

Hon. Mr. SCOTT—I say if the second reading of any particular Bill is objected to without a day or two days notice, or if the going into committee is objected to, I will be very glad to take the sense of the

House as to whether they desire further time. I do not desire in suspending that rule to spring any Bill unduly before the House at all.

Hon. Mr. LANDRY—The hon. gentleman will not press his motion.

Hon. Mr. SCOTT—I will withdraw it altogether, and make it for each particular Bill, if that is the feeling of the House; but I think on former occasions we have suspended the rules.

The SPEAKER—I would draw the hon. gentleman's attention to rule 24A.

Hon. Mr. POWER—Rule 30 says:

> 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.

The hon. Secretary of State gave his notice at the last sitting of the House, which is to be considered as a separate day. The motion specified the rule or order which was proposed to be suspended or the part thereof, and the purpose of such suspension could not be specified further than for the purpose of expediting the passage of Bills through the House. And that was clearly understood. I think the motion is in order.

Hon. Mr. LANDRY—I never raised a point of order yet with which the hon. gentleman from Halifax was satisfied. I have not stated my point yet. I was interrupted by the hon. leader of the House. The hon. gentleman from Halifax is making a bad stroke in this case. It is not that point I intend to raise, but if the hon. Secretary of State will permit the motion to stand, I will not state the point of order.

Hon. Mr. SCOTT—I will press the motion. I think it is only reasonable and fair.

Hon. Mr. LANDRY—Rule 30 says:

> 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 supposed to be suspended and the purport of such suspension.

I claim that has not been done.

The SPEAKER—I would suggest that the hon. gentleman let his motion stand until next sitting, until I examine the question.

The motion was allowed to stand.

CUSTOMS ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. SCOTT moved the third reading of Bill (194) An Act to amend the Customs Act.

Hon. Sir MACKENZIE BOWELL—I do not rise to oppose or object to the principle of the Bill, but merely to put upon record the fact that I was correct in the statement I made at the second reading, that the practice for years had been to charge duty upon repairs made to vessels in a foreign country when they returned and engaged in the coasting trade. That was the practice until an order was issued by the Customs Department, informing collectors that the practice should no longer be continued. From that period until now, the department has not exacted duties upon repairs to vessels engaged in the coasting trade when made in foreign countries. They were, of necessity, British vessels having a Canadian register. I cannot tell why the order was issued unless it was under pressure brought to bear on the department to allow repairs to be made to British vessels in a foreign country, without charging duty upon them. The letter read by the hon. Secretary of State, coming from the Deputy Minister of Justice, and which cited one of the clauses of the Customs Act, had no bearing whatever upon the question under consideration. The principle upon which duties were levied in the past was based upon those clauses of the Customs Act which provide that all articles from a foreign country are subject to duty which applied to vessels and parts of vessels. If, for instance, an anchor was purchased abroad, it was subject to duty, and so with all repairs, except such as were necessary to enable a vessel to proceed on her journey with safety. I have no doubt some shipbuilding firms in Ontario have brought the matter under the notice of the department. My hon. friend opposite has designated

that class of manufacturers as narrow in their view. That reflection might be applied to every one engaged in any industry seeking for protection. I desire to place myself on record, because if I have any advantage it is a memory of events in the past and more particularly of those with which I was connected myself.

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

CIVIL SERVICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (189) An Act to amend the Civil Service Act.

He said: This Bill is the outcome of the report of the Civil Service Commission. The impression formed by the press, and I suppose largely by the people of this country, after reading that report, was that political pull had more to do with the selection of civil servants than had efficiency and capacity. I think myself the animosity against the principle prevailing in the past was scarcely justified. The Canadian Civil Service is quite on a plane with the civil service of any country. In England, to some extent, they have adopted the system of competitive examination, and in Washington to a very limited extent. In Canada, we have respected the appointments made by outgoing governments. If you look over the Civil Service list you will find that probably 75 per cent of all the officers above second-class clerks were appointed long before the present government took office. In my own department, I do not think there is an official above the second-class, except my own private secretary, who was not an appointee of the previous administration. Coming more particularly to the department, which seemed to have incurred the criticism more than any other, of the Commission—that is the Marine and Fisheries—the principal officers of that department were appointed by the former administration. Of course you will find changes among second-class clerks. There are exceptions to that. Take the Department of the Interior. That department has been very much enlarged from many causes, and the number of employees has largely increased, necessitating the appointment of a higher class of officials; but taking the departments generally, I do not think the censure received was really fair, because the Civil Service of Canada is as efficient as any other civil service of which we have any knowledge. However, I am not prepared to dispute that the better way is that positions under the government should be open to all classes who are worthy, wholly apart from politics, and the rule to be adopted in the future is that the standard shall be an open examination in which the best man shall get the first place. The competitive principle is a sound one. Of course, I am not prepared to concede that simply because a man is well up in the science of political economy or any other subject, that that necessarily is all that is required to fit him for the public service. It by no means follows that a high education is always attended by integrity and a sense of honour. The principal feature of the Bill is the appointment of two commissioners, forming a board, who are to have absolute control of the examination and placing of men in the vacancies that arise from time to time in the civil service. When a vacancy occurs, they are to be notified. They select from the list of persons on hand who have passed the examination and are entitled to appointment from the successful examinations they have gone through. They properly attach character to that evidence in other ways—health, I suppose, sobriety and general good character. They submit the name when a vacancy arises, and the department accepts the nomination. If after six months trial the applicant has not come up to the standard that the department thinks it is entitled to demand. the commission is notified, and another official is named in his place. The commission also have very wide powers, and this element of it is a very good one, to inquire into the internal management of a department to see that the clerks are taking an interest in their work, and that they are fitted for the positions which they hold, and keeping a general eye on the efficiency of the department If that service is per-

formed properly, it, no doubt, will add materially to the good government of the departments. The Bill then divides the civil service into three divisions, following mainly the divisions that now exist, that is, second class, first class, and chief clerk and high officers. The deputy ministers stand by themselves; they are not included in the divisions. The first division is subdivided, as are the other two, into (a) and (b), the former embracing officials who may be known as the assistants of the deputy ministers. In some of the larger departments of the government, where the work has increased, it has been found necessary to appoint an assistant a little higher than the chief clerk, and then there are a number of deputies, not deputies of departments, who have been made so by Act of parliament, who do not supervise departments as do the ordinary deputies. They come in class (a) of No. 1. Class (b) is composed of officers a grade below that, who are chiefly perhaps in the Interior Department, and some other departments of the government. In the second division class (a) would embrace chief clerks, and class (b) the senior class of what may be called second class clerks. The third division is made up of the juniors below that rank, composed of second class clerks and those who are only temporary. The Bill is intended to apply, for the present, only to the city of Ottawa and its immediate surroundings, taking in the Experimental Farm and the Observatory. The remuneration of the higher classes is somewhat increased. The salary of a deputy, under the proposed Bill will be $5,000 a year; up to the present time the maximum of a deputy has been $4,000. Then the classification in the subdivisions will be, class (a) in division No. 1, salaries running from $2,800 to $4,000. In subdivision (b, from $2,100 to $2,800. In the second division in (a) salaries would run from $1,600 to $2,100, (b) $800 to $1,600. Third division (a) would embrace those from $900 to $1,200, and (b) from $500 to $800. In the second and third divisions the salaries are not very different from what they are to-day in the higher division; they are substantially increased. It was felt this was necessary because, as hon. gentlemen know, in recent years the salaries of high class officials have been increased. Officials have left the government because they could do better elsewhere. Banks and insurance companies are always on the lookout for first class men who are fitted for the particular work they have to do, and, therefore, a number of men high up have left the service of the government because they could do better elsewhere. The Bill propose to take in the staff of the House of Commons and the Senate.

Hon. Mr. McSWEENEY—Does this include the 'Hansard?'

Hon. Mr. SCOTT—I do not really know whether it does or not. The question has been discussed with some of my colleagues and I could not really say what the conclusion was. I think the later conclusion was that it would include them. It is well known that the 'Hansard' men do not give their whole time to the service of the government. They can avail themselves of opportunities of doing work after parliament has risen. The position of the officials of the Senate would be as at present, subject, of course, to the Senate, all the grades of them, and any changes that might be made would be by resolution of the Senate, the same as by the House of Commons. I am quite aware that in the opinion of some gentlemen, it is a relinquishment of certain privileges. Well, perhaps it is; but if the House of Commons is willing to come under the general rule I think the Senate would be paying proper deference to public opinion if they followed suit, more particularly as they have the same opportunity, by resolution, to be dissatisfied with any official that may be offered to them. If they are not satisfied with his capacity or with his attainments or standing, or whatever it may be, they can depose him. They have the absolute control over his services in directing the work and hours of labour and everything of that sort. My own opinion is that it rather relieved the Senate of the criticism that is sometimes pronounced, namely that we are paying salaries that are not earned. In short sessions, it is well known, that officials of this body in past years have earned their money easily. The present ses-

sion, and some recent sessions have been prolonged to a degree that no doubt they had to give much more of their time than in former years, and, therefore, the criticism would not be as applicable and I presume will not be in the future, as the Dominion grows, because we cannot get back to our earlier experience when we were sometimes able to get rid of a session in ten or twelve weeks.

Hon. Mr. LOUGHEED—My hon. friend, in introducing this Bill, has very well said that it is the logical outcome of the report which has recently been submitted to the government and laid upon the table of parliament by the Civil Service Commission; but in view of that report, and of its comprehensive character, it is almost unnecessary to say that this Bill is extremely disappointing. It only deals with one phase of the abuse which has been confronting the public for many years, and that, probably, an abuse much less serious in its results than any of the other abuses to which that report referred. This Bill is entirely too narrow in its scope. It is not comprehensive enough or calculated to remedy many of the abuses—and particularly the more important abuses of which the people of Canada have been victims for some time. It is calculated only to extend to the inside service. Its operations are therefore, of a character in which the people of Canada are not very seriously interested. For reasons of political expediency, I apprehend, the government thought it unwise to extend its provisions to the outside service. The people of Canada, I might say, are very much more interested that the outside service should be governed or controlled by the provisions of this Bill, rather than the inside service. I am fully aware that the Bill provides that the Governor in Council may at any future time bring in the outside service; but that is not such an assurance as the public require. I am further satisfied that the Governor in Council would have no intention at the present time to include the outside service. The outside service, to a very large extent, is practically the political organization of the government. There is not a province in the Dominion of Canada but is suffering to-day from the outside service being largely enlisted in promoting the party ends of the government. I need not refer to the different branches of the public service where this is notoriously the case. One need not specifically mention, to impress upon the public mind, the fact that nearly the whole of the Intercolonial Railway service, which is an outside service, is one vast political organization promoting the ends and purposes of the government from one year's end to another.

Hon. Mr. CHOQUETTE—No.

Hon. Mr. LOUGHEED—Hon. gentlemen may say no, but I say investigations in parliament have proven that from time to time, and notwithstanding the fact that my hon. friend and some others may not have been convinced of the fact, let those gentlemen read the evidence taken by the investigations made in committees of parliament from time to time, and they cannot fail to be convinced of that fact.

Hon. Mr. POWER—With respect to the railway service, at the recent election in the county of Colchester the vote of the trainmen was cast almost altogether in favour of the opposition candidate.

Hon. Mr. CHOQUETTE—In Temiscouata, at the last local election, the Intercolonial Railway employees nearly all voted against the local government.

Hon. Mr. BOLDUC—How can the hon. gentleman say that?

Hon. Mr. McSWEENEY—One of the late appointments, Mr. Shannon, of Halifax, who is not a supporter of the government by any means, who was receiving $2,500 a year, is now receiving $2,600.

Hon. Mr. LOUGHEED—I am quite aware that there are many isolated instances, and there may be employees whose intelligence has been awakened to the enormities of the government, and whose consciences will probably prevent them from hereafter rendering that partisan support which, heretofore, they have given. I need not refer to the outside service of the various departments of the government in the western provinces. The hon. gentleman from Wolseley will bear me out in the statement,

that the great machine upon which the government depends west of the great lakes is the outside service, and upon which they rely at every election to carry out the instructions and behests of the different party organizations. It is not therefore very surprising that the government has thought it expedient to omit the outside service from this Bill. I need not point out, it is not the desire of those public servants who constitute the outside service, that they should be subject to the beck and call of the government from time to time, to carry out partisan instructions. I believe the members of the outside service are desirous of occupying a disinterested postion with reference to the political struggles which take place from time to time between the two parties. I believe the members of the outside service are anxious to be placed in a position by which they can occupy an independent position with reference to these party conflicts.

Hon. Mr. CHOQUETTE—Not before 1896. They have been free since 1896, however.

Hon. Mr. BOLDUC—They were free before then.

Hon. Mr. LOUGHTED—I am under the impression that my hon. friend is rather tinged with political sympathy.

Hon. Mr. CHOQUETTE—Not at all.

Hon. Mr. LOUGHEED—And, possibly, since he has discarded the ermine he has placed upon himself the mantle of partisanship, and is not able to look at the subject from that disinterested standpoint which at one time it was his good fortune to do.

Hon. Mr. CHOQUETTE—Before 1896, all the International Railway employees were compelled to vote against the Liberal party, and since then they are free to vote as they wish, and are doing so.

Hon. Mr. LOUGHEED—If that be the case, permit me to suggest to hon. gentlemen that the very best way in which the good faith of the government might be carried out, and by which they could demonstrate to the public that the outside service is a non-partisan body, is to include it in the Bill; but why do they not include it? Is it not manifest that the object of the government is to make use of the outside service for a partisan purpose which it has now in view? But when the time comes that the government will consider it advisable and necessary and in the public interest to include the outside service in the Bill, then will I come to the conclusion that the government have at last arrived at a determination to promote the public interests, irrespective of the services the outside employees can contribute towards the promotion of party ends. I say the Bill is inadequate in that particular regard, and I furthermore say it is inadequate in this respect; it permits the service to be carried on, so far as the administration of internal affairs is concerned, in the old and unsatisfactory manner. The people of Canada want to-day a commission which will exercise an authority or a jurisdiction over the internal administration of each department, in which they will have confidence, by which they will know that the affairs of any particular department are being administered in the public interest and not in the interest of the head or of the deputy head who may happen to preside over the department. Entirely apart from all political consideration and looking at this matter disinterestedly, can any of us conceive that any commercial or financial corporation or body would administer their affairs or their undertakings in such a way as we administer departmental affairs in connection with our system of government? Is there any reason why the administration of our public service should not be upon the same business and commercial basis as any of the great railways or financial institutions of the country have placed the administration of their corporate affairs? Will any hon. gentleman for one moment gainsay that proposition? And yet, we are spending three dollars where one dollar would do for the purpose of administering our public affairs. Go from department to department of the public service, and compare the administration of the public service by an inspection of that kind with the departments which our large railway companies have, which our large financial institutions, insurance companies, banks and

other commercial institutions have, and will you for one moment place the working of a government department in contrast with the other? I will undertake to say that the public service could be administered easily, and very much more satisfactorily, for at least one-half of what we are paying to-day. An investigation by a proper commission composed of business men, would show that one-half of the expense of the public service could be cut out; but there is no attempt under this Bill to reach any such desired end. This Bill simply proposes to continue the antiquated system which has obtained since confederation. This commission is not vested with any powers of their own motion to investigate the affairs of a department and to clean out that department in the public interest. Need I point hon. gentlemen to the findings of the Civil Service Commission, with reference to some of our great spending departments? Is it in the interest of either political party or in the interest of Canada that those departments should be administered in the way in which the Civil Service Commission reported as to the condition of those departments? And yet, is this Bill calculated to wipe out the abuses referred to in that report? Not at all. Within the four corners of this Bill nobody can point out any power vested in this commission with the object of making an inquisition into any of those departments of their own motion, except as to the standing of civil servants appointed under this Act, and then it has to be done at the instance of a head of a department. I, therefore, contend that this Bill is inadequate in not including the outside service, in not giving the commission power of its own motion to go into any department entirely irrespective of the government itself, and investigate the affairs of that department for the purpose of remedying abuses which it is well known exist in many of the departments. I need not refer to the abuses which the commission pointed out in the Departments of Militia, Marine and Fisheries, Public Works, and others, and I am satisfied that their report, which created such a sensation throughout Canada, did not begin to express the surprise of the commissioners at the extravagant administration of our departments. If the government is serious in wishing to ensure to the people of Canada a clean and economical administration of government, why does this Bill not make provision for the appointment of a commission with powers such as I have mentioned? The people of Canada require a commission that will reorganize the departments. There has been no reorganization of the departments since confederation. I need not refer to the unbusinesslike character of many of the gentlemen placed at the heads of those departments. You cannot expect a minister to possess all the qualities of a business manager. Invariably our ministers are politicians, or statesmen, if you choose to use a more dignified term. They are not men with a wide and comprehensive knowledge of business; not men to whom a large financial institution would entrust the reorganization of their staff or administration. Since this government came into power, many deputies have been appointed who have been peculiarly political deputies, who are not possessed of qualifications that will command the confidence of the people as ensuring a proper administration of the service under their charge. The interests of this country demand a reorganization of all the departments of the public service. Need I remind hon. gentlemen of the fact that in two of the departments, Railways and Marine, we had to go to the United States to secure accountants to introduce and establish a system of book-keeping. Could anything have been more humiliating than the government of Canada having to send to the United States for accountants to put their books in order? The amount paid, I believe, exceeded $50,000 in each case. That was the cost of establishing a new system in the two departments to which I have referred. If the irregularities of those two departments had assumed such an enormous character as to warrant this expenditure, what must be the condition of the other departments which have not been investigated? During the present session, and during the last four or five sessions, the Public Accounts Committee of the House of Commons has carried on investigations into the administration of some of the departments, and we all know the

enormous abuses that have been revealed. So grave have those abuses been, and so shocking have the revelations been to the public mind with reference to the irregular, not to say corrupt condition of affairs in those departments, that the followers of the government in the House of Commons have considered it necessary to obstruct in every possible way a full investigation of those scandals. Therefore, I say that this commission should be invested with much wider powers, and authorized at least to re-organize those departments in such a way as to give renewed confidence in the service to the people of Canada. A good deal was said by the commission as to increasing the salaries of public servants. If I were asked to amend the title of this Bill, I should call it a Bill to increase the salaries of the deputy ministers. Provision is made for some 24 deputy heads, increasing their salaries by $1,000 per annum and upwards. I am not criticizing the action of the government in giving adequate salaries to the deputy ministers. Gentlemen vested with all the responsibility, and authority that those deputies have, should be adequately paid; but I cannot acquiesce in the proposition that those gentlemen who have been receiving fairly generous salaries up to the present time, should have an advance of 25 per cent while the struggling members of the civil service who have been receiving salaries not sufficiently large to live upon, are denied the increase to which they are more largely entitled than the deputies.

Hon. Mr. DOMVILLE—Is the hon. gentleman aware that under the new regulations every deputy minister has to buy a $500 court costume?

Hon. Mr. LOUGHEED—I hope the hon. gentleman does not lay down the principle that a deputy minister must get $500 a year added to his salary to enable him to buy a costume. The hon. gentleman will have to find a more substantial justification than that for the increase. If the principle of increasing salaries be admitted, as it apparently is, by the very generous increase given to the deputies, that increase should be held over until proper consideration is given to increasing the salaries of the other members of the service. There is another phase of the Bill to which exception might be taken, and that is the abandonment of the advantages of the rights and privileges which we in the Senate have exercised in the past with reference to our staff. The Bill is not very illuminating—it is somewhat obscure as to the extent to which we forego the rights we have heretofore exercised. I think our attention should be devoted to the question whether we are prepared to practically hand over our staff to a commission, and to abandon the rights we have enjoyed in the past. The Bill, in my judgment, is, therefore, defective in many respects. It is disappointing to the House and to the public, and is not calculated to remedy the abuses pointed out by the commission. I therefore move:

That it is inadvisable at this late period of the session to further consider this Bill until its provisions are made to apply without discrimination to both the outside as well as the inside branches of the public service.

Hon. Mr. POWER—With the general views of the hon. gentleman, I feel disposed as a humble member of the House to concur. The hon. gentleman occasionally departed from theory, and came to deal with concrete and practical cases, where I regret to say I have not felt able to follow him. I also cannot concur in the amendment he has moved. As to the general position of the service, I agree with the hon. gentleman that the service of the public should, as far as practicable, be conducted in the same manner and on the same general principles as the business of an important railway company or a bank, or a large industrial concern. What is the first requisite as to the staff of a bank or other large company? It is that the person who are taken into the employment of that concern shall be qualified to do the work, and that only those about whose qualifications there can be no question—that is as far as one can judge without trying men out practically—should be employed. In the early days, no qualification was required from persons appointed to the public service. The number of persons deemed qualified, perhaps was not as large as of late years; but fifty years ago or so we did get a class of public servants who were perhaps superior to the kind of public servants who had generally presented themselves of later years.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman refer to the practice before the present Civil Service Act came into force?

Hon. Mr. POWER—It was found after a while that it was necessary there should be some qualification for civil servants, and that there should be some bar put up on the way into the service, because the time and attention of ministers and members of parliament were taken up with applications for appointment. Instead of attending to the business of the country, the government and members of both Houses were obliged to devote their time and energy very largely to dealing with questions of patronage. A Civil Service Commission was appointed, which reported in 1882. The chairman of that commission was the Hon. Mr. McInnis, of Hamilton, who at that time had a seat in this House. The Commission reported in favour of competitive examinations for admission to the service; but the government of the day did not think it wise to adopt the report of the Commission in toto. They passed the Civil Service Act, of 1882 which made provision for examination; and since that time admission to the Civil Service has been by way of examination. If the Act of 1882 did not go as far as the Commission's report went, still it improved the condition of things. The fact that a man could not be appointed to the Civil Service unless he passed an examination, was a guarantee that the civil servant appointed after that date should have at least an elementary education, and, consequently, the members of the Civil service who have come in since then have been men of fairly good education, and the government and members of parliament have been, to a certain extent at any rate, relieved from the unwholesome pressure which had been exercised upon them before. The nominations to positions continued to be political. None but friends of the party in power were appointed, no matter how good an examination, a man whose politics did not harmonize with those of the party in power might have passed. The man who did not pass the best examination, but who was on the right side of politics was always appointed. That has been the practice up to the present day. The nominations are political, but the right to nomination has been confined to persons having elementary education. That condition of things existed after the Act of 1882 went into operation, but the pressure upon the government and members of parliament, more particularly members of the House of Commons, continued, although not to the same extent as before. Unfortunately the political pressure did not cease when a man was employed in the Civil Service. If, after their appointment political influence ceased, things would not have been so bad; but in almost every department and, perhaps more particularly in the outside service, after one secured a position in the Civil Service, his promotion and increase of pay depended very largely upon political influence from the outside. I do not know whether that fact had anything to do with the appointment of a commission in 1892. That Commission made a very thorough inquiry and a very able report based on it, recommending competitive examination. The report was commended and pigeon holed, and no further action was taken with respect to it. That was under the administration which preceded the present government. A commission was appointed last year. All the recommendations in their report have not been embodied in this Bill. I should myself have preferred that they were; but hon. gentlemen will remember that the report of this Commission was presented at a very late date, and in order to deal justly and efficiently with the outside service, as well as the inside, would have required more time and consideration than could be given during the present session. The amendment proposed by the hon. gentleman opposite is practically to this effect, that we cannot do the whole thing now, and, therefore, we had better do nothing. I have all my life been a believer in competitive examination, a believer in the English Civil Service system as contrasted with our own, and I should be very sorry indeed to see the amendment carried, because it would be simply postponing indefinitely any improvement in the present condition. If the present government happened to be sustained

at the next election, they might be tempted to say: 'Well, the opposition threw out our Bill under which we proposed to improve the service, and we do not think we shall take it up again for some time.'

Hon. Mr. LOUGHEED—Does the hon. gentleman regard that as a good reason?

Hon. Mr. POWER—The hon. gentleman knows that it is a sort of reason which might be used, at any rate. There are a good many of the active men of the Liberal party who are not in favour of this measure, simply because they feel that it is calculated to diminish their influence in the future and take away from them what they have been in the habit of looking upon as the natural rewards of political success. On the other hand, if through any mishap the hon. gentlemen opposite were to succeed at the next election, they would naturally decline to adopt this measure which had been introduced by their opponents, and would feel that one of their principal duties to the country was to see that a reasonably large number of good Conservatives were infused into the public service before any step was taken to introduce the English system. Although this measure does not go as far as it might go under other circumstances, still it goes very long distance. This measure proposes to say that as regards the headquarters, the inside service, merit and intelligence shall govern in future and not political influence and pressure. I think the government deserve a great deal of credit for having had the courage to take hold of this matter and deal with it to the extent they have. The government have not time just now to make all the arrangements and reconstruction which an extension of the Bill to the outside service would involve. But the hon. gentleman must see, and he has referred in a general way to the fact, that under subclause 3 of clause 4, the government may, by order in council, bring the whole or any part of the outside service under the same provisions of the law as the inside service. I do not know what the intention of the government may be, but under that clause they have power to extend the operation of the Act to the outside service, and I have some hope that, in the cities for instance, where there are large numbers of civil servants of some of the departments congregated together, this Bill may be put into operation as to them. It is not necessary to dwell on the desirability of dealing with men on their merits in the service. In Halifax, a number of gentlemen were appointed to the civil service under the Mackenzie administration. The Mackenzie government was defeated in 1878 and the Conservative government succeeding them remained in power for 18 years. As to the great majority of the men appointed under the Post Office and Customs Departments in the city of Halifax, hardly one got an increase of salary or a promotion during those 18 years. That has not been the case, I am happy to say, under the present administration. They have dealt, on the whole, fairly with the gentlemen appointed by their predecessors. That shows how necessary it is, as far as practicable, to eliminate political considerations. If a civil servant is doing his duty zealously and sees that it avails him nothing, and that men brought in after him are promoted over his head, all incentive to zeal and hard work is lost. In many instances superior men have left the service. Take for instance the Geological Survey branch. A number of very able men have left that branch of the service and gone into the employ of other bodies which have offered them greater inducements. That migration has not been confined to the Geological Survey, though it has been more striking there than in most of the other departments. One of the results of the system we have had, is this lack of energy, this lack of disposition to throw their souls into the work which is more or less characteristic of a great many civil servants; and consequently the number of employees has been unduly increased. While I should not go quite as far as the hon. leader of the opposition has gone as to the amount of increase, he is perfectly right in saying that take it all together, the number of civil servants is much greater than the business of the country demands. I share the regret of the hon. gentleman that the measure does not go further than it does; but it goes a very considerable distance in the right direction, and there is every reason to suppose,

notwithstanding what the hon. gentleman says that the operation of the law will be extended to the outside service, at any rate in the case of the large cities.

I can readily understand that in rural districts there might be some difficulty, perhaps, in introducing the new system. One of the points as to which I cannot concur with the hon. gentleman is, that under the present administration the outside service has been enlisted in promoting the party ends of the government. I think I quote the hon. gentleman's language correctly. I do not know of conditions in the west, and it may be that there is some justification for the hon. gentleman's language as used with respect to the country where he lives himself; but speaking for the country from which I came, I can give his statement the most unqualified contradiction. I know of no case in the province of Nova Scotia where the employees of the Dominion government have been, under the present administration, enlisted in promoting the party ends of the government. The truth is that with us when a man is appointed to the public service the party loses his services altogether. I suppose he exercises his right to vote, but that is all he does. As to the Intercolonial Railway, it is perfectly true that under the previous administration, of which the hon. leader of the opposition was a supporter, the men on the Intercolonial Railway were, I do not say coerced, but, as a matter of act, they did vote almost en bloc for the Conservative party.

Hon. Mr. FERGUSON—Will the hon. gentleman allow me? He referred to the late election at Truro, N.S.: what has he to say for Moncton? Is it not notorious that the railway vote in Moncton is wielded almost unanimously for the government?

Hon. Mr. POWER—I do not think it is wielded by the government. I spoke for Nova Scotia, but I think I can say a word also for Moncton, and if I am wrong, the hon. gentleman from Moncton will correct me. The truth is that under the present administration railway employees have every reason to support the government apart from pressure or canvass. The present government have increased their pay, I think 50 per cent during the time they have been in power, and I think they had very good reason to support them.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—I am glad the hon. gentleman approves of the action of the government in that regard. The men were not sufficiently paid. I can readily understand that in Moncton, which was the headquarters of the Intercolonial Railway, the men were actuated by gratitude, and naturally supported the government. What I have said with respect to Truro was perfectly correct. Those trainmen who pass through Truro, and live in the county, cast their votes for the Conservative candidate.

Hon. Mr. McKAY (Truro)—There were not so many railway men voted for the Conservative candidate on the last occasion as there will be at the next election.

Hon. Mr. POWER—I have pretty reliable information that the great majority of the trainmen voted for the gentleman who is now the member for Colchester.

Hon. Mr. CHOQUETTE—They made a mistake.

Hon. Mr. POWER—Generally the government have done what their predecessors did not do. They have acted on the report of the Civil Service Commission. They have, by introducing this Bill, shown a willingness to eliminate politics, at any rate from the headquarters, from the great centre of the public service. They propose, as the terms of the Bill show, to proceed further in that direction, and at a later day to extend the principles of this measure to the outside service. One observation which I had overlooked in the statement of the hon. gentleman: as to the duties of the Commission, he said that the Commission had no power to act in the matter of inquiry, unless authorized to act by the government. I do not know whether the hon. gentleman had then been looking at paragraph B of clause 10 of the Bill.

Clause 10 says:

(b) Of its own motion to investigate and report upon the operation of the Civil Service Act or of this Act and upon the violation of

any of the provisions of the Civil Service Act or of any regulation made under either of the said Acts.

That, I think, gives very considerable powers of inquiry and all that, and then it goes on, 'Upon the request of the head of the department to investigate and report, &c.'

Hon. Mr. LOUGHEED—May I ask my hon. friend, when he thinks the head of a department would ask the commission to investigate his own department?

Hon. Mr. POWER—I think it would be very liable to happen at any time.

Hon. Mr. LOUGHEED—It would be against human nature to do it.

Hon. Mr. POWER—No disposition has been shown on the part of the ministers of the day to hinder independent investigation.

Hon. Mr. LOUGHEED—Did the hon. gentleman ever attend the sittings of the Public Accounts Committee?

Hon. Mr. POWER—After all, the Public Accounts Committee are like any other judicial body. The duty of the Public Accounts Committee is to inquire into the public accounts for a given financial year, and, as I understand, the great fault found with the Public Accounts Committee is that it has refused to deal with matters which occurred in other years than the year which they were appointed to consider and deal with—matters that did not properly come before them. I do not keep track of the meetings of the Public Accounts Committee, but I think that has been the principal difficulty. I wish to call attention to this fact. It must be remembered that the Civil Service Commissioners are independent of the government. They do not hold their appointment at the good will of the government. The commission can, of its own motion, investigate and report on the operation of the Civil Service Act, and upon violations of the Civil Service Act, and the report of the commission is to be laid before parliament every year within a certain time after parliament meets. Does the hon. gentleman suppose, if this independent Civil Service Commission reports that in certain departments the Civil Service Act is being violated, and that the Act is not being enforced as it should be, that the government would refrain from investigating the matter fully? In the face of parliament, if a report of that kind comes before parliament the government are bound, even if they might be unwilling otherwise, to have an investigation; so that I think the hon. gentleman's criticism on that point is not well founded. With respect to our own officials, I do not see that we shall suffer very much through the application of the Civil Service Act to that staff. In the House of Commons where, presumably, the political feeling is stronger than here, they have agreed to accept it, subject to modifications and conditions set out in the Bill. Applicants for positions are to be appointed to the staff after due examination. As a member of the Senate, a member of the Internal Economy Committee, I may say that I hail with pleasure that announcement, that in future the officers appointed to the Senate shall be obliged to pass an examination before coming in, and I think further that while members may continue to make recommendations for promotions and all that; it is just as well that those recommendations shall be submitted to the commission to see whether, on the whole, they are such as would be approved of by a disinterested business man. That is the way I feel as respects the Senate; but our staff is not very large, and it is not a very important question with us, and as long as the Commons have accepted the Bill in its present form I do not see why we should raise any difficulty about it.

Hon. Mr. BEIQUE—I have not made a special study of this Bill, but from the summary examination that I have been able to make, I have come to the conclusion that this Bill is drafted on the English principle, and on the system which was adopted from the English principle also in the United States, and both in the United States and Great Britain when the Civil Service Act was adopted; and when a commission was created for the purpose, the whole service was not brought under its operation. As a matter of fact, I understand it does not to this date cover either in Great Britain or the United States the whole of the employees of the civil service. Therefore, I cannot appreciate the remarks of the hon.

leader of the opposition when he criticizes this measure, because, at the outset, in bringing in this first Bill on the question, the present government has not deemed it advisable to go further than they have gone in Great Britain and the United States. I find that in the other House every good reasons were given why the government did not deem it advisable to go further, and I find this statement was made:

> There are in Canada a great many officers in the outside service who are purely local in their character. Take, for instance, local postmasters, take for instance local custom house officers. A large number of postmasters along with the work pertaining to their office, are doing other work in the ordinary walks of life. Customs officers of the higher grades are not in that position, but a large number of preventive officers and some others, are in that position. It would be impossible, without careful consideration by the head of the department, and without careful investigation, to bring that portion of the service under the operations of such a law as this. We make provision for doing so in the future, whenever the heads of the department may see fit and find it proper to do so. But to bring the outside service in Ottawa at once under the rules and regulations of the inside service, would not only be impossible, but it would be inadvisable. I would refer to the experience in the United States. It is true that in the beginning, certain divisions of the service in the United States were brought immediately under the operation of the new provisions in regard to classification. Gradually that was extended over the whole country until to-day it includes a very large proportion of the civil service. If the whole service had been brought under the Act in the beginning, an absolute failure would have resulted, which would have cast discredit on civil service reform, and would probably have necessitated retrograde steps, and have led to the defeat of the civil service reform in that country for many years.

The hon. gentleman first criticized the powers which are given to the Civil Service Commission. I think if he compares the powers and duties given to this commission, he will find that they are fully as extensive as those in England and the United States. As was properly said by the hon. gentleman from Halifax, section 10 of the Act gave them power of their own motion to investigate and report upon the operation of the Civil Service Act or of this Act, or to report upon any violation of any of the provisions of the Civil Service Act, or of this Act, or of any regulations made under either of the said Acts. The regulations may be very extensive, and, therefore, they would require to obtain the proper authority of the section of the Act to guard against any abuse of the Civil Service Act. For my part, I think the government is to be commended for having followed the example of Great Britain in the matter, and for having made provision to bring under the operation of this Act as far as necessary and as far as advisable the outside service, whenever occasion shall arise; but not bringing the outside service in at the outset. The hon. leader of the opposition said that a reform of the civil service should be made; that it has never been reformed to this day. I should like to understand what the hon. gentleman means by reforming the civil service. This Bill is intended to reform it by creating this commission, which is not to be a political commission, and with extensive powers. What are the other reforms that are suggested by the hon. member? It is the kind of reform that has been suggested by the opposition, by the public, by the press, and by the three different reports which have been made under the present government as well as under the previous government. It has always tended to the creation of a Civil Service Commission which would have the necessary power to guard against the Civil Service Act being abused, and to exact that employees would be appointed on their merits, and would be removed from the control of political organizations.

Hon. Mr. ROSS (Middlesex)—I think we should accept the Civil Service Bill as an instalment, a pretty substantial instalment of Civil Service reform. Of course, it is not drawn to the utmost limit of what might be called Civil Service reform, inasmuch as it does not include the outside service; but the Bill contains earnest that that may at some future time be included, and I suppose we shall have to accept that as one of the promises to be fulfilled in the near future, and the sooner the better. I am glad that the Bill has made this substantial advance, at all events, namely: that it proposes to put the Civil Service on an intelligent and rational basis. There is no advance on business principles for a political Civil Service. It is a source of evil, and only evil, continually. Its efficiency is doubtful under the most favour-

able conditions. As to its inefficiency, you may rest assured you will have abundance of that. It is a source of annoyance to every good, sensible living man. We feel it in the Senate, although we are supposed to be sheltered from the influence to which public men are subjected. We have felt it in private life. It seems to accompany a man from the time he is of age, either to apply for office or to recommend a man for office, until he ceases to be able to give an advice on any subject whatever. This Act proposes to relieve us to a certain extent of the responsibility, if we assume it to be a matter of responsibility, or of the annoyance, which we know it to be, and to that extent it is a relief, and will be a relief to every man in public life, and to thousands of men who are asked to express a good opinion of an aspirant for office, even when he feels that the good opinion has to be expressed with a good deal of mental reservation. We know that certificates as to qualification have to be read within the lines, and there is much more within the lines than there is in the lines themselves. Nevertheless, we have lived through that long period of inconvenience, hypocrisy, fraud and deceit, and I think we are now entering upon an age at which a man shall be appointed to public service because he is fit so far as an examination will test him for that service. We should have reached that point long ago, and if we are reaching it late in life I am happy to be able to say that I hope we may live to see it consummated before this week is out. I am not going to criticize the Bill; I may propose a few amendments to it at a later stage. It is designed to be non-political. Let me say it is not quite as non-political as the United States Civil Service Bill. There the Act requires the appointment of three commissioners, only two of whom shall be of the same political stripe. We have two commissioners, both of whom shall be of the same stripe politically very likely. The non-political stripe commissioner is supposed to be the protector of the political morality and virtue of the Commission. He is there to support the minority, the party out of power. Possibly it will be that in this case for some time to come, and to that extent he is the guardian of political morality and fair-mindedness of the Commission. I think there is an advantage in that. It would give confidence to the public: not to say that the commissioners appointed to this position would not be men of high character; but as persons appointed to guard the morality of the public, and sometimes it takes them all their time to do it, and as they are supposed to be the 'watch-dog' for the community, and in various other respects much more useful than instructive, so it may happen that the third man on the commission might be a watch-dog to guard political morality. At any rate, if there were anything wrong politically that member would know, and that would be a check on the action of the commission, which I think would be an improvement. It would add a little cost, but that is of no consequence, considering the question of efficiency. I am not going to discuss the details of the Bill at this stage, except to say that I congratulate the leader of the Senate on having the privilege of introducing this Bill, and I think the sense of the Senate will be that the sooner it is put in operation the better. It is a pity the government is not prepared to consider the salaries of all the public officers as the amendment of the hon. leader of the opposition suggests; still that is not a reason why we should delay the enjoyment of whatever advantages this commission may give. In the meantime the commission may go on with its competitive examinations. There may be classification inside. It may be easier to do that in the service when classified, as it can be under this Bill, than it would be just now.

I think this amendment of the hon. leader of the opposition should not be considered. We have delayed long enough. Let us get down to business. Let us get a commission. Let them do what they can. Let them appoint three examiners, hold their examinations, reform the service as far as their powers go, and the government, I think, will, as soon as it possibly can—and it may not be done before another session, I suppose—see that the salaries of the subordinate members of the service bear some proportion to the salaries of the higher officers. The salaries are a serious matter

with regard to the increased cost of living. I do not think we realize fully, nor do the large corporations, the pinch that comes to the man with an ordinary salary in regard to the increased cost of food and clothing; and in the civil service I think that pinch is felt in every department of public activity. I hope the government will correct it as soon as possible, and I hope they will also bring under the law, as has been done in Great Britain and the United States, the outside service, so that we shall have this guaranteed from the highest officials under the Crown to the door-keeper in some remote hamlet, of some post office or customs office, that there is no political pull in regard to the public service. That efficiency is its watchword, and that he himself appears, not in his position as the testimonial of having been a political ward heeler, or in some other way of having been in the political service; that he is a respectable citizen, and has obtained the position simply because he was worthy of it and was qualified to fill it. I think it would add materially to the dignity and usefulness of the service, instead of bearing the reproach that by means of some back door influence, or some other means not always bad, but pertaining nevertheless to what may be bad, he got his position, he will be able to say he got it because his manhood was respected, his intellectual attainments were respected, his character was respected, and he only holds it so long as these qualifications continue and abide with him. I shall be glad to see the Bill carefully examined in committee, and see it brought into operation at the earliest possible moment.

Hon. Sir MACKENZIE BOWELL—I have listened with a good deal of interest so far as I heard the explanation of the character of this Bill by the hon. Secretary of State. The introducer of the Bill in the House of Commons took between two and a half and three hours to explain the character of the provisions of the Bill. The Secretary of State contented himself with ten or fifteeen minutes of an explanation, in which he indulged in some remarks, to my mind, totally irrevelant to the subject under discussion. If I understand the object of the royal commission appointed to inquire into the workings of the present Civil Service Act and their report, it was for the purpose of establishing as far as possible a competitive system of examination for admission to the civil service and to remove as far as possible the appointments from the political influences which have surrounded the appointments in the past, I do not pretend to say by the present government exclusively, but by all governments since confederation, and I presume also before confederation. Speaking of the influence which has been exercised in the appointments and the conduct of governments in dealing with officials, I must dissent in toto from the reflections cast upon the late government in reference to their promotions of officials that were appointed by the Liberal government which existed under the premiership of the Hon. Alexander Mackenzie, both as to the inside and outside service. I regret that the junior member from Halifax (Hon. Mr. Ross) is not present at the present moment. If he were I should appeal to him as an evidence, at least of the incorrectness, inadvertently I dare say, of the statements that no salaries had been increased of officials who had been appointed by the Liberal government during the eighteen years of administration under Sir John Macdonald, Sir John Abbott, Sir John Thompson and myself. So far as the inside service is concerned, the statement made, if they referred to that, is without the slightest foundation. Take my own department; the appointments made by the Mackenzie government were promoted to the highest positions in the gift of the government in that department, and they were Liberals when they came into the department, remained Liberals during the whole period of their existence and are still in the service of the government, and are still Liberals, and I will give credit to those with whom I was more intimately connected in the administration of the different departments over which I presided in saying that the most efficient officers under my control at the time, though they were Liberals, never interfered in any way in political matters; how they cast their votes I am not prepared to say.

Whether the heads or deputy heads cast their votes I am not prepared to say, but I

am bound to state in justice to those gentlemen, that so far as I could ascertain, they never allowed their political views to interfere with their duties in the office. Some of the deputy heads were strong Liberals and free traders, but more zealous men in administering affairs under a protective policy did not exist. I am speaking of those with whom I was more intimately connected, and I repudiate on behalf of the government of Sir John Macdonald and succeeding Conservative governments, the allegation which has been made that they were neither promoted nor given increase of salary. In drafting the clauses of this Bill, I am satisfied the question of increasing salaries was not thoroughly considered. I am not opposing the increase given to deputy heads, or those who have been promoted to the position of deputy head. I fully concur in the remarks of the Hon. Secretary of State, that some of the most efficient officials of the government have left the service, for the simple reason that they have had better offers from the outside. Men of superior ability were brought into the civil service and paid salaries which, in some cases, were not half or even one-fourth of what they have been offered by outside banking or manufacturing or transportation institutions. Only the other day, one of the most efficient servants in the Customs Department, the head of that department, which is technically of very great importance—the appraising department—though as highly appreciated as any official could be, left the service because he was offered a larger salary by the Manufacturers' Association, than he could get in the employ of the government. That will go on continually. The only advantage of a position in the civil service is its permanency, and under the old system the retiring allowance in old age. The hon. Senator from De Salabery speaks of the impossibility of bringing certain officials under the provisions of this Bill. There can be no difficulty in the case of collectors of customs, or postmasters, and assistant postmaster in large centres of population. No one ever supposed that the Civil Service Act was to extend to minor postmasters or preventive officers in the Customs and Inland Revenue Departments, who receive less than $100 a year; but to say that the general principle could not be applied to the more important positions in the outside civil service, is an absurdity. Why should the officials at the Experimental Farm be brought under the operation of the Civil Service Act, while the most important men connected with the Printing Bureau here, and who should hold permanent positions, are not brought within the scope of the Act? The answer of the minister, no doubt, will be this: In the case of your Superintendent of Printing, the minister can recommend to council and the Governor in Council has power to place such officers under this Act. That is a power to which I have strong objection. The difficulty is that the head of the department can block it at any time, and it becomes, as it unfortunately is at present to a great extent a matter of favouritism. I venture to say that the hon. senator from Middlesex will not rise and attempt to explain the provisions of this Bill. I have gone through it with some little care and tried to ascertain the position of the Senate in reference to its employees, but the Bill has been drafted in such a manner that I question if even the author himself knows what it means. Take clause 45 for instance: The whole character of the Bill is changed by which the power and authority exercised in the management and control of the Senate and House of Commons over their employees, of which they were deprived to a certain extent in the first place, is given back to them by a provision substituting the word Speaker or some other official for an order in council. Why could not a Bill of this character have been drafted so that it would not be necessary to make provision in so many places that it is to be administered by the Governor in Council, and then at the end add a clause taking large powers away from the Governor in Council and giving them to those who exercise them to-day? Will any one tell me who is to have in future the recommendation of the appointment of the Clerk of the Senate, the Usher of the Black Rod, the Sergeant at Arms, and the Chaplain, if there is to be one appointed? In the past, the chaplain was appointed by the Governor in Council. The Clerk, the Usher of the Black Rod, and the Sergeant at Arms are at present appointed by order

in council. I fail to find in this Bill, though they are brought under the operation of it so far as salary and other matters are concerned, who in the future is to recommend these appointments. Whether it is to be the two commissioners to be appointed, and who are to be above the government and only removable by a vote of parliament, or the Governor in Council, cannot be ascertained by any clause of the Bill. It shows the incongruity of the provisions of this Bill, and the absolute necessity, if it is to become a working Bill, to delay further consideration of it until the government and parliament can come to some decision as to what reform and improvement should really be made in the civil service. I am not aware that any party in Canada, at present, object to a reform of the civil service to a very great extent. One hon. gentleman said a few moments ago, supposing this Bill should not be passed, an incoming government might not take it up. The present leader of the Conservative party made it a prominent plank in his platform that there should be civil service reform, and that while he does not concur fully in all the provisions of this Bill, he goes to the extent of saying that it is an admission of a necessity for a reform, and that we accept it to the extent that it goes, so there need be no misapprehension in the minds of hon. gentlemen as to what will be done in that direction in case of a change of government. I may add this, so far as the Conservative party is concerned, what they profess out of power they practice in office. They make no professions on the stomp as do the Liberal party throughout the country, pledging themselves as to what they shall do if they attain office, and then when they are returned to power, abandon every single profession they ever made.

Hon. Mr. ROSS (Middlesex)—Order.

Hon. Sir MACKENZIE BOWELL—If I am out of order, I bow to the decision of the Speaker. What I have said is literally true, so far as it applies to the Liberal party; but having great respect for the hon. gentleman from Middlesex, I will not repeat the statement. How the length of the present session affects this question, I am unable to understand. The civil servants are employed by the year, and for life. If they are occupied for eight months in connection with the sitting of parliament, they are not occupied anywhere else. Their time belongs to the government, and it should be a matter of little consequence to them whether they are engaged here with a long session or a short session. The present Civil Service Act was based to a certain extent upon the report of the Civil Service Commission appointed in 1882. It recommended that there should be an examination as to the qualification of every civil servant appointed, excepting perhaps such officials as preventive officers, and other unimportant officials. There was, however, a reservation as to one or two classes of appointments in the Inland Revenue and Customs Department. The appointment of those officials was left to the discretion of the government of the day, and there is no use trying to hide the fact it was done for the purpose of leaving certain positions open with which to reward men who had done services for the party. That has been done by the late government and under the present administration; but in the case of all the other officials it was necessary that they should have certain qualifications, and their salaries were fixed under the law. Nevertheless, the law has been grossly violated by the present administration, and they have rendered the Civil Service Act a nullity. Take the present estimates before us, and you will find in one department alone over one million dollars asked for which is to be distributed by the head of that department 'notwithstanding anything in the Civil Service Act to the contrary.' In this Bill, there is a provision showing that no vote of parliament, in which the name of the person who is to receive the remuneration to be given and no vote expressed to be made generally notwithstanding anything in the Civil Service Act, shall be deemed sufficient to authorize the payment of any additional salary or remuneration.

Hon. Mr. ROSS (Middlesex)—That is to guard against the present practice.

Hon. Sir MACKENZIE BOWELL—That is to guard against the practice that existed to a very limited extent under the old administration, and exists to an enormous ex-

tent under the present administration; but my hon. friend knows just as well as I do that clause in the Bill is a nullity. It can be evaded by the use of other words besides those that are mentioned. The power that puts this on the statute-book can break it every session by saying it shall not apply, and it is childish, worse than childish, because it is intended to impose upon those who have not given the subject any consideration, to lead them to believe that if this Bill becomes law it cannot be violated because of this provision being inserted in the Bill. It is nothing short of an insult to those who are old legislators and know the constitution that governs us. It is like putting decoy ducks in a marsh to attract live ducks to where they can be shot. This is a decoy to the outside public, leading them to believe that protection exists, but which can be made a nullity. I should like to have somebody explain clause 45 and how far it changes the Bill so as to allow the Senate to retain all its rights and privileges, which it possesses under the constitution. I confess I cannot understand it. There is one provision of the Bill which meets with my strong approval. That is that the deputy heads are to pass an examination. If they are to be examined, let us hope that it will be on matters with which they will have to deal as deputy heads of departments. Under the present government, some of the deputy heads that have been appointed had never been in the service before. The Deputy Postmaster General was taken from a small town in North York. I do not say that he has not acquired sufficient knowledge to make him useful in the position he holds. The Department of the Interior has had a similar experience. The first deputy head appointed under the late Minister of the Interior, retired because he could do better and make more money in connection with that famous North Atlantic Trading Company. In order that the facts in connection with that matter should not come to light, his books and letters were conveniently burned, so that when he went before the investigating committee nothing could be found out about it. Such men, I daresay, might not have been appointed had there been this examination. The object of my hon. friend the leader of the opposition in moving the amendment, is not to defeat any measure which has for its object the reform of the Civil Service, but he is of the opinion, and I am strongly imbued with the same idea, that before a Bill of this kind is adopted it should receive due consideration. It is usual at this period of the session, when one wants time to consider a measure, to say: 'You are delaying the public business,' but if measures are to be properly considered they must be discussed. No one can take up this Bill and in half an hour, or an hour, or a day, compare it with the Civil Service Act and ascertain what effect the new legislation will have. He may vote on the general principle that he is in favour of Civil Service reform, and say he cares not what the proposition is so long as it has that object in view. That I believe to be the attitude of a majority of the Senate; but if they divest themselves of the idea that it is their duty to support a government measure, I am satisfied they would favour the amendment. I am not accusing hon. gentlemen for their fidelity to the government. I know what it is to enjoy the thought that you have behind you those who will vote for you right or wrong. My hon. friend from Middlesex knows what satisfaction that gives, as any one must who has been in the position of holding office by a narrow majority of two or three. But that is no answer in this case. My experience has taught me that there is necessity for Civil Service reform, but it should not be done in a half hearted way, and certainly not by passing a measure like this, which nobody can claim to thoroughly understand.

Hon. Mr. FERGUSON—The strongest argument addressed to this House in favour of the amendment was furnished by the hon. senator from Halifax. When I pointed out the condition of things at Moncton, I meant to call the hon. gentleman's attention to the condition under both governments. Moncton is the headquarters of the Intercolonial Railway, and I am safe in saying there are from twelve to fifteen hundred employees of the government there apart from those along the line of the Intercolonial Railway. When the Conserva-

tive party were in power, they always got a good majority out of Moncton. When the change of ministers occurred, it turned around and the majority came the other way. At the last election in Westmoreland there was a majority against the government outside of the town of Moncton; but they were turned down by a majority of seven hundred in favour of the government in Moncton. I called the attention of the hon. senator from Halifax to this when he made some remarks about Truro, and the fact remains that the railway men in Moncton, whether they were coerced or not, voted for the government. He said they have every reason to vote for the government, for the reason that the government had increased their salaries. Now, that furnishes the very strongest reason why the outside service should come under the operation of this Bill. I do not say the railway men got larger increases than they were entitled to. I do not know that they receive as large salaries as the employees of the Grand Trunk Railway and the Canadian Pacific Railway, though there may be more men employed in proportion to the work to be done. Nevertheless, the government having control of this matter and giving increases of salaries, explains why these men, as the hon. senator from Halifax said, had every reason to vote for the government. I do not believe there is such a bad condition of things existing in Ottawa with the whole Civil Service around us as exists in Moncton. There is more independence in the Civil Service here than there is among the employees of the Intercolonial Railway at Moncton. There is more government influence held over them there. Then why should not the Intercolonial Railway employees be brought in as well as the employees at Ottawa? In connection with the discussion of this subject, it is almost natural to form a conclusion, and from recent disclosures connected witth the Civil Service Commission, that the Civil Service is in a very bad condition. I am not prepared to subscribe to that view. We know there are abuses in it. I believe that we have too many employees. I believe there are many in the service that should never be there; but I know from a long knowledge, both as a member of the provincial government and having intercourse with many of the departments, and since I have been here, that we have in the Civil Service on the whole an excellent body of men.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. FERGUSON—And I think so, notwithstanding the disclosures which have come, discreditable to one or two of the departments, and which probably if they were followed to a finish would result discreditably to other departments as well. When we are dealing with this question we should have begun at the bottom and not have confined the operations of the Bill in these main features to the salaries of the main class of officials, but that we should have made provisions for the lower and secondary grades of men in the public service as well. We should not have stopped where we have stopped, but we should include the whole outside service and bring the whole system under the commission and bring the patronage system to an end.

Hon. Sir RICHARD CARTWRIGHT—The logical result of the remarks of the hon. gentleman would be that it would be better that the civil service employees never should have any votes.

Hon. Mr. FERGUSON—My hon. friend might put it that way.

Hon. Sir RICHARD CARTWRIGHT—Is the hon. gentleman prepared to vote in that direction?

Hon. Mr. FERGUSON—I think the remedy which is now proposed to be applied, if fully applied, will make it much better than that. Let them be independent in that as well as in everything else.

Hon. Sir MACKENZIE BOWELL—Might I ask the hon. Secretary of State if he will be prepared, when we go into committee, to answer the question I asked him as to the clerk, sergeant-at-arms and the Usher of the Black Rod, how far the Bill is changed by the 14th clause?

Hon. Mr. SCOTT—I will endeavour to.

The amendment was declared lost on a division.

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

SALE OF MAJOR'S HILL PARK BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (89) an Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill park, in the city of Ottawa, as an hotel site.

He said: For many years there has been an agitation to have a good hotel erected in Ottawa. The hotel accommodation has not been considered sufficient, and an offer was made by the Grand Trunk Company to put up an hotel if they got a desirable site. The site they selected was the southwest corner of Major's Hill park across the canal. I need not go over all the negotiations and discussions, which resulted finally in the government undertaking for the consideration of $100,000 to sell them a piece of land which hon. gentlemen will have noted is now inclosed with a board fence, it being understood that the money was to be used in the extension of the park at the north end, which belongs to the Crown. It has not yet been improved and it has not been made a park. The proposal was that the consideration of $100,000 was to be handed over to the commission which has charge of the improvement in the city for the purpose of adding to the park at that end.

Hon. Mr. LOUGHEED—I do not profess to be burdened with aesthetic tastes, yet I can always recognize an act of vandalism when I see it, and I venture to say that any hon. gentleman who passes down the main thoroughfare of the city of Ottawa, the capital of this Dominion, 'The Washington of the North,' must deeply regret the act of vandalism for which the government is responsible, and which is evidenced by the choicest feature of the Major's Hill park being surrounded by a fence indicative of the fact that the government has, I might say deliberately, destroyed that park with a view of erecting a commercial institution, simply a modern hotel thereon. I am satisfied that if the government of Ottawa attempted to erect a public building which, in its architectural features, and in all its beauty would have exceeded the hotel which is about to be built thereupon, a protest would not only have arisen from the people of Ottawa, but probably from parliament on account of such a misuse of that particular property. For my hon. friend to say that the intention of the government is that the money which has been secured from the sale of that property and the destruction of that park would be applied towards the extension of the park in the direction of Nepean Point, is to my mind a humiliation indeed. It is tantamount to saying that the government of Canada, after expending an enormous amount of money in beautifying Ottawa, had to sacrifice the front of the park facing upon the main thoroughfare of the capital with the object of devoting the purchase money, the paltry amount of $100,000, towards extending the park in a direction that will never be seen by the general public. I think that cannot be justified for a moment. It has always been a problem in my mind, as to how the Grand Trunk people for one moment imagined that the government would be willing to sacrifice the beauty of that park for commercial purposes, and it has been more astounding to me that the government should have entertained for a moment the advisability, or the expediency if you choose to put it that way, of selling the park to a railway company. Our government for some time past has been expropriating public property on which to erect public buildings, and paying enormouse prices therefor, with a view particularly to securing the continuity of our parliament grounds. We know that the property along the west side of Sussex street has been expropriated, and that at a very considerable expense, the object beinging at the inception of this action of the government, that the parliament grounds should extend from the present grounds down to Sussex street, and, ultimately, with that object in view to secure what is known as the Lindsay Departmental Store. We deliberately cut out of the very center of that scheme, the most beauteous spot of the whole, in the entire front of Major's Hill Park. I cannot think of any precedent for it. The Grand Trunk Pacific people might as well have asked for a hotel site beside the parliament gates. It would

not have made very much difference. I cannot think of any precedent in Ottawa or any other part of the Dominion, where the government has deliberately sacrificed its property with a view to a commercial concern being erected thereon. The only thing I can think of, that at all compares with it, is the old biblical story of Naboth's vineyard.

Hon. Sir RICHARD CARTWRIGHT—Who is the Ahab in this case?

Hon. Mr. LOUGHEED—I refer to the railway people as Ahab. I do not know that I can add anything more than to read to hon. gentlemen the story of Naboth's vineyard, and it seems to me this vandalism of the government is so parallel with the covetousness of Ahab, that the two cases are almost parallel. The story reads:

And it came to pass after these things, that Naboth the Jezreelite had a vineyard which was in Jezreel hard by the palace of Ahab, king of Samaria.

2. And Ahab spake unto Naboth, saying, give me thy vineyard, that I may have it for a garden of herbs, because it is near unto my house; and I will give thee for it a better vineyard than it; or, if it seem good to thee, I will give thee the worth of it in money.

3. And Naboth said to Ahab, the Lord forbid it me, that I should give the inheritance of my fathers unto thee.

4. And Ahab came into his house heavy and displeased because of the words which Naboth the Jezreelite had spoken to him, for he had said, I will not give thee the inheritance of my fathers, and he laid him down upon his bed and turned away his face, and would eat no bread.

5. But Jezebel his wife came to him, and said unto him, Why is thy spirit so sad, that thou eatest no bread?

6. And he said unto her, Because I spake unto Naboth the Jezreelite, and said unto him, Give me thy vineyard for money, or else, if it please thee, I will give thee another vineyard for it: and he answered, I will not give thee my vineyard.

7. And Jezebel, his wife said unto him, Dost thou now govern the kingdom of Israel? Arise and eat bread, and let thine heart be merry, I will give thee the vineyard of Naboth the Jezreelite.

The country with the reluctance of Naboth, refused to yield up their inheritance, but the Prime Minister intervened, and said to the railway company: Let thine heart be merry, the hotel site is thine; and thereupon passed from the people of Ottawa, as well as the people of Canada, a place of beauty by an act of vandalism, and all to satisfy the sovereign wishes of the applicants.

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

TIMBER MARKING ACT.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 193) 'An Act to amend the Timber Marking Act.' He said: The object of this Bill is to place New Brunswick in the list of provinces subject to the Timber Marking Act.

Hon. Mr. FERGUSON—Why not make it general?

Hon. Mr. SCOTT—I do not know. I suppose there were reasons for it.

Te motion was agreed to and the Bill passed through its final stages under a suspension of the rules.

LEAD BOUNTIES BILL.

THIRD READING.

The House resolved itself into Committee of the Whole House on Bill (No. 191) An Act respecting the bounties to lead contained in lead-bearing ores mined in Canada.

(In the Committee.)

Hon. Mr. SCOTT—The sum of two and a-half million was voted by parliament five years ago to pay the lead bounties. It was not, however, to be payable if the price of lead rose to a particular figure in the London market. The price did rise to that figure on several occasions, and the consequence was that instead of $500,000 being paid yearly, as was calculated, less than $50,000 was paid in five years, so that there is a considerable portion of the half million vote left. This Bill does not propose to add to the original amount, but it proposes, up to $50,000 a year, while it lasts, to pay the bounty, but the standard of price is raised up to £14.10.

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

The Bill was read a third time under a suspension of the rules.

QUEBEC BRIDGE REPORT.

Hon. Mr. LANDRY—Before the adjournment takes place, I should like to know from the leader of the House if any progress has been made in the printing of the second volume of the report of the Bridge Commission? That will contain all the minutes of that most interesting commission.

Hon. Mr. SCOTT—I have a memorandum in regard to the matter, which reads as follows:

In the matter of the printing of the second volume, or evidence, of the Quebec bridge.

So far as I can gauge the work on the report now, it will make about five hundred pages of text, of which more than half, or three hundred and twenty pages, is in type. The requistion calls for 7,365 copies. This is quite a large number; the text making 500 pages, or 31 formes, and 141 half-toned plates of 18 formes, so that we have 49 formes of 7,365 copies, or 360,881 sheets to print off, and it will be fully six weeks before copies will be ready for distribution.

The report is not like the ordinary bluebooks, and the plates must be given time to dry after coming off press.

When the report was first sent in it came in the nature of a return from the House, and we were informed by the House that the report was required in a hurry, but that the evidence need not be printed until after the session.

Hon. Mr. LANDRY—There is an omission there. They do not give the number of lines, but simply give the number of pages.

BILL INTRODUCED.

Bill (No. 146) An Act respecting proprietary patent medicines.—(Hon. Mr. Scott.)

Hon. Mr. LANDRY—I want to know what became of a certain Bill which was introduced here some time ago by a report from the House of Commons?

The SPEAKER—A message came from the House of Commons asking to have it returned.

The Senate adjourned until 8 o'clock p.m.

THIRD SITTING.

The SPEAKER took the Chair at 8 o'clock p.m.

ROUTINE PROCEEDINGS.

THE SUSPENSION OF THE RULES.

Hon. Mr. SCOTT moved the suspension of the rules insofar as they affect Bills coming from the House of Commons from now on until the end of the session.

Hon. Mr. LOUGHEED—I thought my hon. fried was going to confine himself to suspending the rules in each particular case.

Hon. Mr. SCOTT—If conditions would allow it, I would be very glad to do so, but at this period of the session it is usual to make a motion of this kind, and I see no ground for opposing it.

The SPEAKER—A point was raised this afternoon as to the right of the hon. gentlemen to make such a motion. I see nothing in our rules to prevent it, and the practice of the Senate on that point has been constant for a number of years. A similar motion was moved in 1881 and in 1887 and in 1900.

The motion was agreed to.

GOVERNMENT ANNUITIES BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (120) an Act to authorize the issue of Government annuities for old age.

(In the Committee.)

Hon. Sir RICHARD CARTWRIGHT—My hon. friend opposite (Mr. Ferguson) desired to have an actuarial statement showing the basis of calculation. I now send him a copy, and he will note that it is subdivided into several periods of five years each and the accumulated gain which will result under the arrangement proposed, is set out in each.

On the third clause.

Hon. Mr. FERGUSON—It is quite natural that my right hon. friend the Minister of Trade and Commerce being the originator of this scheme should be entrusted with its management if possible, but it appears to

me it should be connected with the Insurance Department. It will necessitate the employment of an actuary in the Department of Trade and Commerce. If there is any business at all done under it, it will require to be done under actuarial direction, and it would seem to be but natural that we should not be carrying on this business in two departments at the same time. The Civil Service Insurance Bill is run by the Department of Finance and this, although not strictly insurance, nevertheless involves acturial calculations, and is on the same line.

Hon Sir RICHARD CARTWRIGHT—My hon. friend is quite right, an actuary will be required, but the same gentleman can act as actuary and accountant and I intend, under the vote proposed in the House of Commons, to appoint and employ such an officer. The Finance Department has its hands pretty full already, and without undue vanity I think, in the first inception at any rate, I can manage it as well as the Finance Department.

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

Hon. Sir RICHARD CARTWRIGHT—Of course it can be changed from time to time, if found convenient or expedient. If changed, it is probable that it would go to the post office if to any department other than the department of Trade and Commerce; but I have rather more time on my hands than the gentlemen charged with these two large departments, particularly the Post Office Department and I propose to give a good deal of my personal attention to starting this matter.

Hon. Mr. FERGUSON—I can see at a glance that the Post Office, in some respects, would be a very suitable department because payments can be made through the Post Office Savings Banks.

Hon. Sir RICHARD CARTWRIGHT—That is provided for in the Bill.

Hon. Mr. FERGUSON—Whatever department will have it, will require actuarial assistance.

Hon. Sir RICHARD CARTWRIGHT—If this takes shape, and is as successful as I trust it may be, this will be a sub-department of the government and there will have to be a bureau for these annuities. On consideration, the House will see that there is a pretty large field. For instance, there are about five or six hundred thousand depositors in the government savings banks, and in the savings banks attached to the several banks throughout the country. In other words, very nearly every third or fourth wage-earner in Canada is trying to make some provision for his old age, I think in most cases on a government security or bank security, for which he receives about three per cent. I think we shall be able to offer him better inducements than the government savings banks are able to do. Then there is a large and constantly increasing class of persons receiving small salaries, growing up in Canada. These persons, wholly apart from what we may call par excellence wage-earners, would be inclined to avail themselves of the good offices of the government to secure a provision for their old age. I may mention in that connection, that my attention has been very specially called to the fact that there are now a far greater number of single women who are providing for themselves, and are likely to provide for themselves. Up to a certain age these people are able to obtain a reasonable living wage, but they find vey great difficulty in saving sufficient for their old age, and for that deserving class this will afford a very usetul and special mode of investing. Altogether, wholly and entirely apart from the artisan class, there are many people who may conceivably avail themselves of the provisions of this Act. The calculations, some of which I submitted to my hon. friend the leader of the opposition, show the calculation on which the unit is based. The unit, as I explained to the House, is intended to cover the period from 20 to 60. Of course that will vary according to the age of the applicant, but at the age of 20 a very small payment will be sufficient to secure at the age of 60 an annuity of $120, or if a man would accept a deferred annuity without any further payment he may receive $200 a year, and all the rest will be in proportion to that calculation. It is based on a slightly smaller rate of interest than we can well afford to pay. It is based on three and three-quarters per cent, whereas the intention is, if necessary,

to go as high as four per cent, that being the amount we are likely to pay for our money for several years to come.

Hon. Mr. LOUGHEED—Can my hon. friend say how this would compare with the tables of the ordinary annuity companies that sell similar annuities?

Hon. Sir RICHARD CARTWRIGHT—An ordinary annuity company will sell you an annuity of $102 for a payment of $1,000—that is will pay at the age of sixty, ten and a quarter per cent. On the calculations, we are really not doing better in one respect than the annuity companies are doing. The difference in favour of our annuitants would arise from two or three different circumstances. First that we require no profits; second that we have practically a large staff at our disposal which will cost us extremely little, and third, because there will be a small gain arising from the fact that relatives of parties who die will receive a less rate of interest than those who have the good fortune to remain alive and get the annuities.

Hon. Mr. FERGUSON—I would understand from this table that it is to show the gain from deaths occurring before the age of sixty, by reason of the difference in the rate of interest.

Hon. Sir RICHARD CARTWIRGHT—In cases of death before the age of 60, the relatives of the party receive the amount that has been paid in with interest at three per cent. In the case of annuitants they are allowed three and three-quarters per cent. If the hon. gentleman will look at the third column headed 'Total accumulation including gain from deaths' he will find that the total payments from 20 to 60 amount to $1,246.24, while in the case of a person buying an annuity at the age of 20 the amount without gain would be $1,045.80. The difference between these two amounts represents the gain from deaths between the ages of 20 and 60. I think there is no doubt that the statement I made will be fully borne out, and the country, without any loss to itself, at the rate of interest I speak of, will be able to afford these annuities. The only charge which will be placed on the state—and that is a charge I have no hesitation whatever in recommending—will be the charge for the maintenance of the bureau for a short time. I expect that before long it will become self-supporting. Looking at the expenditures now incurred in many directions, the state will never put out its money better than by expending thirty or forty thousad dollars in encouraging our people to make provision for their old age.

Hon. Mr. FERGUSON—I agree with my hon friend on that point, and I do not think that by making this scheme somewhat liberal we are going to do a great harm to the insurance companies.

Hon. Sir RICHARD CARTWRIGHT—I do not think we do any.

Hon. Mr. FERGUSON—Their experience is that they do not find much field for the sale of annuities. They do a little business in that line, but not much, and that being so, I venture to suggest to my hon. friend that he will have to make this proposition somewhat attractive if there is any business to be done under it.

Hon. Sir RICHARD CARTWRIGHT—I think we shall be able to do that. Of course we reserve to ourselves the right to amend in case the original proposition does not take.

The clause was adopted.

On clause 4

4. His Majesty, represented and acting by the minister, may, from time to time, subject the provisions of this Act, and of any order in council made under the authority of this Act, contract with any person domiciled in Canada for the sale to such person of an immediate or deferred annuity depending on a single life, or partly depending on a single life and partly for a term of years certain, or of an immediate or deferred annuity depending on the joint continuance of two lives, with or without extension of benefit to the survivor.

Hon. Mr. FERGUSON—Suppose two cases occur; one, a man at the age of 60 pays $4,000 for an annuity, while another has been paying from the age of 20 to the age of 60; I submit there will be a discrimination against the person who has paid all his life in this way. At the age of 60, a man has the option of purchasing the annuity or not. If his health is good he will probably do so, if not he will not pay the money. In the case of the man who has been paying from the age of 20, however, he has no op-

tion. At the age of 60 he may see no prospect of living for a year or two longer. Both pay exactly the same sum, but the man who has the means will only take out the annuity if his health is good. He has an opportunity of selection which the poor man who has been contributing all his life is not given. If he is unfortunate enough to die before he reaches the age of 60, his friends will get the benefit of his payments, but if he passes that age he must take his chance of drawing the annuity for a year or two.

Hon. Sir RICHARD CARTWRIGHT—That is almost of necessity the nature of the case. You could not very well introduce any provision for discrimination in that way without raising the general rate. No doubt the man who lives longer will get more out of the government than the man in poor health ; but we can hardly provide for cases such as the hon. gentleman speaks of. My view is that this is an objection to trying to run two things as one measure, that is assistance for old age and an investment. The man who pays four or five thousand dollars at the age of 60, is making an investment.

Hon. Sir RICHARD CARTWRIGHT—I think there will be few of that class.

Hon. Mr. COX—A person who pays for a number of years and dies shortly after he reaches the age he is entitled to the annuity, is in the same position as any one who buys an annuity. He may buy an annuity to-day and die to-morrow. Anybody who purchases an annuity takes that risk. The man who pays for it gradually over a term of years is in no worse position than the other.

Hon. Mr. FERGUSON—The man who at the age of 60 can purchase an annuity, knows the state of his health, but the man who begins at the age of 20 and continues paying to the age of 60 has no option ; whatever the state of his health he must go on paying without any prospect of drawing the annuity for more than a year or two.

Hon. Sir RICHARD CARTWRIGHT—I think, in practice, very few will wait until they are 60 and then pay several thousand dollars for an annuity.

Hon. Mr. COX—Very few people buy annuities before the age of 60. A man may take out an annuity to-day and die to-morrow. That is the risk that is carried by every person that purchases an annuity, and the company carries it with every person to whom it sells an annuity. Every year every insurance company which does a certain amount of business is sure to have claims arising on policies that year.

Hon. Sir RICHARD CARTWRIGHT—It is not a matter like the law of the Medes and Persians, and if in our experience it turned out there were cases of hardship, we might see our way to relieve them; but in the first place I would prefer to see it started on the business principle.

Hon. Mr. FERGUSON—Another point in section 4. This is not confined to British subjects; it is applicable to people domiciled in Canada. Therefore a newcomer could take advantage of it. I do not see any objection to that.

Hon. Sir RICHARD CARTWRIGHT—I do not think we need bother about it.

Hon. Mr. FERGUSON—I am not offering it as an objection; at the same time I do not see why we should not admit British subjects who may be temporarily domiciled out of Canada.

Hon. Sir RICHARD CARTWRIGHT—I think we may admit them without being too strict; but it is better, in the first instance, to put in those words. We do not want to do business in the mother country. It is not a commercial speculation in the ordinary sense of the term; it is for the benefit of the people of Canada more particularly. —

Hon. Mr. McMULLEN—Do the government intend to take steps to induce parties to contribute to this fund; and if they do, by what method will they bring the scheme before the people so as to try to get them?

Hon. Sir RICHARD CARTWRIGHT—Of course this is rather a tentative measure, and we shall have to proceed with due caution; but I propose to appoint a Superintendent of Annuities, and I propose to appoint a moderate number of carefully selected lecturers, who can explain in a sort of

fashion in the various centers of population among the parties who are most desired to be benefitted, and, as I mentioned the other day, I have had communications from such persons as large employers of labour, and also certain clerical bodies, who think under this scheme they may make a very effective provision for pensioning off either their employees, or in the case of a clergyman, the clergymen connected with various denominations, and of course I shall have to communicate with the various savings bank depositors, at any rate with those in the government savings banks. I think there will be no particular difficulty in giving pretty wide publicity to the thing, and at a very moderate expense.

Hon. Mr. McMULLEN—In the meantime, you will have to pay the expenses of those agents.

Hon. Sir RICHARD CARTWRIGHT—I have asked for a vote of $25,000, which you will see in the estimates about to be submitted, and with a little more I shall perhaps be able to start the scheme fairly.

Hon. Mr. FERGUSON—I do not understand the portion of clause 4, 'for the sale to such person of an immediate or deferred annuity depending on a single life, or partly depending on a single life, and partly for a term of years certain.' How would it be possible to base an annuity on a life and on a term of years jointly?

Hon. Sir RICHARD CARTWRIGHT—This particular clause was drawn by the officers of the Finance Department. I think there will be no particular difficulty about it; it was meant more particularly to meet the case of husband and wife. You may sell an annuity if you like, if parties chose to buy it, for a short term of years as well as for a natural life; but we do not intend to encourage that.

Hon. Mr. FERGUSON—How can the annuity be based upon two contingencies?

Hon. Sir RICHARD CARTWRIGHT—We would have two annuities. It is rather a complicated thing, but it can be done.

Hon. Mr. COX—Suppose that a person commences to make annual payments, and after a number of years fails to continue payments, what would you do in that case?

Hon. Sir RICHARD CARTWRIGHT—What we do in such a case is this, and this is an important feature of the Bill: We do not propose any forfeiture at all under any circumstances. He will continue to be credited with all he has paid, and when the term at which he was to commence his annuity is reached, be it 55 or 65, the sum will be computed, and if there is enough to pay him $50 a year he will receive an annuity of $50 and upwards. If it is less than $50 the money will be returned to him.

Hon. Mr. COX—That provision is not in the Bill.

Hon. Sir RICHARD CARTWRIGHT—We have taken power to make regulations, and those regulations the hon. gentleman will see if he looks at paragraph 8. An annuity shall not be granted for less than $50. If we cannot grant him $50, his money will be returned. That will be provided for.

Hon. Mr. COX—There are a great many people who think they can make their annual payments, and fail in doing it.

Hon. Sir RICHARD CARTWRIGHT—I took particular notice of that, and one of the features in this Bill which, I think, will commend itself to the average wage earner, is that supposing they by stress of circumstances were obliged to suspend payment for 1, 2, 3, 4 or 5 years it would not operate as a forfeiture. They could resume at the end or leave the sum they had paid in accumulating, and when they became 60 or 65 they would either get an annuity or the money would be returned.

Hon. Mr. COX—That is a most important provision and I am glad now that it is in.

The clause was adopted.

On clause 5,

5. Such person may, by the payment at any time of a sum of not less than ten dollars, or by the payment of a stipulated sum periodically at fixed and definite intervals to any agent of the minister appointed under the provisions of this Act, purchase an annuity under the provisions thereof; Provided, however, so purchased shall be subject to the annuity so purchased shall be subject to the ter of section.

Hon. Sir RICHARD CARTWRIGHT—This has been introduced at the instance of the labour organizations. I thought it would have been sufficiently provided for under the general regulations.

The clause was adopted.

On clause 6, subclause 2,

2. Any society or association of persons, being a body corporate for fraternal, benevolent, religious or other lawful purposes, may contract with his Majesty, on behalf of such of its members as are domiciled in Canada for the sale to such members of annuities otherwise purchasable by them as individuals under this Act; and any sums of money necessary to the carrying out of this object may be paid by such society or association direct to the minister, or may be deposited in any Post Office Savings Bank, to be transferred by the Postmaster General to the minister.

Hon. Mr. COX—In that case, I suppose, a corporation or company purchasing annuities for their employees could not purchase more than $600 apiece ?

Hon. Sir RICHARD CARTWRIGHT—No, $600 is the limit for any single man.

Hon. Mr. FERGUSON—Although the society would pay half, $600 would still be the limit.

Hon. Sir RICHARD CARTWRIGHT—Yes.

The subclause was adopted.

On clause 7,

7. All contracts for the purchase of annuities shall be entered into in accordance with the values stated in tables prepared under regulations made pursuant to section 12, and for the time being in use.

Hon. Mr. COX—You leave it wide enough to take in any mortality table you like?

Hon. Sir RICHARD CARTWRIGHT—Yes. The maximum I calculated was 4 per cent. The calculations are based on a little smaller sum than the table, three and three-quarters per cent to four would be the maximum we would have.

Hon. Mr. COX—Have you decided on the mortality paper?

Hon. Sir RICHARD CARTWRIGHT—I am having tables prepared showing the expectations of life at the various ages. We shall probably take those used by the large insurance companies.

The clause was adopted.

On clause 8,

8. An annuity shall not be granted or issued in favour of any person other than the actual annuitant, nor for an amount less than fifty dollars or more than six hundred dollars a year; and the total amount payable by way of an annuity or annuities to any annuitant or to joint annuitants, or in the case of husband and wife to any two annuitants, shall not exceed six hundred dollars a year.

2. Except upon the occurrence of invalidity or disablement of an annuitant, no annuity shall be payable or paid to any annuitant unless he has reached the age of fifty-five years.

3. Any contract providing for an annuity to commence to be payable at any greater age then eighty years shall, as to purchase price, be subject to the same terms as if the age were exactly eighty years.

Hon. Mr. LOUGHEED—What do you mean by that section, that an annuity shall not be granted to any person other than the actual annuitant ? By clause 6 you provide otherwise.

Hon. Sir RICHARD CARTWRIGHT—Clause 6 has been interpolated by the labour associations, and I think we must interject after the words 'actual annuitant' the following : 'except as hereinbefore provided.'

Hon. Mr. FERGUSON—In clause 6, it is not proposed that the annuity shall go to any other person that the actual annuitant. In the case of the fraternal societies paying in, they are not the annuitants. I had an impression last year that this was a clause taken out of the New Zealand Bill for pensions, but I am not very sure.

Hon. Sir RICHARD CARTWRIGHT—We did not consider it would be very desirable in a general way that one party should be allowed to insure for another except under special conditions. Of course, in the majority of cases, the actual annuitant would be the party who pays the money.

Hon. Mr. FERGUSON—If it would read this way : 'Contributions for annuities shall not be received except from the actual annuitant, except as hereinbefore provided.'——

Hon. Sir RICHARD CARTWRIGHT—That is what I am inserting.

Clause 6 contemplates, particularly in the third subclause, joint payment by the employers and employees together.

Hon. Mr. FERGUSON—That refers to the payments; but the employee would become the annuitant whether payments were made by the society or not.

Hon. Sir RICHARD CARTWRIGHT—I am not quite satisfied about that. Supposing a church chooses to insure its clergyman, they would undoubtedly have to insert some such provision as this, that it would be in force so long as the clergyman continued a member of their church. If he were to leave their communion, I imagine it would be necessary to forfeit his annuity. There are two or three things of that kind that might occur in connection with clause 6, which I think would have to be provided for especially in the agreements made. My hon. friend would see it would be an unfair thing for a clergyman to insist on receiving an annuity after he has ceased to be connected with the congregation to which he originally belongs.

Hon. Mr. FERGUSON—And the same principle would apply in the case of an employee. Supposing he leaves the service of an employer who was providing an annuity for him.

Hon. Sir RICHARD CARTWRIGHT—For that reason, the words are inserted: 'And such agreement to be in the form provided by the minister.'

Hon. Mr. FERGUSON—My eye did not fall on any provision for invalidity or disablement.

Hon. Sir RICHARD CARTWRIGHT—Subclause 2 gives power in connection with 13 to make such allowance. I have my doubts about the wisdom of that; but the hon. gentleman thought it wise to insert such a provision, and I thought it was not worth while quarreling about. Of course it will be subject to the regulations laid down in clause 13.

Hon. Mr. FERGUSON—There will have to be something explanatory put in, because it does not fit into the Bill.

Hon. Sir RICHARD CARTWRIGHT—Yes, I am aware of that. I was not able to introduce it here; and I had to take what I could get. I am not altogether sure that the Commons have improved it; but that is what they sent up.

Hon. Mr. LOUGHEED—Will the hon. gentleman say where the provisions come in for the occurence of invalidity or disablement?

Hon. Sir RICHARD CARTWRIGHT—That would have to be done under the regulations given us in clause 13.

Hon. Mr. FERGUSON—Which of those?

Hon. Sir RICHARD CARTWRIGHT—There is a clause there which gives pretty considerably wide power for doing anything incidental to the foregoing matters, or necessary for the effectual execution and working of this Act, &c.

Hon. Mr. LOUGHEED—I doubt whether that would give such power. Clause 2 of section 8 seems to presuppose a previous provision dealing with disablement or invalidity where there is no clause of that kind in the Bill.

Hon. Sir RICHARD CARTWRIGHT—I thought clause 6 would do it; but if my hon. friend has doubts about it, I will consult the law department and at the third reading I may insert something to meet such a case.

As I say, I am not particularly wedded to this clause.

Hon. Mr. LOUGHEED—I think there should be a substantive clause giving the power to pass regulations.

Hon. Sir RICHARD CARTWRIGHT—It is a clause that is possibly subject to some abuse; but it is limited by clause 9 which gives the minister power to refuse a contract for an annuity.

Hon. Mr. LOUGHEED—Does this presuppose that the government will pass regulations dealing with accidents? It partakes of the nature of accident insurance.

Hon. Sir RICHARD CARTWRIGHT—Supposing a man had paid five or six hundred dollars, and at the age of 45 or 50 was suddenly disabled by accident, he might, in that case, be allowed to receive an annuity on strict business principles, of course, proportionate to the sum he had paid in. There would be no loss to the

country involved in it. There would be merely a departure from the rule to which I myself attach a good deal of importance, that we should keep this for old age annuities.

Hon. Mr. LOUGHEED—To have any intelligent knowledge of the Bill, there should be some well defined policy laid down by the government as to what they propose to do in case of disablement.

Hon. Sir RICHARD CARTWRIGHT—I do not particularly care for this clause. The Bill, as I had it here, was very considerably better and it contained no such clause; but the House of Commons, in their wisdom, have chosen to put it in, and I take it as they send it to me. There is no particular difficulty in paying the annuity, when the money has been paid for it, at forty-five instead of at fifty-five.

Hon. Mr. LOUGHEED—The difficulty I foresee lies in this, that so much importunity will be brought to bear on the government to meet all classes of contingencies that might arise, so that instead of being on a strictly business basis, it will largely partake of a political aspect.

Hon. Sir RICHARD CARTWRIGHT—No man will get more than the money that he had paid in will lawfully purchase. There will be no great danger of political pressure in that way.

Hon. Mr. LOUGHEED—If you have it provided specifically by statute, of course pressure that otherwise would be brought to bear on the government to amend the regulations from time to time will not take place. I simply throw out the suggestion.

Hon. Sir RICHARD CARTWRIGHT—I will consider that, but I think that the amount that would be received at these earlier ages is vastly smaller than the amount that would be received if the man continued to contribute up to the age of 55 or 60. My hon. friend can easily see that where you are dealing largely with a question dependent on compound interest and on continuous payments, and on the expectation of life, the amount any man would get at 40 or 45 would be much less than he would get at 60, so much less, that I do not think in most cases they would bother us very much.

Hon. Mr. FERGUSON—Without any disablement, at 55 a man who was not able to proceed with his payments would come in under the general provision that he could get his money back with three per cent interest.

Hon. Sir RICHARD CARTWRIGHT—I do not propose that the money shall be paid in any case except death.

Hon. Mr. FERGUSON—I thought my hon. friend explained, that in case a man was unable to continue payment.

Hon. Sir RICHARD CARTWRIGHT—If he died, his relatives would get the money. If he has not paid enough to entitle him to $50 he gets his money, but otherwise not.

Hon. Mr. FERGUSON—Inferentially, this clause means that on the occurrence of disablement, a person could begin to draw his annuity.

Hon. Sir RICHARD CARTWRIGHT—Not the annuity he would get at the later date, but the annuity which he had paid for.

Hon. Mr. FERGUSON—And that it would occur even at a younger age than 55—that is inferentially what this would mean.

Hon. Sir RICHARD CARTWRIGHT—Yes, it would mean that, but it would be a very small annuity he would get.

The clause was adopted.

Hon. Sir RICHARD CARTWRIGHT—I would suggest that another clause be added to clause 8, as follows ·

Provided always that nothing herein contained shall be construed as preventing corporations or employers of labour from entering into arrangements for procuring annuities to be paid to members as persons employed by them on such terms as may be agreed upon with the minister, being otherwise in conformity with the provisions of this Act.

The reason for that is, that it might be suposed under sub-clause 3 of clause 6 that employers of labour could only be allowed to purchase annuities in case of contribution from employees. This is to guard against that.

The amendment was agreed to.

On clause 9,

9. The minister may refuse to contract for an annuity in any case where he is of opinion that there are sufficient grounds for refusing so to do.

Hon. Mr. FERGUSON—Could my hon. friend suggest what would be a probable cause? I have been trying to think. Bad health would not be a cause that would be unfavourable to the government?

Hon. Sir RICHARD CARTWRIGHT—I do not think myself that this is likely to be called in. It would be probably merely in cases where we thought we saw there was an intention to defraud creditors. It is conceivable—and the thing is dealt with in clause 11—that a man on the verge of bankruptcy might be tempted to pay over five or six thousand dollars to buy an annuity for himself or his wife that could not be interfered with. That is the only cause I can think of that would come up.

The clause was adopted.

On clause 11.

Hon. Sir RICHARD CARTWRIGHT—This clause was drawn by the Department of Justice for the purpose of preventing fraud such as I have indicated to my hon. friend just now. I would be disposed to annex a sub-clause to this. My hon. friend opposite brought the matter up, but I had already considered it. As far as possible, it is desirable to avoid litigation over annuities granted by the government, and in all cases, even where possibly a serious fraud has been committed, action should be brought within a certain limited time, and I propose to add the following:

Provided always that no action shall be brought for the cancelment of an annuity granted under this Act after the lapse of two years from the time at which the payment complained of has been made.

With that proviso, clause 11 may go. The whole object is to guard against bankrupts availing themselves of the provision which makes these annuities unalienable. A man might, as I have said, on the verge of bankruptcy, make a large payment of money which properly belongs to his creditors. If he does that it is fraud. He could be punished for it under the common law as it stands; but the Department of Justice thought it expedient to put in this particular clause.

Hon. Mr. BEIQUE—I am afraid it will leave the door open to a good deal of fraud. It is only after the insolvency has occurred that the fraud is detected. We have in the province of Quebec a provision of that kind, but it is more flexible than this. The court is empowered, if it is found that the payments were made when the party making the payment was insolvent, to declare that the creditors shall get the benefit of the contract.

Hon. Sir RICHARD CARTWRIGHT—The object I had in view is this: we want particularly to reach the wage-earning portion of the community. I anticipate that very few large payments will be made en bloc for the purpose of obtaining annuities, but it is very desirable, as far as we can, to create the idea with the wage-earners that these government annuities cannot be disturbed under any pretence whatever. They are liable to take alarm if they suppose that they could be impugned for any cause. If we find there is any sort of disposition to take advantage of this, we can amend the Act; but in the first instance, while we are getting it under way, I desire as far as possible to convey the idea that the annuity is a thing which cannot be meddled with, in any shape or form, and I think a period of two years would give ample time to detect any rascality that might be practiced.

Hon. Mr. FERGUSON—I think it is quite long enough.

Hon. Mr. BEIQUE—As far as payments made by employees, but under this Act a person contemplating bankruptcy three or four years hence might be tempted to buy an annuity and pay for it with the money of his creditors, and I am afraid that the government will have a number of persons of that class purchasing annuities. I would invite the honourable gentleman to see the provision in the Quebec statutes. I would appreciate his making an exception for the class to which he has referred, that is payments made, not for the person himself, but for his employees. In that case, I think the provision of two years would be ample.

Hon. Mr. SULLIVAN—I do not think there should be any two years. The precau-

tions taken in advance ought to guard against fraud. You take extra precautions in selling these annuities. That should suffice to guard against any possible danger such as my hon. friend from De Salaberry has mentioned.

Hon. Mr. FERGUSON—I am not sure whether one year would not be enough.

Hon. Mr. COX—There is nothing to prevent any persons doing it with an ordinary company. If a man wishes to commit a fraud, he can buy an annuity from any annuity company.

Hon. Sir. RICHARD CARTWRIGHT—I would prefer to try it as it stands. I will note my hon. friend's objection, and if we find it is well grounded we can amend the law afterwards.

The clause was adopted.

On clause 12.

12. In the event of the death of an annuitant before the time at which an annuity becomes payable to him, all moneys paid by him in consideration of the annuity shall be paid to his heirs, with interest thereon at the rate of three per cent per annum, compounded yearly, and the provisions of section 9 shall apply to the said moneys.

Hon. Mr. BEIQUE—I am not sure that this should not be modified by reason of sub-clause 2 of clause 8, which is as follows :—

2. Except upon the occurrence of invalidity or disablement of an annuitant, no annuity shall be payable or paid to any annuitant unless he has reached the age of fifty-five years.

Of course he will receive much less than if the annuity was paid only at the age of 55. Now clause 12, I am afraid, is not flexible enough to provide for the operation of the Act.

Hon. Sir RICHARD CARTWRIGHT—If a man receives his annuity, nothing will be paid to his heirs. It is only in case of his death that it will be paid to his heirs.

The clause was adopted.

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

The Bill was then read the third time and passed.

BOUNTIES ON CRUDE PETROLEUM BILL.

SECOND AND THIRD READING.

Hon. Mr. SCOTT moved the second reading of Bill (191) An Act to provide for the payment of bounties on crude petroleum. He said: We have at present a statute which authorizes a payment of bounties on oil. It is now suggested that it should be enlarged in order that if oil can be extracted from the shale formation in the maritime provinces that oil should also be considered to come under the statute. That is the whole object of the Bill.

Hon. Mr. LOUGHEED—Can my hon. friend say if this is purely experimental, or have they been extracting oil from shale?

Hon. Mr. DOMVILLE—In New Brunswick some 50 or 60 years ago in Albert county, in what is called the Cumberland range, there were very extensive works established, refineries for making this oil from shale. When the cheaper oil came into vogue in the United States, they had to abandon their works, because their oil, though of very fine quality, could not compete with the cheaper oils imported from the United States. If they get some assistance in the way the Bill proposes, they can put up works at once and produce from that shale an oil that will compete with foreign oil. I may say that the quantity is unlimited.

Hon. Mr. LOUGHEED—To what extent have they been securing oil at the place my hon. friend mentioned?

Hon. Mr. DOMVILLE—Those works were started by a company long ago. I should think 60 years ago.

Hon. Mr. LOUGHEED—Are they still at it?

Hon. Mr. DOMVILLE—No, they abandoned the work because they could not compete with the United States oil. It was a first-class oil.

Hon. Mr. SULLIVAN—Have you any samples of the shale?

Hon. Mr. DOMVILLE—No, I have none.

Hon. Mr. FORGET—What sort of oil is it?

Hon. Mr. DOMVILLE—Mineral oil, lubricating and burning oil as well, and in any quantity and I think that is an excellent idea because I believe the industry will start at once, and will endeavour to compete with foreign oil. I may say I am not personally interested in one way or the other.

Hon. Mr. McSWEENEY—I think that Dr. Ells, of the Geological Department, if he has not already gone to Scotland, is about going, to look into how they manufacture the oil there, and they expect in the near future to get a report from him.

Hon. Mr. FORGET—That is the only place in New Brunswick where this oil is?

Hon. Mr. DOMVILLE—No, it runs right through the country to St. John, you may say, but the great mass of it is in the Cumberland range of mountains.

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.)

Hon. Mr. LOUGHEED—Was this the bounty payable under the Act of 1904?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform the House what quantity of oil is produced from a ton of shale?

Hon. Mr. SCOTT—We have no positive evidence at all. It is not considered fair that if they can produce oil in New Brunswick that we should not give them the same bounty. It was said many years ago that they could produce it. Possibly they may have some modern machinery that will enable them to abstract it. It is put on the same plane as the other qualities.

Hon. Sir MACKENZIE BOWELL—What percentage of oil is taken from, say a ton of this shale, or how is it produced?

Hon. Mr. DOMVILLE—I do not know. One could find out in the library. I only know the fact that it exists.

Hon. Sir MACKENZIE BOWELL—The reason for this was very well understood by the hon. gentleman who has just spoken. This is to extend the same bounty system to the production of oil from shale as they now pay to the flowing wells. There is no objection to it, because it is another advance in the principle of protection, and I congratulate the government on the fact that they are being rapidly educated to a proper economic system of trade.

Hon. Mr. ROSS (Halifax)—This is always prospective. When the oil wells in Ontario dry up, then they will come down to New Brunswick and manufacture oil from our shale, which was done before the discovery of oil in the United States. I remember that oil, and I have used it in my own house in my early recollection. It is a fine illuminating oil.

Hon. Sir MACKENZIE BOWELL—That is one of the advantages of confederation. When our oil wells dry up we will come and get some from you.

Hon. Mr. LOUGHEED—I fail to understand why my hon. friend confined this bounty to oil from shale.

Hon. Mr. SCOTT—It says: 'From shale or other substances, made in Canada.'

Hon. Mr. WILSON—I should like to know from the promoter of the Bill, if the owner of the land will stand in the same position as the producer to receive his proportionate share of the bounty? Under an amendment of two years ago, power was placed in the hands of the Governor in Council that they could compel the producer who received the bounty from the government to grant the owner of the land his proportionate share of the bounty, and I wish to know whether this will weaken their claim in any particular?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. WILSON—So that they will have the same rights and privileges in the future to their proportionate share of the bounty. As a rule, the producers go to the owners and offer them a certain ratio, say one-eighth of the oil produced. Then the farmer is considered entitled to his proportionate share of the bounty. Before, the farmer received none of the bounty, and when they did grant the bounty it depreciated the price paid for crude oil and thereby the farmer was deprived of a con-

siderable source of revenue. What I want is that the farmer may be protected in this matter in the same way as he was under the order in council.

Hon. Mr. ROSS (Halifax)—In this case, the shale would not belong to the farmer. The minerals below the surface are not owned by the owner of the land in Nova Scotia.

Hon. Mr. DOMVILLE—That shale I speak of, which is all we know about at present, is owned by the Crown, and the Crown leases it on a royalty.

Hon. Mr. WILSON—The bounty does not belong to the farmer. Unless there be a provision made whereby the farmer can get his proportionate share of the bounty of each find; his crude oil is not as valuable as it was before, and he thereby loses a certain amount on each and every barrel of crude oil. I think there was a Bill passed two years ago placing the farmer in the same position in relation to the bounty as the producer, and if that be the case, and if it is so stated here, it would be covered——

Hon. Mr. SCOTT—The clause reads:

The said bounty to be paid to the producer of the petroleum or to such other person interested as the Governor in Council by regulation approves.

That covers it completely.

Hon. Mr. WILSON—That may embrace what I desire, but if it does not embrace it I want to call the attention of the minister to the fact in order that the farmer may have his just rights in the matter.

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

The Bill was then read the third time and passed.

SALARY OF SUPERINTENDENT OF INSURANCE BILL.

FIRST, SECOND AND THIRD READINGS.

Hon. Mr. SCOTT introduced Bill B 'An Act respecting the salary of the Superintendent of Insurance.'

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: This authorizes the payment to the Superintendent of Insurance of $5,000 a year, putting him on a par with the other deputies. I may say that the cost of the Insurance Department is paid by the various companies. They are assessed for the expenses of management in the Department of Finance of that branch. Practically, it does not come out of the public money.

Hon. Sir MACKENZIE BOWELL—Are these increases which are proposed in the salaries of the Superintendent of Insurance and of the Auditor General being made at the present time so as to have them take effect before the new Civil Service Act comes into operation?

Hon. Mr. SCOTT—No, not before.

Hon. Sir MACKENZIE BOWELL—If they remain until after, if I understand the provisions of that Act, they cannot be dealt with, except by the commissioners.

Hon. Mr. SCOTT—The Act would not give it now to Mr. Fitzgerald, because he is not head of the department. It is a branch of the Finance Department.

Hon. Mr. LOUGHEED—Are those gentlemen not included in the Act as we have it?

Hon. Mr. SCOTT—No, the $5,000 applies to the deputy heads of departments. The insurance branch of the Finance Department can scarcely be called a department of its own.

Hon. Sir MACKENZIE BOWELL—The Civil Service Act makes them equal to the deputy head, and declares that they occupy a position similar to that.

Hon. Mr. COX—It has not any bearing on this question; but may I ask if there are any other institutions which are assessed the same as the insurance companies?

Hon. Mr. SCOTT—I am not aware. I understand the insurance companies are assessed for the running of that branch.

Hon. Mr. COX—The superintendence of banking is paid for by the government. Why not the superintendence of insurance also?

Hon. Mr. SCOTT—I do not know; the regulations were made some time ago.

Hon. Mr. COX—I think the other institutions should be made to pay the same as insurance companies, or the insurance companies should be released.

Hon. Mr. SCOTT—It is not a very serious matter.

Hon. Sir MACKENZIE BOWELL—I remember when this branch of the service was established. My hon. friend remembers it also, and at that period the insurance companies agreed with the government to allow themselves to be assessed to pay the expenses of the office; but I quite agree with the hon. gentleman who has just spoken; why should they be taxed to pay the expenses of the department any more than any other company, the banks, for instance, or any other corporation where an inspector is appointed to look after and inspect their business. It is a question well worthy of the government's consideration. There is one thing certain, the greater the tax put upon the insurance companies, and the more they have to pay, whether it be directly or indirectly, the more it adds to the expense of carrying on the company and that must of necessity proportionately come out of the policy-holders.

Hon. Mr. SCOTT—It is a small matter, and not worth while discussing. We cannot make any change.

Hon. Mr. COX—It is $20,000 a year.

Hon. Mr. SCOTT—I will call the attention of the Minister of Finance to it.

The motion was agreed to, and the Bill passed through its final stages under a suspension of the rule.

TELEGRAPHIC SERVICE TO GREAT BRITAIN BILL.

SECOND READING.

Hon. Mr. SCOTT—Moved the second reading of Bill (201) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian Press.

He said: For some years a subsidy of $50.000 has been paid to a company to supply the newspaper press of Canada with European news. The grant terminates the present year. The people who are engaged in the business, the press of the country, have pressed the government to continue it for a couple of years longer. They say that the service is not self-sustaining, and they have asked to have it continued. It is being continued but at a less sum. This Bill provides that for the year ending March next the sum should be $9,000 and for the fiscal year terminating on the 31st March, 1910, it shall be $12,000, and then for the next year $3,000.

Hon. Mr. LOUGHEED—This Bill has not been distributed, and I think we might let it stand until it is distributed.

The order was allowed to stand.

SOURIS BRANCH LINE OF THE PRINCE EDWARD RAILWAY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (202) An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony, on the Souris branch, to Elmira.

Hon. Mr. LOUGHEED—Is that the Bill to insure the return of government members in Prince Edward Island?

Hon. Mr. ROSS (Halifax)—The more you do for Prince Edward Island in money matters the greater opposition the government receives in the country.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman speaks from experience, he obtained $100,000 for his small constituency, and then they would not nominate him, so that he knows what he is talking about.

Hon. Mr. FERGUSON—We heard some person say that the Liberals never kept any of thier promises; but perhaps my hon. friend will feel obliged to me if I point out an instance where a promise has been kept, perhaps a little tardily. I attended a meeting at Elmira during the last election, the first meeting held in Kings county when the government candidate promised the railway, and if he did not get it in one year he would never ask the people to vote for him again. This is the fourth session, and he will be able to go back and tell the people "Well I did not get it in a year, but I got it."

Hon. Mr. LOUGHEED—It does not follow that the government will build this railway because it has been put in the estimates.

Hon. Mr. SCOTT—How long is the road?

Hon. Mr. ROBERTSON—Thirteen miles.

Hon. Sir MACKENZIE BOWELL—Can the hon. Secretary of State tell what it will cost?

Hon. Mr. SCOTT—I could not. Perhaps some hon. gentleman will know. It is a pretty level country.

Hon. Mr. ROSS (Middlesex)—It was stated in the House that it would cost $400,000—about $30,000 a mile.

Hon. Mr. LOUGHEED—According to our experience, that would be $60,000. You double the government estimate.

Hon. Mr. FERGUSON—There is only $30,000 voted towards it. I may say that I have been over the ground very often, and it is as near a dead level for that distance as I can imagine.

Hon. Mr. DOMVILLE—How crooked will it be?

Hon. Mr. FERGUSON—I do not know where they get 13 miles. Ten miles is very much nearer. It is through the centre of an absolutely level country. There is scarcely a roll in that distance.

Hon. Sir MACKENZIE BOWELL—An absolutely level road, equal to the prairie, is to cost $30,000 a mile.

Hon. Mr. ROSS (Halifax)—No.

Hon. Sir MACKENZIE BOWELL—If it is only 13 miles and is to cost $400,000 that is a large sum.

Hon. Mr. LOUGHEED—I think my hon. friend from Belleville need not be uneasy about it, because the government will see that it will cost that.

Hon. Mr. FERGUSON—There must be over-classification before it will cost that.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman assure the House that this road will be commenced before the general election, because I intend to call the attention of the House to the fact that for the province of Nova Scotia alone, in the last supplementary estimates submitted to parliament, there were no less than 142 appropriations for harbours and wharfs and ditches and all that sort of thing.

Hon. Mr. SCOTT—Some of them $500 each.

Hon. Sir MACKENZIE BOWELL—They run from $500 to three or ten thousand dollars each. I suppose we are to understand that the different constituencies can be bought for that price?

Hon. Mr. DOMVILLE—They will not require to be built a second time.

Hon. M. ROSS (Halifax)—A good many of those items are renewals of former grants.

Hon. Sir MACKENZIE BOWELL—And unless the elections come on they will be allowed to lapse.

The SPEAKER—I would draw the hon. gentleman's attention to the Bill which is before the House.

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

TELEGRAPHIC NEWS SERVICE FROM GREAT BRITAIN BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (201) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian press. He said: Some years ago a susbsidy was granted to a concern in London, England, for the purpose of gathering and sending news to the Canadian press. The grant for some years was $15,000 a year. It ran out this year and they pressed to have it continued for three years longer. This Bill proposes to take authority from parliament to comply with their request. The first year the sum of $9,000 is to be paid, the next year $12,000, and the following $3,000.

Hon. Mr. LOUGHEED—Why the rapid ascent from nine to twelve thousand, and the more rapid descent from twelve to three thousand?

Hon. Mr. SCOTT—The presumption is they ought to be able to make it self-sustaining, that we ought to assist the papers until it is on that basis, and it is proposed to continue the subsidy three years longer.

Hon. Mr. LOUGHEED—It is scarcely probable that they will do that if they can assess the government.

The motion was agreed to, and the Bill passed through its final stages.

OFFICE OF THE AUDITOR GENERAL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (208) An Act respecting the salary of the Auditor General. He said: This Bill is for the purpose of recognizing the payment of $5,000 a year to the Auditor General.

Hon. Mr. FERGUSON—It only changes the salary.

Hon. Mr. SCOTT—That is all.

Hon. Mr. LOUGHEED—Was there not a distinct refusal to increase the salary of the late Auditor General, leading up to his resignation? Can my hon. friend give us information on that?

Hon. Mr. SCOTT—No more than it has been represented that during the last year the cost of living has increased perceptibly, and when the government came to the conclusion that the deputy heads should be paid $5,000 each, they included the Auditor General. In Mr. McDougal's time the Auditor General was paid on a par with the deputy heads, except in three of the departments where the deputy heads were paid extra amounts.

Hon. Mr. FERGUSON—My recollection of what led to the resignation of the late Auditor General is that he asked the government to make some amendments to the Audit Act to enable him to discharge his duties efficiently, and when the government refused to make those changes, he asked for superannuation. I do not remember that Mr. McDougal ever pressed for an increase of salary. I do not think we have had the amendments to the Audit Act for which Mr. McDougal asked, and in view of the immense expenditures going on now, there ought to be every facility given the Auditor General to investigate.

Hon. Sir MACKENZIE BOWELL—My hon. friend from Marshfield is quite correct, but he did not go quite far enough. A Bill was introduced in the House of Commons amending the present Audit Act, depriving the Auditor General of certain powers which he had under that Act, and which he was exercising in refusing to pay certain demands which he contended were contrary to law. He asked to have the Audit Act so amended that he could prevent what he indicated in as plain language as possible, were frauds upon the revenue, and under those circumstances he had a row with the government, which resulted in his resignation. The late Auditor General was one of the hardest working deputy heads in the service of the government. So assiduous was he in the performance of his duties, that he ran amuck against the heads of the different departments and to such an extent that the present government made it so uncomfortable for him that rather than continue in his position with the restrictions placed upon him, and the attempts to deprive him of his powers under the Audit Act, he resigned his office. I do not know that the present Auditor General devotes as much time to the performance of his duties under the Audit Act as his predecessor did, if he does, he richly deserves the advanced salary proposed to be given him.

The motion was agreed to and the Bill passed through its final stages.

MANUFACTURE AND SALE OF OPIUM PROHIBITION BILL.

FIRST READING.

A message was received from the House of Commons with Bill (205) An Act to prohibit the importation, manufacture and sale of opium for other than medicinal purposes.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow afternoon. He said: Hon. gentlemen are aware that in the province of British Columbia the opium trade has become a very important part of the business of two cities there, and large amounts are being invested in it from year to year, and a good deal of opium is being smuggled from that province into the United States. An attempt is being made in nearly all the civilized countries of the world to stamp out the opium trade. Recently it was stopped in Ceylon and one or two other British colonies, and in Sumatra. It is on the strength of the report of Mr. McKenzie-King, who has been inquiring into the opium trade in

Vancouver and Victoria, that this Bill has been introduced.

Hon. Mr. LOUGHEED—What provision, if any, has been made to give sufficient time to dispose of opium in stock?

Hon. Mr. SCOTT—They will have to take it out of the country. It will not do to let the trade go on here.

Hon. Mr. LOUGHEED—Does the Act come into force by proclamation?

Hon. Mr. SCOTT—It comes into force as soon as it is assented to.

Hon. Sir MACKENZIE BOWELL—There is a good deal of sentiment on this question, and it has been dealt with by several countries. The history of it, as far as Canada is concerned, is one of some interest; but until we see what the provisions of the Bill are, I am not in a position to deal with it.

Hon. Mr. LOUGHEED—What revenue has the government been deriving from the importation of opium?

Hon. Mr. SCOTT—I will find out the amount and mention it to-morrow.

Hon. Mr. FERGUSON—I suppose the object of the Bill is to suppress opium dens?

Hon. Mr. SCOTT—The only question is whether we ought to give time for the disposal of stock on hand. That has been discussed very often in other countries. It is felt that the opium trade is a great evil, that it is destroying body and soul of people addicted to the use of the drug. The habit is making great headway in British Columbia. Numbers of the white population, some of them women, frequent the opium dens and are under the influence of opium for days together. Nothing could be more degrading and destructive to morality than the existence of such an evil, and, therefore, it is not a drug that you can give time to those in the trade to dispose of. They want a number of years; they say it will take some years to get rid of their stock, but we could never dream of allowing anything of that kind. It would be compromising with a trade that is now condemned throughout the Christian world.

Hon. Mr. LOUGHEED—The government has been a consenting party to the importation of opium, and has been deriving a revenue from the trade.

Hon. Mr. SCOTT—I do not know when it began, but it is very degrading altogether. It should never have been allowed. They are smuggling it into the United States, and our neighbours are very indignant at our tolerating it.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Wednesday, July 15, 1908.

FIRST DISTINCT SITTING.

The SPEAKER took the Chair at Eleven o'clock.

Prayers and routine proceedings.

PENSION OF INTERCOLONIAL RAILWAY EMPLOYEES.

INQUIRY.

Hon. Mr. McSWEENEY inquired:

1. How many Intercolonial Railway employees have been pensioned under the provisions of the Provident Fund?
2. Their names and the amount granted each one since the first of January, 1908?
3. Also, the number of applicants for pensions since the first day of January, 1908?

Hon. Mr. SCOTT—The answer given me is as follows:

To No. 1 Intercolonial Railway employees	162
Prince Edward Island Railway employees	12
Total	174

To No. 2 the list of the names and the amount of the retiring allowance in each case is attached.

As to No. 3, the answer is 45. I have a list of the names which I shall hand to the hon. gentleman to see what he wants done with it.

ACCUSATIONS AGAINST J. McGOVERN.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Is it true that the government has ordered an inquiry into the conduct of Mr. J. McGovern, foreman of the Intercolonial Railway between Lévis and Rivière du Loup ?

2. Has this inquiry been ordered as the result of grave accusations of peculation brought against this employee ?

3. What is the precise nature of the accusations the truth of which the commissioner holding the inquiry has been ordered to find out ?

4. Who has been appointed commissioner to hold the inquiry ? Is it Mr. T. C. Burpee, of Moncton ? If not, who ?

5. When was the appointment made, and when is the inquiry to commence ?

Hon. Mr. SCOTT—I have an answer, not as to the question as put now, but as it was put a day or two ago.

The information asked for in these questions may be embodied in one reply : Mr. Burpee, engineer of maintenance and ways of the Intercolonial Railway, investigated certain complaints made concerning Mr. McGovern some time ago, and as a result of his report the management of the road have been asked to make certain changes in the staff.

Hon. Mr. LANDRY—I suppose we have only a deduction to make from that answer. Has this inquiry been ordered as the result of grave accusations of peculation? Is it out of order to ask that question?

Hon. Mr. SCOTT—I do not think it is. I do not know any reason why it should be out of order.

Hon. Mr. LANDRY—The hon. gentleman means that it is in order?

Hon. Mr. SCOTT—That is my off-hand opinion. I have not had much time to form an opinion.

Hon. Mr. LANDRY—And when we agree that that question is in order, could we not agree that it is convenient that an answer should be given to that very orderly question.

Hon. Mr. SCOTT—There are no more than twenty-four hours of my life each day, and the larger portion, leaving very little, is given to the public business, and I cannot possibly be expected to do everything. It was after 12 when I went to bed last night, and between 4 and 5 o'clock this morning when I awakened.

Hon. Mr. LANDRY—I was not under a wrong impression when I thought it was a public matter. It is not a private matter. It is not for myself I want it.

Hon. Mr. CHOQUETTE—Stands until next session.

Hon. Mr. LANDRY—No, we shall not prorogue before I get an answer to that question.

The SPEAKER—The question has been partially answered. The hon. gentleman could put another question.

Hon. Mr. LANDRY—I think I will take out of this question all that has been answered, so that it shall not appear so formidable when it comes back, and, with the good will of the minister I may obtain an answer. The minister is doing all he can to get those answers, but I think there is a man in the department, who, under the false pretense of playing me a trick, is doing an injury to the minister. He stands against the minister's will, because I know that the hon. gentleman would do all he possibly could to give me proper answers, but that man does not answer. I will put my question in a milder form and will try to get round the difficulty. If we cannot get it the front way, we shall have to make a flank movement.

DELAYED RETURNS.

INQUIRY.

Hon. Mr. LANDRY rose to inquire when does the government think it will be able to lay on the Table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned:

(a) The statement indicating the amounts spent on the Deschambault wharf—4th February ?

(b) The correspondence exchanged between the Department of Militia and Lt.-Col. Davidson re the later's dismissal and the promotion of Sir Henry Pellatt to the rank of colonel—14th February ?

(c) The details asked for on the subject of the additional subscription of $200,000 to the capital stock of the Quebec Bridge and Railway Company—29th January ?

(d) The statement showing what was the daily pay of the soldiers of the Company No. 2 of the Ottawa Field Battery in 1865 and 1866—17th March ?

He said: I would ask that paragraph C be omitted, because I have received the details asked for in that case. Perhaps the hon. member has the last one from the Militia Department?

Hon. Mr. SCOTT—In reference to that, I asked the official particularly charged with that matter—wrote a private note to the deputy minister asking if he would not send one of the officials of the department to the hon. gentleman's room here.

Hon. Mr. LANDRY—I saw the official yesterday, and he said the information would be given this morning.

Hon. Mr. SCOTT—He has not given it to me yet.

Hon. Mr. LANDRY—We shall give him a little more time. I will let the notice stand until to-morrow morning.

THE ELECTORAL LISTS IN QUEBEC.

INQUIRY.

Hon. Mr. LANDRY rose to inquire:

1. Are there any electoral lists which, although in force, have not yet been sent to the Clerk of the Crown in Chancery, according to the requirements of section 12 of chapter 6 of the Revised Statutes of Canada, 1906 ?

2. Which are the municipalities, in the province of Quebec, which have not yet conformed with this requirement of the law ? Either with regard to the electoral lists themselves, or with regard to the changes made thereto by the revision required by law ?

Hon. Mr. SCOTT—I have only seen that now.

Hon. Mr. LANDRY—That is one of the inconveniences resulting from not having the orders of the day printed.

Hon. Mr. SCOTT—We cannot do any more. The Bureau is working night and day. The electoral lists are, under the law, sent regularly, when they are revised, to the Clerk of the Crown in Chancery.

Hon. Mr. LANDRY—All I want to know is, if those lists have been sent?

The notice was allowed to stand.

PRISONERS ON PAROLE.

INQUIRY.

Hon. Mr. LANDRY inquired:

What has been the number of prisoners in penitentiaries liberated on parole during each year since the government has exercised that power ?

Hon. Mr. SCOTT—The number is as follows:

1899-1900	71
1900-1901	122
1901-1902	157
1902-1903	113
1903-1904	122
1904-1905	126
1905-1906	179
1906-1907	157
1907-1908	215

RAILWAY CROSSINGS.

INQUIRY.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to direct my hon. friend's attention once more to a return which I moved for on the 27th of March last with regard to railway crossings. I presume this is the last reference I am going to make to it. A partial statement was brought down covering 66 crossings and the remainder was promised later on. I do not expect to get it. My hon. friend may try, but I think he will not get it. My object in moving for it was simply to give the Railway Commission officials an opportunity of verifying the statements they had made before our committee. They have made a return sufficient to show that their statements were inaccurate, and I am satisfied they are not supplying the balance because they know they are in a hole.

DOMINION LANDS ACT AMENDMENT BILL.

SECOND READING.

The order of the day being called :

Second reading Bill (181) An Act to consolidate and amend the Acts respecting the public lands of the Dominion.—(Hon. Mr. Scott.)

Hon. Mr. LANDRY—I object to proceeding with this Bill until it is distributed.

Hon. Mr. SCOTT—It was distributed yesterday.

Hon. Mr. LANDRY—I have not seen the French copy.

Hon. Mr. SCOTT—I presume that for the second reading there will be no difficulty in using the English edition.

Hon. Mr. LANDRY—The Bill should be printed in both languages.

Hon. Mr. SCOTT—I presume my hon. friend will not take that objection.

Hon. Mr. LANDRY—I certainly shall. I have frequently waived the objection for the sake of harmony.

Hon. Mr. SCOTT—It is the first time I have known such an objection to be taken, where superhuman efforts have been made to advance the work. This Bill was printed in both languages and distributed last session, but was held over because it was so voluminous. It was introduced this session, and some few changes were made in the House of Commons. It necessarily had to go through the French channel again and be re-printed. The Bureau is not quite equal to all the labour pressed on it at the end of the session, and some allowance must be made for the circumstances. You cannot have a double force towards the close of the session without very greatly increasing the expense.

Hon. Mr. LANDRY—I admit there is no fault on the part of the officials of this House, but we are face to face with a condition of affairs which I wish to see ended. If they are not able in the House of Commons to translate and furnish us with the Bills as they are sent to us, I want to find where the fault lies, and I shall certainly insist on my objection. We have only received now the copies in French of the journals of two years ago. It is time this delay was at an end. I do not say there is fault on the part of the minister or the government, but there is fault somewhere, and I want to find where it is.

Hon. Mr. SCOTT—It is simply because there is not staff enough. It is a question of money. Surely we ought to exercise a little common sense in dealing with a subject of this kind. I am happy to recognize the fact that the hon. gentleman, and all of his nationality in this House, can speak the two languages. In that respect they have the advantage of us, and they ought to be satisfied from the national standpoint if the Bill is printed in French later on. The hon. gentleman understands English as well as French, and, therefore, it is not fair to block the public business of the country for an objection that is not really worthy of the hon. gentleman simply because, towards the end of the session, it becomes practically impossible to keep up with the work unless you quadruple your staff. The force is at work all the time, but they cannot keep up with the work at this period. Of course we can extend the session another week and wait for the translation if hon. gentlemen think that is best.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman tells us this Bill was printed and circulated last session—that is twelve months ago. What have the officials been doing for twelve months that they were not able to have the Bill laid before parliament until we had been in session six or seven months, and now they ask us to suspend all the rules and the constitution itself in order to enable them to rush a Bill of 104 clauses through parliament in about 104 minutes. That is about our position.

Hon. Mr. SCOTT—The Bill was reprinted this session with very voluminous notes explaining the changes that were made in the law as it stands. There are very voluminous notes for the information of every one. In the House of Commons, there were certain changes to which I shall be very glad to call attention when the House is in committee, so that hon. gentlemen will be thoroughly seized of the amendments to the law as it has existed in past years.

Hon. Mr. LOUGHEED—Can my hon. friend lay upon the table the information when I asked for yesterday with reference to the area that it is proposed to throw open to homestead pre-emption ?

Hon. Mr. SCOTT—I have a memo of it.

Hon. Mr. LOUGHEED—That information might be interesting to the House during the period while the translation into French is being completed.

Hon. Mr. SCOTT—There are 28,000,000 acres in the area; commencing some distance west of Moosejaw extending to a point some distance east of Calgary on the Canadian Pacific Railway and from the international boundary to township 44. Within that area only are the duplicate homesteads issued under this Bill. In the Bill of last year it was general—no restriction; now the duplicate homesteads with the right to re-purchase 160 acres are limited to the area I have described.

Hon. Mr. LOUGHEED—There will be 28,000,000 acres available for pre-emption, or available for homestead and pre-emption —which is it?

Hon. Mr. SCOTT—That is the full amount in the area I have described.

Hon. Mr. LOUGHEED—That does not apply only to the pre-emption ?

Hon. Mr. SCOTT—No, there is a pre-emption outside of that.

Hon. Mr. WATSON—No, that is the total area of land available for homestead.

Hon. Mr. SCOTT—I think not.

Hon. Mr. LOUGHEED—The law, as it stands to-day, permits of homestead entries being made on surveyed even numbered sections. Consequently, the substantial amendment to the Act lies in reviving the old pre-emptive right of the settler, and making provision for lands that may be taken up for that purpose. I want to know the area of land that will be available for pre-emption as distinguished from homestead?

Hon. Mr. SCOTT—Probably if I just read the figures the hon. gentlemen will understand. The area alloted to the railways, the odd numbered section, amounts to 32.000.000 acres, and about the same number, 31,000,000 to 32,000,000, have been taken up as homesteads and disposed of. The total area of good lands was estimated at 170,000,000 acres, and from that you will deduct 64,000,000, being 32,000,000 taken up on account of the railways, and 32,-000,000 taken up or supplied as homesteads. The area in the part under which present homesteaders have the right to make a second homestead and to buy the adjoining lot, is limited, as I said before, to the area I described just now. In that area there are 28,000,000 acres and the homesteaders can now settle on either the odd or even numbers. I think I have answered the question of the hon. leader of the opposition. I think that is the usual courtesy.

Hon. Mr. LANDRY—I ask very many questions and never get an answer.

Hon. Mr. WATSON—Better get the leader of the opposition to ask them.

Hon. Mr. SCOTT—Does the hon. gentleman persist in his objection ?

Hon. Mr. LANDRY—Certainly I do.

MAJOR'S HILL PARK BILL

THIRD READING.

The House resolved itself into a Committee of the Whole House on Bill (89) An Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill Park, in the city of Ottawa, as a hotel site.

(In the Committee.)

Hon. Mr. LOUGHEED—Can my hon. friend say at the moment what the restriction referred to in the Ordnance and Admiralty Land Act in the preamble of the Bill, where it says, 'And subject to the restrictions with regard to the sale thereof prescribed by said Act.' Those lands were handed over to Canada by the imperial government.

Hon. Mr. SCOTT—No, they were reserved by Canada. At the time they were taken over by the Ordnance Department, they were divided into two sections. One was open for sale, for instance all lower town was held open for sale; then there were certain lands, such as the land we are on now, the park and Nepean Point, reserved for military purposes.

Hon. Sir MACKENZIE BOWELL—Is not the reservation to which my hon. friend

refers that the imperial government can, if they think proper in case of necessity, or war, re-assume all this property?

Hon. Mr. SCOTT—Oh no, no, no; no reservation of that kind.

Hon. Sir MACKENZIE BOWELL—This property belonged to the imperial government at one time. It was handed over, when all these ordnance lands were handed over, to the government of Canada under certain conditions. I do not think it amounts to anything, but I am under the impression that that is the reservation to which the Bill refers. Apart from that, I do not know that there is anything to be gained by a discussion upon this question, because I take it for granted the House will pass the Bill before us. I simply rise for the purpose of entering my protest against the alienation of any portion of that park property for hotel purposes, for the reasons which have been advanced by others. Most of us will remember—I am quite sure my hon. friend will remember—the time when that property was handed over to the city of Ottawa for park purposes, conditional that they would keep it in a state of, shall I say repair, or at least that they would keep it in a state that will be a credit to the city. When the government came back to power in 1878, or shortly afterwards, they re-assumed the ownership of that property on account of the state in which they found it. If my recollection serves me, I think the hon. gentleman from Wellington took exception to that at the time, as incurring a large liability upon the Dominion which should be paid by the corporation of the city of Ottawa, for the reason that it became a part of the city. I need not enter into the history of it further. We know what took place since that time; tens of thousands of dollars have been spent in the beautifying of the park and in the erection of buildings for the purpose of cultivating flowers and so on. Subsequently, the policy enunciated by the Prime Minister, that Ottawa should be made the Washington of the North, induced the government, and parliament sustained it, to loan or advance a very large amount of money, running up, I think, nearly to a million dollars, in order to beautify this city, not only the park but other portions of the city to make it a credit to the Dominion. I am not aware that the opposition or any one took any serious objection to that course; but now when you have it in an attractive condition you alienate the best and most conspicuous part of the park for hotel purposes. When the hotel is constructed on the site which they have obtained I have no doubt it will be a credit, so far as the architecture of the building is concerned, yet you make the whole of the rear part of the park a playground for the benefit of the hotel. It will be nothing more nor less than just a back yard to the hotel. I think it is a policy that ought not to be adopted, and the city of Ottawa should have taken stronger grounds than they did in order to prevent the alienation of any portion of it.

Hon. Mr. FROST—I am just afraid our hon. friends of the opposition do not quite understand the position of the Ottawa Improvement Commission in respect to this very part of the city. Major's Hill Park will not be used as a playground for the guests of the hotel; the park is there for the whole city, and the Ottawa Improvement Commission, apart from the exact site upon which the hotel will stand, can close the park. It is under their control, and will always be so, as long as the Ottawa Improvement Commission exists. The money which is to be paid for the hotel site by the Grand Trunk Railway is to be expended to extend the park on down to Nepean Point and to create another driveway, which will run not only through the city, but through the country, and I am satisfied that when these improvements are completed by the commission, not only will the Senate of Canada, but I believe the whole Dominion will be proud of it, as they are proud to-day of the work that has already been accomplished by that commission. We might just as well say that the driveway along the canal is the back yard of the houses that are adjoining or abutting on to the parkway, as to say that the Major's Hill Park is to be made the back yard of the hotel. We have just as much reason to say it in one case as in the other. Any one who will take a walk in Major's Hill Park, and see the section of ground

that is fenced off for the purpose of the hotel, and will notice what a very large proportion of the park still remains for the benefit of the city, will see at once that there is no ground for the objections which our friends are taking to the hotel site. The whole matter has been sufficiently guarded, not only by the city council, but by the government, and I am satisfied, as I have already said, that when it is completed and the park is extended my hon. friend will be thoroughly satisfied that the commission have done their duty and that it will be a pride to the whole country.

Hon. Sir MACKENZIE BOWELL—I am exceedingly obliged for the information the hon. gentleman has given me and the House. I am under the impression that I understand the duties and the powers of the commission as well as my hon. friend does. I did not say that it was to be exclusively the back yard or the playground of the hotel. I said it would be used as such, and the people of Ottawa or other people who come here would not be deprived of going into the park any more than they are now; but that does not change my position in the least.

Hon. Mr. FROST—I took the statement made by the hon. gentleman as tantamount to saying that the park will be merely the backyard of the hotel.

Hon. Sir MACKENZIE BOWELL—So it will be.

Hon. Mr. FROST—And also it was to be the playground; but it is to be for the whole city and a large proportion of the park remains for that purpose.

Hon. Mr. LOUGHEED—My hon. friend, in informing the Chamber of the fact that the Commission exercises control over the Major's Hill Park, omitted to say whether they exercised control at the time of the alienation of this land to the Grand Trunk Railway, or am I to understand that they momentarily lost control, and that some other authority stepped in and disposed of the property? Will my hon. friend say whether the Commission was a consenting party to this sale which has taken place?

Hon. Mr. FROST—I might say for the information of the hon. gentleman, that while the Commission exercise control, they do so under the government. They are a commission of the government, and the government can reverse what they do if they see fit. The expenditure of every dollar of money has to be submitted to the government.

Hon. Mr. LOUGHEED—Was there any active protest against this? Did the Commission protest to the government against making a sale of this land to the railway for hotel purposes?

Hon Mr. FROST—No. There was no protest against it, because I think the Commission were well satisfied that the hotel itself would be, as it is going to be, in harmony with the parliament buildings and with the new departmental building that is eventually to be built upon Sussex street. This building will be in harmony with the whole of these buildings as far as architecture is concerned, so that it will not be an eyesore.

Hon. Mr. SULLIVAN—I had no idea of speaking on this subject, but I think every hon. gentleman should express an opinion on the question at issue. My hon. friend referred to the opposition. That word should not be used in this Senate so far as any opposition is concerned. This is a matter where political opposition or feeling does not come in. It is no question whatever of politics, and is entirely independent of any political party, and I think it is not right that the gentlemen in this Senate who have a thorough acquaintance with this matter, gentlemen who are in a position to be thoroughly independent do not on this occasion—and I say so with a good deal of respect—give expression to opinions when, undoubtedly, their silence is as eloquent as their words would be. That would go to show that senators are by no means in harmony in their views of this matter. As the hon. gentleman from Belleville said, this land was handed over by the home government, as public property, just as the ordnance lands were in Kingston, and Sir John Macdonald would never, in his lifetime, allow any party in Kingston to alienate one inch of those grounds. He had an idea that the home government might at some time demand

them, and it was only after his death that the lands were sold. However, that is not the question. The question is as to the principle that this part of the great system of adornment of the capital city of Canada, should be interfered with, just in the same manner as selling the Niagara Falls. Some people are so entirely devoted to making money that they have an idea of giving the falls over to capitalists for the purpose of generating electricity, and in that way supplying factories with motive power.

I hope that this vandalism will never be consummated. It would be far better that the falls should be allowed to remain in their present condition as one of the greatest wonders of the world. The same principle is at stake in the attempt to destroy this beautiful park. I wonder if any other body of gentlemen or any other corporation had made application for this beautiful site for any commercial purpose if they would have obtained it? I regard it as a concession to a large and powerful railway corporation such as has never been granted to others. It will interfere with the beauty of a system of improvements which is tending to make Ottawa the Washington of the North, and interfere with the plans the Improvement Commission have in view for adorning the city. I have not seen their plans yet, but I presume they will lift the curtain some day and show us such a scene of beauty as we have never thought of. This is an occasion on which the Senate should give expression to their views, and should say whether a part of the public domain devoted to the purposes of the whole inhabitants not only of the capital but of the Dominion should be at the disposal of any one who puts down enough money to obtain it. I regret that my hon. friends here have not taken occasion to express their views, as they usually do with much eloquence on an important principle, and one which does not involve political feeling.

Hon. Mr. POWER—One or two points naturally strike one in connection with this matter. One is that if the handing over of this piece of Major's Hill Park to the Grand Trunk Railway Company is an outrage, how is it there has been no protest from the citizens of Ottawa.

Hon. Mr. FERGUSON—There have been.

Hon. Mr. POWER—Where are they?

Hon. Mr. SULLIVAN—The city cannot protest here.

Hon. Mr. POWER—On the contrary, the city council, who are supposed to represent the citizens, have been most anxious that this business transaction should go through.

Hon. Mr. SULLIVAN—All for the money part of it.

Hon. Mr. POWER—I am not saying why, but they are most anxious to have it consummated. That is one point; I fail to see that Ottawa is being wronged or outraged. The hon. gentleman from Smith's Falls (Hon. Mr. Frost) who is a member of the Ottawa Improvement Commission, has given the House his assurance that the hotel will be of such a character architecturally that it will not disfigure the landscape.

Hon. Mr. LOUGHEED—It will have to be transparent then.

Hon. Mr. POWER—We have been left under the impression that practically all the remainder of Major's Hill Park besides this small fraction of it that is being sold to the Grand Trunk Railway Company, will become a sort of backyard for the hotel, and I suppose the hated aliens who will put up at the hotel will disport themselves to the exclusion of the citizens of Ottawa, in the remainder of the park. One does not see as many of the citizens of Ottawa in the park as there should be; but if I were a citizen of Ottawa I should be, on the whole, rather pleased to see a number of respectable strangers enjoying the scenery and resting themselves there. I assume that the guests who will put up at this hotel, will be people of average respectability at any rate, such as you find in the Frontenac hotel in Quebec. If one had to look at the thing as a completely new question, and be guided simply by his own taste and judgment, he might have one opinion or the other about it, but under the circumstances, looking at the stage to which the matter has got, there is really nothing for us to do except to approve of the measure.

Hon. Mr. SULLIVAN—I suppose you have a public park in Halifax?

Hon. Mr. POWER—We have.

Hon. Mr. SULLIVAN—How would you like to have a hotel built there?

Hon. Mr. POWER—It just happens that the fee of Point Pleasant Park is vested in the Crown for military purposes. It contains I should think about 200 or 300 acres, and I for one should have no objection at all to seeing an architecturally superior hotel located there.

Hon. Mr. FERGUSON—I concur in the condemnation of this action on the part of the city of Ottawa and of the government. It is very regrettable that it should be done, but it is not necessary to accentuate that point. There is another phase of this matter that we should not lose sight of; I do not think the Grand Trunk Railway, at the present time, has money to throw away or burn. I do not want to throw any undue reflection on the Grand Trunk Railway; but it is well known that the railway system requires immense improvements to bring it up to the level of other Canadian railroads, say the Canadian Pacific Railway. They are behind in a great many things, yet here they are proposing to expend a million dollars in building a hotel. I do not think they should be encouraged in doing that. It is the duty of the Grand Trunk Railway to protect its railway system and supply facilities for the people of Canada who are using it, in recognition of the very large loans received from the people of Canada, which have never been repaid by the Grand Trunk Railway Company. That should be in the minds of the Grand Trunk Railway people themselves, instead of launching into this hotel project. Because the Canadian Pacific Railway Company have built hotels in Montreal, Quebec and other cities and have made them pay, is no reason why the Grand Trunk Railway Company should build a hotel in Ottawa. There is capital enough in Ottawa to build a hotel, and the citizens, if left to themselves, would have provided a hotel, perhaps not so grand as this will be, but quite sufficient for the purpose. The building of hotels in the Rocky Mountains, where there is no capital or enterprise to construct them otherwise, is another thing. The building of a hotel at Quebec was no doubt justifiable, but it is altogether another thing for the Grand Trunk Railway to build a hotel in Ottawa. A company in the financial position of the Canadian Pacific Railway may go into side transactions of this kind which would not be justified in the case of the Grand Trunk Railway Company in its present condition.

Hon. Mr. WATSON—I do not think that it is fair that the statement should go abroad that the Grand Trunk Railway is in a bad state. The general feeling of the public is that the Grand Trunk Railway is one of the best systems in Ontario, both in roadbed and equipment. The hon. gentleman, for the sake of finding fault with the government, has made the statement that the Grand Trunk Railway is not in a financial position to build a hotel. That is a statement that should not go abroad uncontradicted. It is not warranted by the facts. So far as the location of the hotel is concerned, every one who visits Ottawa knows that there should be better hotel accommodation here. The hotel accommodation of the city is remarked by every one who visits the capital as being simply disgraceful. The hon. gentleman says the Canadian Pacific Railway were perfectly right to build hotels in the Rock Mountains; but the Grand Trunk Railway should not build a hotel in Ottawa. Other railroads build hotels in the interest of the passenger traffic of their own roads, and if any arrangement can be made between the company and the government at which a first-class hotel will be built at Ottawa it is a very commendable object. It is a business proposition on the part of the Grand Trunk Railway, and we hope it will be successful and I believe it will. It is not a matter that has been sprung on the people of Ottawa or the members who have been here for the last few weeks or months. It has been discussed for years. Attempts have been made to erect a good hotel on a site owned by the late Senator Clemow, across the street from where this hotel is to be erected. A company was organized years ago for the purpose, but it was a failure. Ottawa was

never able to enlist sufficient capital to build a hotel. From the care which is being taken in connection with the project, I am satisfied the hotel will be not only useful, but ornamental and that it will not interfere with the park. The small area fenced off for the purpose of the hotel will interfere very little with the park and if the building is to be in harmony with the public buildings there can be no objection to it. The government and the city have been very particular about the city of the building and the character of the material, and if the people of Ottawa, who are more interested than gentlemen who are here only for a few months, are anxious to have the hotel built, we should not object. The people of Ottawa have made concessions to the Grand Trunk Railway to have not only a station, but a hotel erected here. A settlement has been arrived at. I do not think the money consideration should enter into the question; but the government is getting $100,000 for that little piece of land and altogether it is a good move on the part of the Grand Trunk Railway, the government and the city council of Ottawa, to do what they have done to accomplish what they have been trying to bring about for a number of years. What I rose particularly to say, was, that the statement of the hon. senator from Marshfield with regard to the Grand Trunk Railway was entirely uncalled for.

Hon. Mr. FERGUSON—Any hon. gentleman who will take up the statistics of the Railway Department and make the comparison for himself will find that the number of employees injured on the Grand Trunk Railway system as compared with the Canadian Pacific Railway is as four to one. That is the story that the statistics reveal. Some lines of the Grand Trunk Railway may be in excellent condition, but taking the whole system, there must be something at fault when there is this large percentage of accidents. A railway that is in that position would be very much better employed in perfecting their system and lowering the percentage of accidents with the working of their lines, than in building a hotel.

Hon. Mr. WATSON—I have not looked over the statistics, but comparing the statistics of people injured in proportion to the number of employees and of passengers carried on the Grand Trunk Railway with similar statistics of other lines, I doubt if the hon. gentleman's remarks are justified by the facts. His reflection on the Grand Trunk Railway is of the same nature as his insinuation against the Board of Railway Commissioners when the orders of the day were called this morning. Such insinuations are unfair. I do not know that this House has been furnished with any information by the Railway Commission that is not correct. The hon. gentleman did make a statement to show that they were wrong, because his particular ideas were not borne out by the information they furnished; but that is no evidence that they were in the wrong.

Hon. Mr. FERGUSON—The hon. gentleman is altogether out of order. He is now dealing with a question that is not before us. When he makes a statement about the loss of life on the Grand Trunk Railway he should look up the returns and find out the facts.

Hon. Mr. WATSON—What has that to do with the hotel?

Hon. Mr. McMULLEN—I exceedingly regret that my esteemed friend from Marshfield should have so far wandered from the path of prudence as to attempt to cast a reflection, as he did by his remarks, on the Grand Trunk Railway. The Grand Trunk Railway was the pioneer line of this country, and has rendered admirable service to Canada. In undertaking to build a hotel at Ottawa, it is only following the example set by the Canadian Pacific Railway and by most of the leading railways of the country. The hon. gentleman is exceedingly indiscreet in venturing to lecture the general manager and the board of directors of the Grand Trunk Railway as to what they should do about building hotels. The company surely know what they are doing. They have had this matter a long time under consideration, and have come to the decision to construct a hotel at Ottawa and the tirade of the hon. gentleman is alto-

gether out of place. We are proud of the Canadian Pacific Railway, because it is one of the best managed lines on the continent. We also have a right to feel proud of the Grand Trunk Railway. It is a good line and well and ably managed, and has a creditable record. With regard to the site of the hotel, I think it is a good one. If there is any thing Ottawa wants more than another it undoubtedly is better hotel accommodation. The accommodation at present is not creditable to the capital of the Dominion, and I often have occasion to regret, when prominent visitors come to the capital, that we have not better accommodation for them. We have magnificent hotel accommodation in Montreal, to which the Canadian Pacific Railway has contributed immensely, and we want a first class hotel here. I do not think you can devote a portion of Major's Hill Park to any better purpose. Major's Hill Park belongs to the Dominion, not to the city of Ottawa. Large sums of money have been spent by the government on the park, and the entire Dominion has a perfect right to enjoy it. The best way to enjoy it is to erect a commodious and comfortable hotel at the south end of it, where it will be central and at the same time isolated. It will be close to the parliament buildings and convenient to the business parts of the city. The government could not have done better than to sell a portion of the park for a hotel site. With regard to the expenditure of the purchase price of the site on park improvements, I should like to see Nepean Point added to the park. It will make a lovely walk not only for the citizens of Ottawa, but for the guests of the hotel. Everything considered, it will tend to beautify that portion of the city. From what I have heard with regard to the hotel plans, it will be an ornament to the city and in keeping with the public buildings in the vicinity. The Grand Trunk Railway deserve credit for their enterprise, rather than to be lectured by any one and told that their finances do not justify them in undertaking the project.

Hon. Mr. FERGUSON—A number of speakers have undertaken to lecture me as going beyond my duty.

Hon. Mr. McMULLEN.

The CHAIRMAN—I should like the hon. gentlemen to confine themselves to the Bill.

Hon. Mr. FERGUSON—I have addressed myself to the Bill, and have no intention of going beyond it. We have before us a Bill which proposes to give away property which belongs to the Dominion, and in which the city of Ottawa ought to take a special interest. We are giving it to a railway corporation and have a right to discuss whether that railway corporation should get it and whether they should not in view of the enormous subventions they have received from Canada and knowing that this is a pretty hard time for all railway companies, devote the money to improving their lines rather than to building this hotel. The hon. gentleman from Wellington undertook to intimate very politely, as he always does, that I have wandered away from the truth. Of course I did not go to the fountain of truth, the hon. member, for the information I laid before the House. I question the wisdom of looking to such a source; I sometimes think he does not possess more than is necessary for his own consumption. The view I take of this question is that it is not the first duty of any railway to build hotels. Their first duty is to keep their roads in good condition and furnish first-class accommodation for freight and passengers. We would not discharge our duty in discussing this Bill if that point were not emphasized. I was not giving a mere matter of opinion like the hon. gentleman from Portage la Prairie and the hon. gentleman when I said that the statistics show most conclusively that the Grand Trunk Railway is not as well equipped as other lines, the Canadian Pacific Railway for instance.

Hon. Mr. FROST—Will the hon. gentleman tell me how many millions the Grand Trunk Railway has paid within two or three years for double tracking its line?

Hon. Mr. FERGUSON—I do not know how much.

Hon. Mr. FROST—They have expended fifteen million dollars.

Hon. Mr. FERGUSON—The Grand Trunk Railway may have been doing a great deal,

and doing it usefully and well; but I take the sworn statistics furnished by their own officers.

Hon. Mr. FROST—The statistics of the Grand Trunk Railway show that it is a first-class and as well equipped road as there is on the continent of America.

Hon. Mr. FERGUSON—I always welcome the hon. gentleman's interruptions.

Hon. Mr. FROST—I do not want to interrupt, but I want to see the hon. gentleman right.

Hon. Mr. FERGUSON—The hon. gentleman refers me to the statistics of the Grand Trunk Railway itself. The statistics to which I have been referring are the sworn statistics of the Grand Trunk Railway officers themselves, that are sent to the government, and these statistics tell the story. We can draw only one conclusion from them, and it is this; that in the matter of equipment and life saving apparatus and arrangements, they are not as well advanced as they ought to be. Otherwise, there would not be this great discrepancy between the number of lives lost and persons injured on that system as compared with others.

Hon. Mr. COX—Is the hon. gentleman speaking of the statistics of one year, or statistics spread over a number of years?

Hon. Mr. FERGUSON—I am speaking of a number of years; I have the tables in my possession showing the comparison for three years.

The CHAIRMAN—I have to call the hon. gentleman's attention to the fact that that question does not come up properly in the discussion of this Bill.

Hon. Mr. FERGUSON—On the question of the Grand Trunk Railway undertaking to build a hotel, I think the whole question comes up.

Hon. Mr. FROST—What has that to do with the building of a first class hotel in Ottawa?

Hon. Mr. FERGUSON—It has this to do; we are giving a site to the Grand Trunk Railway and they are about to build a hotel when, in my judgment, other things should be attended to first. I am disposed, however, to drop this point if the chairman says so.

Hon. Mr. DOMVILLE—As the hon. gentleman is chasing all around creation to get a hack at the Grand Trunk Railway and the government, would I be in order following him in a light strain to show up Prince Edward Island and the narrow views taken by the people of that province? Would I be in order to discuss that in connection with the Grand Trunk Railway hotel?

Hon. Mr. FERGUSON—I think this is just the time and place to refer to the question I have brought up. It is a very important matter. I join in the protest made by others on this question. It is nothing short of an act of vandalism to take the front of Major's Hill Park and devote it to the purposes of a hotel. That is wrong in the first instance, and even if the city of Ottawa has been carried away by the prospect of a million dollars being expended here, the parliament of Canada should take a higher ground. I pushed the argument a little further and ventured to show that the Grand Trunk Railway had other things more important for them to do than to build a hotel. However, as the feeling of the committee is that I have gone far enough on that, I have no desire to go further with my observations.

Hon. Mr. POWER—I do not think the hon. gentleman from Marshfield went too far, although I think he was going quite far enough, when he expressed the opinion that the company had better spend money in improving their lines than building a hotel. That, of course, would be just the opinion of the hon. gentleman set up against the opinion of the directors of the Grand Trunk Railway Company; but when he takes advantage of his position in parliament to make a statement such as he did with respect to the risk of human life on the Grand Trunk Railway as compared with another railway, I think he is going much further than his parliamentary privilege should allow him to go.

Hon. Mr. FERGUSON—I understood we had a ruling, and I yielded to it and dropped that matter. My hon. friend is returning to it in such a manner as to call for a reply. He raises the point that I have gone beyond my rights as a member of parliament. If the House is prepared to permit it I shall be ready to reply. I did not give this as an opinion of my own; I gave the statistics furnished by the Grand Trunk Railway Company.

Hon. Mr. POWER—The hon. gentleman has made a statement which is calculated, if believed by the public, to seriously damage one of the most important institutions in Canada, and I have a right as a friend of the institution--no particular friend, I wish it understood--to protest against a wrong impression going abroad. I do not think it is fair that the hon. gentleman should use his position as a member of the Senate in the way he has done. What is the fact? The hon. gentleman takes the mileage of the Grand Trunk Railway and Canadian Pacific Railway and works out a sum in proportion

Hon. Mr. FERGUSON—I wish to correct my hon. friend; I did not do that. I took the proportionate number of employees, not the proportion of mileage.

Hon. Mr. POWER—The fact is this, that the Grand Trunk Railway Company's lines are in the most thickly peopled portions of Canada. The lines of the Canadian Pacific Railway run across the prairies to British Columbia and down through the State of Maine and into New Brunswick. And you cannot compare lines of that kind. You have to take these circumstances into consideration, and the Grand Trunk Railway are the first company to double track a line in Canada. They have double tracked the whole line from Montreal to Toronto.

Hon. Mr. COFFEE—To Chicago.

Hon. Mr. POWER—And the line between Montreal and Toronto has been accepted, as I understand, after due examination, as the standard for the Transcontinental Railway; and even supposing the hon. gentleman conscientiously believed, or had persuaded himself, because the hon. gentleman seems to have a remarkable capacity for persuading himself that anything he wishes to be true is true, if he had persuaded himself it is true, I do not think it is right or proper the Senate should be made the medium of damaging one company and helping along another.

Hon. Sir MACKENZIE BOWELL—I should like the committee to understand, so far as I am concerned, I do not object to the course being pursued as against the erection of the hotel. The only objection I had was to the alienation of a portion of the park, which I think ought to be left exclusively as a park. I differ entirely from those who take the view that large railway corporations should not build hotels. I think in the case of the Canadian Pacific Railway, it has proved a profit to the company, and had the Grand Trunk Railway followed a similar course in times past, I believe it would have been to their advantage also. I remember very well when the attempt was made to build a hotel on the Intercolonial Railway, that great objection was taken to it. I think it is one of the mistakes of the management of the Intercolonial Railway that for years and years past they did not erect good, commodious hotels at the different seaports and sea resorts, where thousands of people would have resorted, and the railway would have reaped a benefit in the way of passenger traffic and freight, and the hotels would, I have no doubt, have proved a success. I do not wish it to be understood that in objecting as I did to the policy of the government that it was on account of the construction of a hotel by the railway. There are plenty of other places on the other side of the canal that could have been utilized for the same purpose. Nor do I join in their condemnation of the Grand Trunk Railway. I have been travelling on that railway ever since it was built, and I question very much, taking the extent of the Grand Trunk Railway and considering the amount of capital that has been invested in it, if there is a better railway on the continent, and at present, although there may have been mistakes in the past and they have arisen in all probability from want of sufficient funds to put the road

in proper repair, of late years Canada and particularly that portion in which we live, has been proud of the equipment and the management of the Grand Trunk Railway. It may be true that accidents have happened too numerous to please us, but the reasons assigned, which have been stated by the hon. gentleman from Halifax, are unanswerable. If you compare it with the Massachusetts and other railways where the country is more densely populated than it is even in Ontario and Quebec, we find from the records of the United States that accidents and loss of life, unfortunate though they may be, are quite equal in those countries, if they do not exceed the accidents in the province of Ontario on the Grand Trunk Railway.

Hon. Mr. FERGUSON—If I had based the figures on the population of the country or the density of population there would have been some ground for the argument which the hon. gentleman refers to of the hon. gentleman from Halifax as being unanswerable; but as I do not have anything to say about the density of the population, and as I produced statistics showing the deaths of employees of the road, the argument was not applicable. The density of the population had nothing whatever to do with it, and it was not an opinion of my own. My hon. friend from Halifax, with his usual politeness, says I have a way of convincing myself. I have a way of convincing myself, but I go to the records for conviction. The hon. gentleman has a way of convincing himself by looking wise and saying things he does not know anything about.

Hon. Mr. KERR—The hon. gentleman from Marshfield made use of an expression about giving the land to the railway company. I think that is a misleading statement. No doubt he did not intend to convey that idea, but where the government are receiving a very large sum of money as consideration for the land—a very high sum indeed as compared with the size of the property and generally I think with regard to its value—it is an entirely misleading statement to talk about it as a gift, and it conveys an entirely wrong impression when anybody reads the remarks of the hon. gentleman.

Hon. Mr. ROSS (Halifax)—In discussing a question of this kind, I think sharp personal allusions should be avoided altogether. It is discourteous to the senators who use them, and I generally try to avoid anything like personalities. I remember the time, in 1867, when I travelled from Portland to Prescott on the Grand Trunk Railway when it was running about 12 miles an hour, when there was no accommodation, no place to sleep, and it was a pretty hard job to get to Ottawa in those days. Contrast that with the condition of the Grand Trunk Railway now, with all its modern accommodations, and I think hon. gentlemen will say that that company deserves a great deal of credit. It is scarcely fair to contrast the Grand Trunk Railway with the Canadian Pacific Railway. The Canadian Pacific Railway was built with the money of Canada, and a lot of the gentlemen in that company are multi-millionaires with the money they made out of the land that Canada squandered and gave away to them. If McKenzie's method had been adopted, the road would not have been built so soon, but the land now belonging to that company would be a rich asset for the Dominion of Canada. When McKenzie was driven out of power there were 17 sections of that road under contract, and they used to condemn the line he selected; but the company afterwards had to adopt the lines they had previously condemned. So that McKenzie, with the disadvantages under which he laboured when he commenced the building of that road, made such progress during the time that was at his command as was never made afterwards. I just rise to say that it is scarcely fair to contrast the wealth that has been given away, I was going to say squandered, to the Canadian Pacific Railway Company in comparison to the Grand Trunk Railway.

Hon. Mr. FERGUSON—Did the Grand Trunk Railway get nothing?

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

Hon. Mr. SCOTT moved the third reading of the Bill. He said: As to the authority to sell, I may say the land was transferred to the government of Canada for the purpose of Canada, and what the

government of Canada did was to place the lands in different parts of the country in two classes.

Hon. Mr. SULLIVAN—What year was that in?

Hon. Mr. SCOTT—It was first transferred before confederation about 1854 or 1855 for the purpose of the government of Canada. The government of Canada divided it into two classes, but they took authority also from time to time to change property from one class to another. I may say as far as the property of the canal is concerned, the government of Canada held for many years the large block there which formed the corner of Wellington street, and that was sold a few years ago by the late Senator Clemow to the Lindsay Company. It was held, as has been observed by some hon. gentlemen, for a hotel for some years, and the price the late Senator Clemow put on it was $125,000. He never succeeded in floating a company. The area of that block would be quite equal to the area for the proposed hotel, so that as far as precedent went, there would be that precedent for it.

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

PROPRIETARY OR PATENT MEDICINES BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (146) An Act respecting proprietary or patent medicines.

He said: It must be within the recollection of every hon. gentleman that patent medicines are too freely sold. Some of the patent medicines have been used practically for the sale of alcohol, and persons have acquired a taste for stimulants entirely from taking patent medicines. I may mention Peruna as one which is said to contain about 30 per cent of alcohol. The object of the Bill is that every manufacturer or importer of a proprietary medicine shall procure annually from the Minister of Inland Revenue a numbered certificate of registration, and shall file with the department an analysis of its component parts, so that the public may understand what it contains. I think the Bill is extremely weak, quite unequal to meet the necessities of the case, because I see that a very long list of drugs that I consider—and many of which everybody else considers are absolute poison, are still permitted to be placed in patent medicines without the public being informed of the fact. We find carbolic acid, corrosive sublimate, nux vomica, hellebore, &c.

Hon. Mr. SULLIVAN—Those are not allowed.

Hon. Mr. SCOTT—If I have read the Bill aright, those particular medicines, which are recognized in the pharmacopoeia and the various encyclopedias, are permitted to be used without attention being called to them. So that I think that the objections which might be urged by the trade against the Bill are very much modified by that fact. There is one clause in the Bill which I think is very useful and very important; that is that no firm or corporation shall distribute or permit to be distributed on the doorways, &c., any sample of a proprietary medicine. I have read that one or two children in Canada have recently been fatally poisoned by picking up packages left on the doorsteps and consuming them.

Hon. Mr. McMILLAN—I do not know why the word 'sample' should be there.

Hon. Mr. ROY—This proposed law is a step in the right direction, and the government is to be congratulated for introducing this Bill. I do not believe that a more important question could be dealt with than the manufacture and sale of patent medicines. The use of patent medicines in many cases is a question of life and death for the people of Canada. We cannot, I suppose, discuss and amend this Bill considerably at this stage of the session, but I cannot allow it to become law without offering an amendment when we are in committee. I propose to move that clause 7 be amended by inserting after paragraph (c) of subclause 1 a clause providing that no proprietary or patent medicine containing opium or morphine or any of the ingredients thereof, shall be sold by any druggist without a prescription from a lawfully qualified physician. I feel in offering this amend-

ment that I am fulfilling an important duty. For the last few years, from my experience as a physician, I have contended that patent medicines containing opium should not be allowed to be sold carelessly and blindly throughout Canada. I have no hesitation in declaring that patent medicines containing drugs are killing more of our children than any one of the known diseases. It is a pity to see mothers feeding their little babies with drugs which will eventually have the effect of making the man or woman become addicted to the worst habit possible. I can in all sincerity draw a sad picture of the lives of those who have been ruined and made objectionable to their families, to their country and to themselves, by the use of patent medicines containing opium. I observe that the government has on the Order Paper for to-day an Act to prohibit the importation, manufacture and sale of opium for other than medicinal purposes. You propose to pass a law prohibiting the importation, manufacture and sale of opium, and at the same time you pass another law authorizing druggists to sell opium and morphine as a patent medicine. You know very well that without a prescription from a doctor or physician, anybody can go to a drug store and buy two or three quart bottles of a patent medicine containing morphine or opium. If that individual is addicted to the opium habit, he will continue all his life buying patent medicines containing opium, and the object of the law prohibiting the manufacture of opium is defeated. By my amendment, a great deal of good will be done to the people of Canada. A few days ago the Senate was very much concerned about young men at the age of 16 using tobacco. What about infants being given opium and morphine in food? I think it is a good deal more serious with infants who cannot defend themselves against their parents, and their parents should not be in a position to give them morphine and opium and ruin them forever. I know from my experience that hundreds of thousands of people have been ruined by morphine and opium contained in patent medicines.

Hon. Mr. SULLIVAN—There are a number of physicians in the Senate, and if they were permitted to examine this Bill and discuss it in conference, contradictory statements might be avoided. I think it is a good Bill that might be improved. It is too late this session to make any material amendment; nevertheless there are a few points I would like to urge. We might make some amendments without imperiling its passage. It is a matter of indifference to me, and I simply throw out the suggestions pro bono publico.

Hon. Mr. LANDRY—Is there any danger, if the doctors hold a consultation, that the Bill may be killed?

Hon. Mr. SULLIVAN—Oh, no.

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 2,

In this Act, unless the context otherwise requires,—

'Minister' means the Minister of Inland Revenue or any person duly authorized to act in his stead, or any other head of a department charged with the administration of this Act;

'Proprietary or patent medicine' means every artificial remedy or prescription manufactured for the internal use of man, the name, composition or definition of which is not to be found in the British Pharmacopœia, the Codex Medicamentarius of France, the Pharmacopœia of the United States, or any foreign pharmacopœia approved by the minister, or any formulary adopted by the properly constituted pharmaceutical association representing the Dominion of Canada, approved by the minister, or upon which is not printed in a conspicuous manner, and forming an inseparable part of the label or wrapper, the true formula or list of medecinal ingredients, which must not contain cocaine or any of its derivatives or preparations; 'officer' means any officer of Inland Revenue or any person authorized under this Act or The Adulteration Act to procure samples of articles of food, drugs, agricultural fertilizers or medicines and to submit them for analysis;

Where the manufacturer of a proprietary or patent medicine is not the proprietor thereof, the proprietor who procures it to be manufactured shall be deemed to be the manufacturer within the meaning of this Act.

Hon. Mr. POWER—I just wish to direct the attention of the medical gentleman to a passage in paragraph (b) the reason of which I do not observe. In line 21 we find the words:

Or upon which is not printed in a conspicuous manner and forming an inseparable part of the label and wrapper, the true formula or list of medicinal ingredients, which must not contain cocaine, or any of its derivatives or preparations.

Why put cocaine in?

Hon. Mr. SULLIVAN—That is all right. You will observe the quantities are not put in. To insert the quantities would destroy the patent.

The clause was adopted.

On clause 4,

4. All proprietary or patent medicines shall be put up in packages or bottles, and every one of these, intended for sale or distribution in Canada, shall have placed upon it, in conspicuous characters forming an inseparable part of the general label or wrapper, the name and number under which the medicine is registered, with the words 'The Proprietary or Patent Medicine Act,' and also the manufacturer's name and address, which name and number shall be sufficient identification, as to the manufacturer thereof, for the purposes of section 14 of this Act.

Hon. Mr. SULLIVAN—That would nullify the other provision. This does not admit of any names being placed on the package. The other clause states that the names of the ingredients should be placed on the wrapper.

Hon. Mr. ROY—Clause 7 provides for that.

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

The Senate adjourned until three o'clock this afternoon.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

THE ELECTORAL LISTS.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. Are there any electoral lists which, although in force, have not yet been sent to the Clerk of the Crown in Chancery, according to the requirements of section 12 of chapter 6 of the Revised Statutes of Canada, 1906?

2. Which are the municipalities, in the province of Quebec, which have not yet conformed with this requirement of the law? Either with regard to the electoral lists themselves, or with regard to the changes made thereto by the revision required by law?

Hon. Mr. SCOTT—The Clerk of the Crown in Chancery advises me that the only lists of voters for the provinces of Quebec for the year 1907, which have not yet been received at the office of the Clerk of the Crown in Chancery are those for the second registration division of the county of Gaspé.

The registrar, Mr. J. X. Lavois, Percé, has been written to four times since the beginning of the present year, but no reply has been received from him.

PROPRIETARY OR PATENT MEDICINE BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole, consideration of Bill (146) An Act respecting proprietary or patent medicines.

(In the Committee.)

On clause 5,

5. The Governor in Council may appoint officers or analysts for the purpose of carrying out the provisions of this Act, and they shall hold office during pleasure and shall perform such duties as are assigned to them under regulations of the Governor in Council.

Hon. Mr. McMILLAN—I think this should be amended so as to read that the Governor in Council may appoint qualified medical men or analysts.

Hon. Mr. SULLIVAN—There is no necessity for this clause, in reality. The Inland Revenue has analysts and laboratories where samples of food are analyzed, and I do not see why another set of officials is needed.

Hon. Mr. FORGET—It says 'may' not 'shall.'

Hon. Mr. FORGET—It says 'may', not them from among their employees.

The clause was adopted.

On clause 7,

7. No proprietary or patent medicine shall be manufactured, imported, exposed, sold or offered for sale—
(a) if it contains cocaine or any of its salts or preparations ;
(b) if it contains alcohol in excess of the amount required as a solvent or preservative, or does not contain sufficient medication to prevent its use as an alcoholic beverage.

Hon. Mr. SULLIVAN—I would suggest that subclause (b) should state 'pure alcohol.' Proof spirit is half water and half spirit. It should be pure alcohol. I see that wood alcohol is not prohibited. On no account should it be used as a preservative, or for the solution of anything.

Hon. Mr. WILSON—I should like the hon. gentleman to tell us what quantity of alcohol is necessary to preserve any article for which it is used? A provision should be made that no medicine should contain alcohol in excess of that quantity; otherwise alcohol might be used with a medicine as a stimulant instead of a preservative of the article. Then in reference to the quality of the alcohol used in the preparation of various articles, as the hon. gentleman from Kingston says, it should in all cases be pure alcohol. Wood alcohol is a very dangerous article indeed, and should not be put into any drug. We have patents where wood alcohol with some preparation of aconite or something of that kind is used as a liniment. It passes from the drug store into the hands of some who do not know better, and is used as a beverage. Two or three Indians in our town have lost their lives by such preparations containing wood alcohol. Every precaution should be taken to protect the lives of those who do not understand the nature of drugs. Therefore, I am in full accord with much that has been stated by the hon. senator from Kingston.

Hon. Mr. ROY—I beg to move that clause 7 be amended by inserting therein immediately after paragraph (c) of subsection 2 the following as subsection 2 :

No proprietary or patent medicine containing opium or any preparation or derivative thereof, or morphine or any preparation thereof shall be sold by any retail dealer or by any druggist except on the prescription of a lawfully qualified physician, nor unless the exact proportion of opium or any proportion thereof is specified on the label.

Hon. Mr. SULLIVAN—Morphine and the derivatives of opium are on the prohibited schedule. You must get the permission of the minister with regard to any one of these. If you place those on the label you spoil the patent. There is no agent known to science which will quell pain to the same extent as opium and its derivatives. There is no other drug equal to it in that respect.

Hon. Mr. SCOTT—The clause allows the minister, on an application from the manufacturer, to place in the preparation any article named in the schedule to this Act. Opium is there, belladonna is there, and also a number of other drugs. I would exclude them altogether, with many others, if I had my way. The hon. gentleman takes exception to opium as being now very generally used and being a dangerous agent, and, therefore, it is proper that it should be taken out of the power of the minister to allow it to be used in a patent medicine unless the proportion of the opium is defined on the package. In addition to the justification given by the hon. member who introduced this amendment this morning, hon. gentlemen will be surprised to know what an opium consuming country we have become in recent years. I have the returns for nine months. The crude opium imported in that time amounts to 67,464 pounds, which is over 30 tons, for which $54,000 in duty was paid. Then of the powder opium, there has been imported in the last six months 306 pounds, on which they paid $366. It is time we placed some restriction on the trade.

Hon. Mr. SULLIVAN—The gum opium is used by Chinamen.

Hon. Mr. BEIQUE—I would suggest to the hon. mover to strike out of his amendment the words 'by any retail dealer or druggist.' We otherwise open the door to it being sold by others. You should prohibit the sale. This clause does not seem to me to be in harmony with subsection (c). You have a great many other things in the schedule which are quite as offensive as opium. Subsection (c) commenced by permitting you to do what afterwards subsection 2 prohibits.

Hon. Mr. SULLIVAN—That amount of opium does not startle me, because opium is used in every hamlet in Canada, so that it gives one no idea of the amount of opium consumed now. There is Winslow's Soothing Syrup, which is given to children who are teething. This Bill will destroy that business. I think the hon. gentleman is charging the Chinamen rather harshly, I do not think they consume all the opium that is consumed in British Columbia. They are supposed to use a certain amount of it, and many of them use it by smoking, burning it in the same way as people use tobacco by burning, and others by snuffing; but in every direction there is a very large amount of opium used. Unfortunately, I think it is rather on the increase, that many get into the habit of using opium or some of the salts of opium or morphine and also cocaine, and we cannot draw the line too stringently to prevent the habit increasing. It is an injurious habit, like the other acquired habits. It is not a natural habit, and it grows upon the individual who is using it. While I am in full accord with the principle of the Bill I think the minister will find a great deal of difficulty in proving just how much alcohol or spirit may be used in certain articles that are being prepared, and whether the preparation is strong enough in alcohol for drinking purposes. For instance in the Northwest the Indians there regularly use as a drink Perry Davis' Pain Killer, and it will be the same in reference to these drugs, so that the more stringent you make this Bill the better it will be. We ought to be very guarded not to make this law oppressive upon the people in the rural sections. In some of the outlying portions of the country, it is necessary there should be some preparations that the people can use under certain circumstances. My hon. friend from Wellington referred to country groceries, and stated that it was necessary that they should have on hand a preparation of paregoric or some similar preparation for emergencies, and unless we are careful in that respect we will do an injustice. While I am in favour of requiring a physician's prescription or certificate for medicines of this kind, I do not think we should make it necessary that they should be obliged to go to the doctor for a prescription and pay the doctor a dollar for it, when they want half an ounce of paregoric. I thing that would be wrong.

Hon. Mr. LOUGHEED—There is a difference of opinion among the doctors, and I should like to know what is going to be done about it.

Hon. Mr. SCOTT—The hon. gentleman who introduced the motion certainly suggested to the House that some check should be placed upon the sale of opium. It occurred to me that his suggestion was a wise one and I would have liked to have it extended to a number of other articles; but it was made quite plain to me that opium is being used every day more and more. It is the cause, as the hon. gentleman said, of many thousands of deaths in Canada. I have sufficient evidence of that fact, and we would be remiss in our duty to the public if we failed to call attention to it in that way, by depriving the minister of the right to say that if you make up a drug with it you may conceal it and offer it to the public. We should call attention to the presence of opium in drugs, and then those who purchase such drugs would know what they are getting.

Hon. Mr. DOUGLAS—Not only are the Chinamen in British Columbia producing a certain amount of opium, but it has come under my notice that the Hungarians in the Northwest grow opium for their own use. They use the seeds of the plants in flavouring cakes which they appreciate very much. It is an acquired taste, as a matter of course, still it is very generally used. The specimens of the plant that I have seen in the Hungarian settlements are equal to the very best specimens I have ever seen grown in India. Those specimens come from the north side of the Qu'Appelle river, where there is a colony of Hungarians. If the fact became known generally, I have no doubt a trade would spring up and might be very successful were it not for its mischievous tendencies, so the House should be very guarded in reference to the growth and development of that plant either in British Columbia or the Northwest Territories. However, a Bill is to come before us shortly dealing with

the manufacture and sale of opium, and we can discuss the matter then. In the meantime, we should be careful, in passing this Bill, how we sanction any mixtures that contain the drug.

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

On clause 9,

9. No person, firm or corporation shall distribute or cause or permit to be distributed from door to door, or upon a public place or highway, any sample of a proprietary or patent medicine.

Hon. Mr. LOUGHEED—More samples are sent by mail than by distributing them at the doorways, and the clause should be extended to samples sent by mail.

Hon. Mr. SCOTT—I accept the suggestion.

Hon. Mr. BEIQUE—That would prohibit the wholesale dealer sending samples by mail to retail druggists. That is going too far.

Hon. Mr. SCOTT—We can qualify it by saying except from the manufacturer or wholesaler to the trade.

Hon. Mr. SULLIVAN—I do not see why they cannot distribute to other people as well as the trade. It is making it a crime to distribute what the minister has endorsed.

The clause was amended and adopted.

On clause 14,

Hon. Mr. McMULLEN—Some provisions should be made for the protection of country merchants who hold stocks of medicines that they bought in good faith. I would suggest that we should add the words, 'and that the medicines so sold or offered for sale were in his possession at the time of the passage of this Act.' I do not think it would be right to hold a country merchant for all the costs that might be incurred in case of a prosecution.

Hon. Mr. SCOTT—The Act is not to come in force except by proclamation, and all parties will have plenty of time.

Hon. Mr. McMULLEN—It would take a country merchant a year or more to sell his stock. It would be well to strike out that portion of the clause which says he shall be liable for the costs incurred. As it stands, even though the party bringing the prosecution is not successful, he is responsible for the costs if he has patent medicines in stock contrary to law. He bought the medicines in good faith before the passage of this Act and it is unfair to virtually confiscate his property.

Hon. Mr. SCOTT—We give him three months to get rid of his stock.

Hon. Mr. McMULLEN—That is not time enough. Even twelve months would be short enough; he would have a large percentage still on hand. If he can show that he bought the medicines before the passage of this Act that should be enough. In the next place, if he gives the name of the wholesale merchant from whom he bought the medicine, and gives satisfactory evidence that he is an innocent holder, he should not be liable to prosecution.

Hon. Mr. SCOTT—It does not make him liable.

Hon. Mr. McMULLEN—It says he shall pay the costs. It would be a matter of considerable importance. Every business man has an enemy and that enemy might haul him up for keeping Perry Davis' Pain Killer if he does not conform to this Act. If it is proved he has it on his shelves, he will have to pay costs. I move that the clause be struck out.

Hon. Mr. BEIQUE—I agree with the hon. gentleman from Wellington, that if the dealer is able to prove that he had in stock the proprietary medicine at the time this Act was passed, that it should be a good defence. We know perfectly well that in the country stores it may take years to sell what they have in stock, and it would be practically confiscating what they had. We cannot change a trade of that kind on the spur of the moment, but must do it in a gradual way.

Hon. Mr. McMULLEN—I move that we strike out the words in the 27th line after 'as the case may be,' and add the following:

And that the medicine so sold or offered for sale was in his possession at the time of the passage of this Act.

Hon. Mr. LOUGHEED—How long would it take to exhaust this stock of patent medicines which we have heard is prejudicial to public health? Will he be prepared to insert in the opium Bill which is now before us a provision which will enable the Chinamen carrying a large stock to dispose of it in the same way?

Hon. Mr. McMULLEN—Opium is a distructive drug, but there are a great many medicines which render good service in some cases. They have got to prove that the medicine which they are charged with violating this Act in selling was in their possession at the time of the passing of this Act.

Hon. Mr. SULLIVAN—All they can show is what is on the bottle.

Hon. Mr. POWER—I think the amendment, if it were properly described, would be described as an amendment for the promotion of perjury, because I am satisfied that if you adopted an amendment of that kind, a great many country dealers would be found, after the expiration of seven or eight years, to have these goods in stock, and that they were in stock at the time this Act passed. If that amendment is passed, it will destroy the virtue of this Bill almost altogether. I quite recognize that there is a good deal of force in the views that the hon. gentleman takes, and there might be some amendment in the Bill to meet the case which he propounds; but I humbly submit the right time to do that is when we come down to the end of the Bill. In connection with clause 19, or immediately before it, a clause might be inserted, which would require to be framed very carefully. I think the House is in favour of protecting the persons whom the hon. gentleman wishes to protect, but if he undertakes to mutilate the 11th clause, the result will be serious.

Hon. Mr. McMULLEN—This clause itself provides that the man who holds that patent medicine must give the name of the party from whom he purchased it. Does my hon. friend think the man who has the medicine in stock will swear falsely, and that the man from whom he purchased it will swear falsely that he did not purchase that medicine from him at the time he stated? He has to show that the medicine was in his hands at the time the Act passed, and give the name of the party from whom he bought it, and that party will be called upon to give testimony as to when he sold the medicine.

Hon. Mr. McMILLAN—I do not think the postponing of this Act and having it come in force in one year or two years or beyond that will rid many of the country stores of the large quantity of patent medicines they have on hand, and for that reason I feel like supporting the amendment of my hon. friend from Wellington. It may be opening the door for perjury. It is really confiscating those people's goods. You are actually destroying the value of those goods which were bought in good faith years ago. The only thing is to prevent the dealers from being fined if they dispose of the goods they have on hand.

Hon. Mr. SULLIVAN—Those people are just as honest as any men in this House, and do not commit perjury.

Hon. Mr. McMILLAN—You must give them an opportunity to get rid of those patent medicines, Perry Davis, Pain Killer and so on. There are many medicines of which they only sell one bottle in six months or a year, and it should be a good defence if they can show they bought those goods before the Act came into force.

Hon. Mr. SCOTT—The necessity for this Bill arises from the belief that human life is being sacrificed by the patent medicines that are being sold in Canada. Hon. gentlemen propose that the country merchants who have on hand the poison—because you cannot class it as anything else if the estimation of it is correct, and I believe it is correct—for the next two or three years shall be at liberty to poison the public.

Hon. Mr. McMILLAN—That is an exaggeration.

Hon. Mr. SCOTT—No, it is not an exaggeration. Either the Bill is a necessity

and should be passed at once, if the sale of these medicines is doing harm in the country, or it is not doing any harm, and in that case we should throw out the Bill; but the idea that for commercial purposes we should put human life in the balance is absurd. I have given a great deal of attention to this subject for over half a century, and if I were to give my own experience perhaps it would be of some value; but I do say that the larger proportion of the deaths of people of this country result from the drugs they take.

Hon. Mr. BEIQUE—If the hon. gentleman will allow me to suggest; his amendment would not carry out the object he has in view. It would go further than that. I would suggest that the hon. gentleman do not insist for the present, with the understanding that the committee stage of the Bill will not be exhausted until the next sitting, so that we shall have time to prepare a proper clause.

Hon. Mr. McMULLEN—If the hon. Secretary of State consents, I will withdraw the amendment on that ground.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—The object of the last clause is to permit the government to make proper investigation and inquiry, and then to bring the Act in force. If the principle of the Bill is as stated by the leader of the government to prohibit the sale of patent medicines that are destructive to life and health, then we should bring the Bill into operation at once.

Hon. Mr. McMULLEN—From what I know of the hon. Secretary of State, I am positively certain he is not a good judge of patent medicines. I do not think he has tasted them in 20 years.

Hon. Mr. SCOTT—Not in 60.

Hon. Mr. McMULLEN—And perhaps he benefits thereby, but everybody is not of that opinion. Doctors give prescriptions of one kind and another, and they would not be considered of any use by him. I respect the view held by my hon. friend and I will withdraw the amendment and let that clause stand until the next sitting of the House. In the meantime an amendment will be prepared which possibly may cover the point raised.

Hon. Mr. McMILLAN—I could understand the argument used against patent medicines if we were prohibiting the manufacture and sale altogether; but we are making a law that permits the selling of proprietary mdicines, with the provision that the label shows the ingredients that are contained in the bottle. That is the only difference between this Bill and the law relating to the sale of patent medicines to-day. The proportions may be just as good in Perry Davis Pain Killer to-day as it will be when the manufacturer prints his formula on the label, so I cannot understand why we should deprive those who are the holders of patent medicines, honestly and innocently, when there was no law against them, of the opportunity to sell them.

Hon. Mr. WILSON—I would suggest to the hon. gentleman from Wellington that if the government feel that patent medicines are injurious to people, they should hardly ask merely for the sake of allowing dealers to dispose of a few packages of medicine they may have on hand, to extend the time and give them an opportunity of doing a still greater wrong to the public. It is admitted by the preamble of the Bill that these medicines are injurious to people, and that the public are suffering by it, and will my hon. friend for the sake of the few cents that the grocer may save on account of the sale of these medicines deliberately state here that they ought to have a longer time? Has my hon. friend not the confidence of the government that they will exercise discretion and bring this law into force at the proper time. I see no good object that can be attained by delaying the operation of this Bill. The grocery keepers having drugs or patent medicines on their shelves generally take them from the manufacturers and sell them on commission. Is the hon. gentleman anxious that this business should be continued in the future as it has been in the past? Is he willing that some of these medicines made with wood alcohol, for instance, should be kept

on sale for a length of time? I think not I believe the sooner this law is placed upon the statute-book, and the sooner it is in force, to do away if possible with the pernicious use of cocaine or morphine and other deleterious drugs, the better it will be for the public. It is in the public interest, and the contention of my hon. friend is in the interest of a private few who may have these things on their shelves to sell. Would he not be willing that they should suffer? Restraint must be used in all legislation to do away with wrong. I would imagine that he would have confidence in the government of the day bringing the Act into force when they deem it a proper time to do so, and give an opportunity to those who have such goods on their hands to dispose of them. They foresaw the difficulty my hon. friend anticipated, and took the matter into consideration and left it subject to the order of the Governor in Council. It would be a mistake to accept the amendment suggested, or to delay the operation of the Act.

Hon. Mr. ROSS (Halifax)—I do not believe in medicine of any kind, even from a doctor's prescription, and I congratulate myself in stating that I do not know the year when I took medicine of any kind. I attribute my good health at my age to having eschewed medicines. I do not believe in them at all. The health of most of us would be preserved longer if we did not touch medicines, particularly those which are known to be dangerous poisons. I agree with my hon. friend who has just spoken, that we should leave to the discretion of the government the proper time to bring the Act into operation. They are the best judges, and the sooner the Bill can go into operation the better.

The clause was adopted.

Hon. Mr. BEIQUE—I should like to reconsider clause 9. I think we should limit the effect of the section by inserting after the words 'sample' these words 'containing any of the drugs mentioned in the schedule of this Act.'

Hon. Mr. SCOTT—There are more drugs that are injurious than are mentioned in the schedule.

Hon. Mr. BEIQUE—Surely you do not wish to prohibit the distribution of samples which are inoffensive?

Hon. Mr. SCOTT—That is a matter of opinion. What one may consider inoffensive, may be regarded by others as dangerous. We want to stop the distribution of patent medicines, and there should be no exception.

On the schedule.

Hon. Mr. SULLIVAN—Arsenic is a metallic substance and not solvable and is never used. There are preparations or arsenic which are used; but they contain very small quantities of arsenic.

Hon. Mr. WILSON—The hon. gentleman from Kingston is quite mistaken. Medical men constantly prescribe arsenical preparations.

Hon. Mr. SULLIVAN—I mean the substance metallic arsenic is not a preparation.

Hon. Mr. ROSS (Halifax)—It is amusing to find how doctors do differ.

Hon. Mr. SULLIVAN—Atrophine is a derivative of belladonna. Cantharides is never used except for some internal purposes.

Hon. Sir MACKENZIE BOWELL—Why is hellebore prohibited? It is used by gardeners and those who raise flowers.

Hon. Mr. SULLIVAN—I do not know of any liquid which contains hellebore as a medicine.

Hon. Mr. McMILLAN—It is purchased to destroy insects in gardens.

Hon. Mr. LANDRY—Can the father of the Bill not tell us what it is?

Hon. Mr. SCOTT—I do not know.

Hon. Mr. LANDRY—I move that that clause be struck out.

Hon. Mr. SCOTT—There are many more deadly poisons in the list than hellebore.

Hon. Sir MACKENZIE BOWELL—Is that a reason why this should be put in?

Hon. Mr. SCOTT—Ask the medical men.

Hon. Mr. SULLIVAN—It is used externally with sulphur ointment and others to make them more energetic.

Hon. Mr. BEIQUE—I think we should not interfere with this schedule. Power is given to the minister to add to or take away some of the names that are mentioned, and it is a thing that should be done by experts. Then the Act will be carried out under the direction of officers who will be specially chosen for the purpose.

Hon. Mr. DOUGLAS—Opium, its preparations and derivatives includes everything, and it is not necessary to insert morphine.

Hon. Mr. SULLIVAN—There are no preparations of strychnia. If you have mux vomica and its derivatives you cover the ground. But there is another substance which I desire to mention. Wood alcohol, a very poisonous substauce, which is used to make up these tinctures. That is the reason I want to add a provision that where alcohol is used it must be pure.

Hon. Mr. SCOTT—That should go in as a subclause to clause 7. The hon. gentleman very properly says that wood alcohol is a very dangerous liquid, and that the minister should be prohibited from recognizing it as a proper component in any prescription made up. Therefore it should go with opium and morphine under clause 7.

Hon. Mr. SULLIVAN—I know a manufacturer of one of those drugs who uses wood alcohol. The preparation is used externally, but is also used internally in some cases. Therefore, I think it is well to have wood alcohol prohibited.

Hon. Sir MACKENZIE BOWELL—I should like to ask why tansy is mentioned.

Hon. Mr. McMILLAN—Because its medicinal properties are used for bad purposes occasionally, like argot, pennyroyal, and Indian hemp.

Hon. Sir MACKENZIE BOWELL—Formerly it was used very largely as a tonic in connection with whisky, and if it is a poison, a great many people should have been dead long ago.

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

THE CO-OPERATION BILL.

MOTION.

The order of the day being called :

Consideration of the report of the Standing Committee on Banking and Commerce on Bill 5, an Act respecting co-operation.

Hon. Mr. SCOTT—I have the pleasure, not to say satisfaction, of introducing this Bill in the Senate. It was before the House of Commons for three years, and passed there without any substantial opposition. It was referred to a very important committee of that House, comprising many prominent members, including labour representatives and two members of the government Mr. Aylesworth and Mr. Lemieux. A large amount of evidence was taken, and the committee had a number of sittings during the two sessions in which the Bill was under consideration, and that committee came to the conclusion unanimously to recommend its adoption. They were governed in reaching that conclusion by the fact that it was made clear to them that notwithstanding the provincial legislatures had the power to charter companies of the nature described in this Bill, yet, that, owing to the fact that the labour element was distributed all over Canada, the body of the labouring element desired that their legislation should be uniform and secured from the federal parliament. When the Bill came here, it was referred to a special committee, not such a committee as the one which had considered it in the other Chamber, but a special committee before whom interested parties could appear to give their reasons for and against the Bill. A very strong opposition was got up against the measure. It was represented that it would interfere very materially with the retail trade of the country and deputations came from all sides representing that it would destroy their business. I do not hesitate to say that there was no justification for such a conclusion. That opposition was worked up. When organizations like the retail dealers and the wholesale dealers employ agents to watch legislation that may affect them, their agents necessarily, in

order to magnify the importance of the positions they fill, and for which they are paid, exaggerate any legislation that in any way bears upon the corporations they are supposed to represent. That is why this Bill is in the unfortunate condition it is now. It was proved clearly in evidence that the sympathy of the whole labouring element, over one hundred thousand voters of this country, desired that this Bill should be passed by the parliament of Canada because they desired uniform legislation throughout the Dominion. It was proved that the societies which the local legislatures had organized nominally as local organizations were really incorporated companies. Dr. Ruddick, dairy and cold storage commissioner, gave evidence in which he showed that dairy associations, cheese associations, and other organizations are organized under the Joint Stock Companies Act, and except in the province of Quebec, where the legislation has been had recently, no law has been passed that fairly meets the sympathy and views of the large body of people behind this legislation. It was an unusual course to send this Bill to the Committee of Banking and Commerce. It was a public Bill, and I had a right to move it to Committee of the Whole House, and the committee unprejudiced, and without hearing outsiders, would be entitled to consider the Bill and if in their judgment it was worth being passed, they could pass it; but when it went to the committee there was an organized opposition to it, and in a thin committee consisting of 17 out of the large Committee on Banking and Commerce, the Bill was thrown out by a majority of one. It is contrary to the rules of the House to say what occurred in the committee, more than in a general way that I have indicated. I think parliament will make a very great mistake if they do not give the parties seeking this legislation an opportunity to secure organization under it. My strong reason for supporting the Bill is this; that it encourages thrift and economy among a class of people that ought to be encouraged in those particular lines. I say further, that in passing this Bill we take nothing from the provincial legislatures. There are many subjects under the British North America Act that the local and the federal authorities have in common, where a rivalry may exist as to which body will do the more good, and this is one of those particular Bills. If when a private Bill comes before this Chamber, the Senate is satisfied that it is an encroachment on the powers of the provinces, we give it a very searching inquiry, because if you take anything from the provinces you have taken all there is in that Bill. But if you take this Bill from the provinces you do not rob them of anything, because they have a right to legislate just as freely as we have. I may mention an illustration of that, a subject that under the British North America Act many persons maintained was exclusively under the authority of the local legislatures, and that is the Canadian Temperance Act which I had passed thirty years ago. It was declared by the courts of this country to be ultra vires of this parliament. It went to the Privy Council, and it was there decided that it was quite competent for the parliament of Canada to pass that Act. My hon. friend beside me says it did no good. It was an educator at the time it was passed. It was taken up and adopted at the time in a very large number of communities in this country. The government which succeeded the government that passed the Bill was not favourable to the Act, and, consequently, although the Act provided for an executive officer to put it in force, no executive officer was appointed or was allowed to undertake that duty. Consequently, when the Act was discredited to that extent that there was no executive officer behind it, and no private individual cared to become a public prosecutor, the Act failed except where it was taken up by the community, as in some of the maritime provinces, where the Act has been in force for the last 25 years. After the education that was received by the passage of the Act, the provincial authorities began to agitate for the adoption of local option, and we find that in recent years, generally over this whole Dominion, local option laws have been passed from time to time which are far more stringent than the Canada Temperance Act was. I merely mention that to show that the fact of our

passing legislation of that kind was rather an incentive to the provinces to take up the subject and push it to a finality. The same may occur in regard to this. I shall be very glad to see the provinces take up the subject and have companies that the labour element would be attracted to, organize under the provincial legislation; but it would be no reason why the federal parliament should decline to allow societies to organize under this Act. I do not propose to go into the general subject of co-operation, because that is a very long one; but it has been shown by the most undoubted evidence that it has been productive of widespread good. That it has elevated to a very great extent a class of people who want encouragement, who want incentive to rise to a higher plane, and I maintain that by the associations that would be formed under this Act it would have the effect of drawing, in every community, a body of people who now take no interest in any association, who will not go to a bank to deposit a ten or fifteen cents, nor to a government savings bank, but who would be drawn together and feel that a member of their own body has charge of the money gathered by their members and made up of small sums. If a man, after paying for the necessities of his family, has fifty cents to spare, instead of spending it over the bar, he chips it in to this organization, knowing that he can get it back at any moment. There is no necessity for long notice if he needs the money. It has been shown most conclusively that it has produced marvelous thrift, industry and temperance and all the virtues one can think of in the class of men who require some uplifting. We encourage other associations, bodies associated together for any other purpose in enterprises of various kinds. Why refuse to the class of people who make this appeal to us, and say to them coldly, go to the provincial legislatures? They say we are not provincially separated; our organizations are general over Canada; we are under one leader and under one general management. We have our officers elected wholly irrespective of provincial boundaries, and we ask to be given this legislation in order that we may organize those associations that have proved so beneficial in other countries. With these observations, I beg to move that the report be not now received, but that the Bill be referred to a Committee of the Whole House. The report made by the committee is as follows :

The Senate,
Committee Room, No. 8,
Friday, 10th July, 1908.

The Standing Committee on Banking and Commerce, to whom was referred the Bill No. (5) from the House of Commons, intituled: 'An Act respecting Co-operation,' have, in obedience to the order of reference of 24th March, last, examined the said Bill, and now beg leave to report as follows :

Your committee heard the representatives of the provinces of Ontario. Quebec, British Columbia and Saskatchewan, who claim that the provinces have legislative jurisdiction over the matters embraced in this Bill, and that the legislatures of the said provinces have exercised such powers and have incorporated a large number of companies with the powers embraced in the Bill, which companies are in active operation and under the supervision and control of the legislatures of the said provinces.

After full and due consideration of such representations and of the objects and aims set forth in the Bill, your committee beg leave to report that, in the opinion of your committee, it is not necessary, nor is it advisable, to interfere with or disturb the conditions which have been so established in the said provinces, and that it is not necessary nor advisable to pass the said Bill.

Your committee, therefore, recommend that the preamble be not adopted and that the said Bill be not passed.

All of which is respectfully submitted.

WM. GIBSON,
Acting Chairman.

I am prepared to challenge the statement made in that report. As I said before, it was a thin committee of only 17 when the report was adopted by a majority of one. It did not appear except in the province of Quebec, that there were laws that exactly met the aspirations and the views of the element that asked for this Bill. I do not hesitate to say that at all. They were not of the class. There were lots of organizations, no doubt, recognized by the legislatures, and no doubt the legislatures can adopt this. It was after this Bill was introduced in the House of Commons that the province of Quebec adopted the same principle. If the same principle existed in all the provinces, and if the labour element coud be induced to take the laws to be their own in a provincial sense, to limit it to the legislature of the province, I should

not feel as strongly as I have done, but I do say that after the House of Commons has had this Bill before them for over two sessions, heard a large amount of evidence which has been printed and distributed, and practically passed it, that it would be a high-handed action of the Senate to throw the Bill out. On the question of jurisdiction the committee first reported to the House asking to take the opinion of the Minister of Justice. Some discussion arose on that, and the House declined. The Bill was sent back to the committee, and on that the committee, through the chairman, sent an invitation to the Minister of Justice, and he sent back an opinion, and it was on that opinion, I presume, that the committee came to this conclusion. I do not think that the opinion given by the Minister of Justice leads one to that conclusion at all.

Hon. Mr. DAVID—Has the evidence taken been printed?

Hon. Mr. SCOTT—Not the evidence in the Senate. The evidence in the House of Commons was printed, and part of it I have in my hand. I think the House will see that Mr. Aylesworth's letter leaves the Bill very much where it was before. While it admits that the provinces have jurisdiction —which was never disputed, I never for one moment stated the provinces had not jurisdiction—the conclusion one might draw from it was that it was quite proper for the parliament of Canada to adopt the Bill. There was one clause in the Bill that I asked to have struck out, the clause which would limit the Bill to local operations, and that was restricting banking operations by members of a society to a particular district. That was struck out in order to remove from it one point from which it might be argued that it was a local subject. My whole argument was based on this; that it was a good thing to do, and that we were not taking any powers from the provinces—that it was open to them to rival us in the facilities they might give in the formation of those associations, and for those reasons I thought the Senate might fairly adopt the Bill. The proposition will be that the report be not received, but that the House go into a Committee of the Whole on the Bill.

Hon. Mr. SCOTT.

Hon. Mr. DAVID—In view of the opposition made to this Bill by the four provinces, by the great majority of retail dealers and merchants; in view of the important question it involves, does the hon. Secretary of State not think that in order to give us time to consider the question, and in order to give us time to study the evidence which has been given, that the Bill should be postponed until next session? Perhaps there are some of the members of this House who, another session, would vote for the Bill, but who could not do it this year. After I had studied the question I might think proper to vote for the Bill. We should have time to compare this Bill with the legislation passed in other provinces, in order to really see if the Bill is required—to see if the working classes cannot obtain from the local legislatures all the powers and privileges asked for by this Bill.

Hon. Mr. SCOTT—I am able to answer the last question. The provinces have all the powers necessary to pass such a Bill. There is no question about that; but I mention that we have concurrent jurisdiction, and, therefore we are not robbing the provinces of anything. I have no doubt our action would be regarded as an encroachment that we should do anything of that kind; but that would be no reason for us refusing to act on the request of 150,000 of the labour element of this country. I have here the letter written by the Minister of Justice, which reads as follows:

Ottawa, 9th July, 1908.

Sir,—I have the honour to acknowledge your communication of the 7th instant, advising me that the Standing Committee of the Senate on Banking and Commerce desire my opinion as to the legislative jurisdiction of the Parliament of Canada to pass Bill (5) An Act respecting co-operation.

I recognize that it is my duty as official legal adviser of the Governor General and the legal member of His Majesty's Privy Council for Canada, to advise the Crown upon all matters of law referred to me by the Crown, and to advise the heads of the several departments of the government upon all matters of law connected with such department, but it would seem to me presumption on my part to offer advice to either House of parliament, or to the Standing Committee of the Senate especially when among its members there are many honourable and learned gentlemen more competent than I to form an opinion upon any doubtful matter of law.

Moreover, the Bill referred to has been passed by the House of Commons and in that view it would ill become a member of that House to question the constitutional power of parliament to enact legislation of this character.

I beg, therefore, to say by way of reply to your communication merely that in my opinion the subject with which the bill in question deals is within the legislative authority of any provincial legislature, unless it may be in so far as the Bill would authorize (if it does authorize) the incorporation of savings banks.

I have the honour to be,
Your obedient servant,
A. B. AYLESWORTH,
Minister of Justice.

Hon. Mr. ROSS (Middlesex)—Before this question is put, I wish to offer a few observations, particularly as I do not believe the Bill is within the jurisdiction of this House; that it is an encroachment on the jurisdiction of the provincial legislature; that it is not necessary and is uncalled for in the existing condition of legislation in the various provinces. The committee to which the Bill was referred, took a good deal of pains to ascertain its power in the matter, so far as jurisdiction is concerned. We had direct representation from Ontario and Quebec, but I do not know that we had any direct reprsentation from the other provinces, although we had a letter, I think, from the Attorney General of British Columbia who remonstrated or who rather argued, and I thought argued very successfully, in favour of provincial jurisdiction and exclusive provincial jurisdiction. The representatives of the provinces—and that is my own view if it is of any value—did not look upon this as a matter of concurrent or divided jurisdiction, but as a matter of exclusive jurisdiction, and in presenting their case they based their plea upon the British North America Act, which, it seems to me, is exceedingly clear, and to which I will just refer for a moment. Under the powers given under the British North America Act the provinces are authorized under section 11 to legislate for the incorporation of companies with provincial objects. Now, in all matters in regard to which the provincial legislatures have jurisdiction, the jurisdiction of the Dominion parliament is ousted, except perhaps in two or three, say immigration, agriculture and in a small way in regard to education. The argument is that if it is within the power of the provinces to incorporate companies with provincial objects, it is not within the power of the Dominion government to enter that domain. Section 16 makes it even stronger, for section 16 says that the provinces generally have powers in all matters of a purely local or private nature in the province. The argument is—and it is my argument—that these co-operative societies are purely local and of a private nature. They are local in this sense, that there is no society that has jurisdiction beyond the limits of its own members. It is confined in its duties, and in its operations to its membership. It cannot buy from or sell to any other persons except its members. If it is a credit and loan society, or what is called briefly a saving society, it can only loan to its own members, and only loan, deposit and receive from its own members; but it does not take power to itself apparently to borrow money from others to loan to its members. So that it is so distinctly private that its duties are confined to its own members. That brings it within the provincial jurisdiction, under clause 16 of the British North America Act. It is not only local but it is private. We incorporate insurance societies here, a head society with a right to establish agencies wherever it may, in all the provinces of the Dominion; but these co-operative societies have not the power to establish agencies. Each is an individual entity, a unit in itself, so that it is so distinctly private and so distinctly local that it exists at that particular spot and cannot exist anywhere else. There can be nothing in my judgment more distinct and clearly local than the jurisdiction of these societies. Without going into the matter as one might at this stage of the session, I may submit a brief quotation from authorities on the subject. The hon. leader of the Senate argues that it is desirable to have uniformity. Is it desirable to have uniformity? Is it not the whole policy of the federal system that uniformity is not desirable, that unity is not possible? If uniformity was the object, then we would have a legislative union as they have in the United Kingdom. We have a federal union because we want diver-

sity, because diversity suits the constitution of our country and the habits of our people better than uniformity, and I hold that a co-operative society that might suit Quebec under its Act of 1906 might not suit Ontario ; in fact we have no co-operative legislation like that, nor have they in any of the other provinces a law like Quebec, although it is, I believe, a very good law. I therefore plead not for uniformity but for diversity. Here is what Sir Oliver Mowat said on that question. Sir Oliver Mowat, the Attorney General of Ontario, in a report to the executive council of the province upon the decision in the Privy Council in Hodge versus the Queen says:

> It is clear that an alleged or supposed expediency of the law being uniform throughout the Dominion on any subject which is otherwise within the exclusive jurisdiction of the provincial legislatures does not give jurisdiction to the federal parliament to create uniformity.

His argument is that a desire for uniformity does not give jurisdiction. I agree with the hon. leader of the Senate, that uniformity may be desirable in many ways, and uniform legislation in regard to criminal matters is of very great importance to Canada, and we have uniformity in that respect; but look at the diversity. We have the French code in Quebec in regard to civil matters. Is that any detriment to us? We had the Canada Temperance Act passed, for one reason among others, that we might have uniformity in regard to legislation. What is the upshot of that? Prince Edward Island abandoned the Canada Temperance Act of 1878, and passed its own Act, not absolutely different from the Scott Act as we commonly called it. Manitoba abandoned the Scott Act and adopted one of her own. We in Ontario abandoned the Scott Act and practically adopted the Manitoba Act, so that the Scott Act, useful as it has been, and much to the credit of the promoter, much to the benefit of this country, did not result in uniformity in temperance legislation, but in a variety of legislation on the subject, which suits us better. Prince Edward Island produced a temperance law of its own that was much more effective than the Scott Act, and had the Manitoba Act prevailed in Manitoba I have no doubt it would have been more effective than the Scott Act. There we have had an attempt at uniformity on very high and noble ground, becoming a failure because of the peculiarities of our people. Here is an attempt to insist upon a co-operative Bill for the Dominion of Canada, that, if insisted upon, may fail just simply because in its various aspects it was not adapted to the various wants of our people. My hon. friend says that the Scott Act led to local option. The historical fact is, that local option preceded the Scott Act by 14 years. I think local option was passed in 1864.

Hon. Mr. SCOTT—The Dunkin Act.

Hon. Mr. ROSS (Middlesex)—And the Scott Act in 1878, and as a matter of fact in many cases where the Scott Act was tried, and where it did not succeed, local option has been adopted, so that although the Scott Act would give us uniformity in all the provinces, the people of Ontario, and some of the other provinces, prefer local option after their own fashion. My hon. friend claims that this Act takes away nothing from the province. If the provinces have exclusive jurisdiction in the matter of legislation of this kind, then it takes away exclusive jurisdiction. Of course we have, as I said a moment ago, not concurrence, because I do not think that is possible under the British North America Act, but we have parallel legislation in the matter of agriculture and immigration, and, I think, something like parallel legislation in the matter of education; but if it is the exclusive right of the province to pass measures of this kind, then this Bill would take something away from the provinces, and, as I said in the committee, if I may be allowed to state what I said there, if this Senate stands for anything by which it will have vitality, and by which it will have the respect of the people of Canada, it must stand for the purposes for which it was originally established, namely, to protect provincial rights. The Senate of Canada is the buttress of provincial rights, as the Senate of United States is the safeguard of the rights of the different states, and if we fail in that we fail in the purpose for

which we were created. We were intended to be a check upon hasty legislation in a moment of weakness or passion, where the larger provinces might combine against minor provinces. For that reason, I think it is our bounden duty to be exceedingly careful that we do not go beyond what is the proper line of our duty in that respect. I read from a remark made by Sir Oliver Mowat, that the principle of uniformity should not apply in this case. Let me give the opinion of Sir George Burton, Chief Justice of Ontario, which illustrates somewhat the same principle. My hon. friend thinks that if the Dominion government steps in and extends to the whole of Canada his Bill, which is good enough in its way, that we will get better results than from legislation by the provinces. This is a constitutional principle. Supposing we should get better results, is that any reason why we should violate the law? Supposing a man sets himself up as an authority on some religious doctrine, and says 'If you all come to my church you will be better Christians than in the church to which you belong,' that does not prove his theology is sound; it shows the audacity of the man to put forward views which have not been proven to be true. I shall not apply that to my hon. friend, for of all men he is the most modest; but it is the audacity of sudden encroachment to say because these things must be better than everything the province has, we must accept it. But no, the provinces have the right to make their laws. It has been urged in the case of home rule that if Ireland wants to play the fool and misgovern herself, that is her business, she is entitled to home rule. We argued when we were passing our federal constitution, if a province choose to misgovern itself that is their lookout. Chief Justice Burton said:

> I think the principle must be clear that neither the Dominion parliament nor the local legislature can attract to itself a jurisdiction in matters assigned exclusively to the other power, by the mere device of enlarging the geographical area to exclude the whole of the provinces, nor in the other case of restricting the area in which the power is to be exercised.

Here is an endeavour to extend the jurisdiction of Canada by extending the geographical area.

> Edward Blake observed, in his argument in Regina versus Watson, we must recognize as an inconvenience inseparable from the federal system a lack of power anywhere to make uniform regulations co-extensive with the whole Dominion on subjects relegated to provincial authority.

Edward Blake saw the desirability of making uniform regulation. What prevented him? The sanctity of provincial jurisdiction. Hands off the province; no matter how uniform the regulations may be, hands off the province, because the province has the exclusive right, and, therefore, uniformity, desirable though it must be, may be abandoned for the moment. I shall have to trouble the House with two or three more quotations to make my argument conclusive, and to meet the statement that this is a matter of trade and commerce, and, therefore, within the jurisdiction of parliament. Now this is not a matter of trade and commerce as I understand the British North America Act. Trade and commerce, under the constitution, means trade between provinces, or between a province and a foreign country, or between the Dominion and a foreign country. Here is what is said on that point by Mr. Horace Davey in discussing the Dominion License Act:

> Regulation of trade and commerce means general regulations as applicable to trade generally, of what may be called, for want of a better word, a political character, that is for regulating trade and commerce between the Dominion and foreign countries, or other countries, including, of course, Great Britain, or, for instance, for regulating the trade between the provinces themselves.

I have similar definitions, one of them from Chief Justice Strong, and definitions from other judges on the same point. We cannot bring it in under trade and commerce in any fair interpretation of the terms. So, therefore, the jurisdiction of this parliament is excluded in that way. Let us notice the case as it came before the committee, the pains taken to arrive at a conclusion. I think that is worthy of consideration. The committee heard all that could be said in the time at their disposal, and the conclusion arrived at by a majority was that the Bill should not pass. That conclusion is before the House. We asked the opinion of the Minister of

Justice as to whether we had jurisdiction. We got an opinion, but not an opinion as to whether we had jurisdiction. The question was asked, if the passing of such a Bill was within the jurisdiction of the Dominion parliament. He did not answer that it was; he said it would ill become him to express an opinion on a question to a committee composed of such eminent lawyers as our committee was composed of, which was a very great compliment, and on a question on which the House of Commons had expressed an opinion. Then he goes on to say that the province has jurisdiction in the matter. Why did he not say as plainly that the Dominion had jurisdiction, if he thought we had? Reading that letter, there is only one view to be taken of it, namely, that the Minister of Justice declined to express an opinion, if he had one. Perhaps he had not made up his mind; in that case he should not express an opinion. If he has made up his mind he does not say so. We have no guidance from the Minister of Justice. He does not say that we have jurisdiction. We have his authority that the provinces have jurisdiction; therefore, leave it to the provinces is my conclusion. There is no other conclusion to which we ought to come. But the hon. gentleman says the provinces have not given us much legislation on that subject, except the province of Quebec. The Minister of Justice is quite positive that this matter is within the authority of the provincial legislatures, except on one point, and that is that the Bill authorizes the establishment of savings banks. Having no assurance from the Minister of Justice that it is within the authority of the Dominion parliament, having come to the conclusion I do not believe any substantial authority can be shown that it is within the authority of the Dominion parliament, why should this House precipitate itself into matters of provincial legislation? We have been sitting eight months legislating on Dominion matters, and forsooth we want to remain here longer legislating for the provinces as well, so we will become a House in perpetual session as the Long Parliament of Charles I. was. Is that good legislation? I do not think so. But my hon. friend says, the provinces have not done much in the way of legislation on this subject. Is that so? The province of Quebec has an Act as comprehensive almost as this Bill. In Ontario, any five or seven men can organize for a co-operative association if they desire to do so. The farmers have organized into dairymen's associations, sheep breeders' associations, associations for the improvement of stock of all kind. Almost everything relating to the industries of Ontario that you can think of, is represented by an association for that purpose, consisting in some cases of 40 members as a minimum and others 60, and with a fee not exceeding one dollar. This Bill provides for farmers' associations. The farmers are already provided for. There is nothing specified in this Bill that they cannot do already. The labourers can organize. Any number of them can open a store and purchase goods and sell them to customers. There is nothing in this Bill that is not possible under provincial legislation now. This Bill does not give the right to establish savings banks. It says 'credit and loan societies.' The representative of the province of Ontario said most emphatically that under Ontario legislation they could organize credit and loan societies; in fact he held they could organize savings banks, that is banks to all intents and purposes, but not banks of issue.

Hon. Mr. DeBOUCHERVILLE—If you look at subsection 16 of section 91 of the British North America Act, you will see reserved to the federal government the exclusive right to organize savings banks. Subsection 14 refers to banks and the issuing of money, showing that those two things are quite different. If there had been only one subsection relating to banking, you might say that there was a doubt about savings banks; but it says the federal government has the exclusive right of legislating with regard to savings banks, and this Bill provides for the establishment of savings banks although you may call them by some other name.

Hon. Mr. ROSS (Middlesex)—The fact is, we have credit and loan societies in Ontario. Our loan societies receive deposits. We have private banks composed of individuals, and of several individuals, which receive deposits and make loans. To all

intents and purposes we have, or can have under our provincial legislation, credit and loan societies so that even for that purpose I would hesitate before passing this Bill. Then we have the Post Office Savings Banks in which deposits can be made and withdrawn on giving certain notice, and we are making provision for old age pensions where you can deposit but cannot withdraw with any notice. They neither borrow nor lend, places where your savings are absolutely out of your control the moment they get into the hands of the government. We have many facilities for savings. I am quite free in saying to the House, without any reservation, that within my own judgment there is nothing that can be done in the way of credit and loan societies in this Bill that we cannot do under our letters patent, and, for that reason, I see no necessity why it should pass. I appreciate the motives of the hon. gentleman. They are kind, as his motives always have been. His life has been one of generous philanthrophy and generous intentions, and I suppose in this case he is only following in the line of a long coreer of that character; but, all the same, his purpose can be accomplished without encroaching on our constitution, and my opposition to him is not because of the character of the Bill; but because of the nature of the legislation which it involves, and, there fore, I shall resist this Bill on all occasions.

Hon. Sir MACKENZIE BOWELL—We have a number of what are termed loan and savings companies organized under the Ontario law, which have been carried on for a great number of years. They are not designated savings banks, but they are, under their charters, savings and loan societies.

Hon. Mr. LANDRY—What is the motion before the House?

The SPEAKER—It is a motion by the Hon. Mr. Scott that the report be not now adopted, but that the Bill be referred to a Committee of the Whole House.

Hon. Sir MACKENZIE BOWELL—The ordinary procedure has been to move concurence in the report of the committee. Then the hon. gentleman's motion would properly come in, that it be not concurred in, but that it be referred to a Committee of the Whole House.

Hon. Mr. SCOTT—That is splitting hairs.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has made a motion which is really out of the usual order of business.

Hon. Mr. SCOTT—I thought it was the commons sense way of getting at it. Nobody else was moving, and my motion was to refer the Bill to a Committee of the Whole House. If any one thinks it is not regular, let somebody move the adoption of the report, and my motion will come in as an amendment.

Hon. Mr. YOUNG moved the adoption of the report.

The SPEAKER—I am somewhat in a quandary, inasmuch as if the motion of the Secretary of State was negatived, there would be no motion for a step forward.

Hon. Mr. POWER—The hon. gentleman from Killarney, in order to get out of the difficulty, has now formerly moved concurrence in the report and the hon. Secretary of State has agreed to make his motion in amendment.

Hon. Mr. FERGUSON—I think the motion of the leader of the House is perfectly in order. Supposing no member of the House approved of that report you would have to have that motion. It would be the only way to bring it up.

The SPEAKER—That is why I was not absolutely clear. The practice is for some member to move the adoption of the report and then the other motion is made as an amendment.

Hon. Mr. LANDRY moved that the debate be adjourned until the next sitting of the House.

The motion was agreed to.

The Senate adjourned until this evening at Eight o'clock.

THIRD SITTING.

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

CANADIAN PATRIOTIC FUND ASSOCIATION BILL.

SECOND AND THIRD READINGS.

Hon. Mr. COX moved the second reading of Bill (JJJ) An Act respecting the Canadian Patriotic Fund Association.

The motion was agreed to.

Hon. Mr. COX moved that the Bill be read the third time at length at the table.

Hon. Mr. SCOTT—There is a sum within a few dollars of $100,000 at the credit of this fund. The board consists of 15 or 20 members, some of whom are lieutenant governors of the several provinces. It is impossible for them to meet at Ottawa all at the same time, and the object of this Bill is to enable them to vote by mail. The subject to be submitted to them is one of peculiar interest. Among the volunteers who went to South Africa, was a Mr. Mulloy, who unfortunately was deprived of the sight of both eyes. He is heroic in more senses than one. Instead of becoming a pensioner and begging his way through life, with a great deal of courage and perseverance he has endeavoured to educate himself for some position for which he may be of value to society. Happily, he is blessed with a very keen intellect, and up to the present time the colleges he has attended with a view of perfecting his education have remarked in him a scholar who is likely to attain considerable eminence. He has had one year now at Oxford, and is most anxious to continue his studies there. The object of this Bill is to give him an allowance for the two years he may be at Oxford, in order to fit himself for journalism or some profession which will give scope to his very keen intellect. I know of nothing more praiseworthy, or that should commend itself more to parliament, than an object of this kind. It is sad to think that a young man, just after arriving at manhood, should be deprived of the sight of both eyes in defence of the empire. I know of no compensation that would be considered too much to aid a man in the laudable ambition he has to be a scholar and take care of himself. A fund was raised by a few friends, but with a feeling of dignity or pride that I think was praiseworthy, he said he could not accept of charity if his application was not considered worthy by the people of this country, he did not propose to accept the charity of a few friends.

Hon. Mr. SULLIVAN—Did he graduate at Queen's University?

Hon. Mr. SCOTT—I am advised that he did. He is now a student at Oxford. There is but one object in passing this Bill. We have the opportunity of seeing what the rules and regulations are, and the paragraph in the Bill relating to them might conflict with the purpose for which this Bill is passed. I therefore suggest that they should be struck out. They were put in by the law department, because it was considered the proper way.

Hon. Mr. FERGUSON—There can be no second opinion in this House on this question. I have read the story of young Mulloy's loss of sight in the service of his country, and of the heroic effort he has made since that to educate himself and in which he has been so successful. He has developed talent appreciated by every one who has come in contact with him. There is every desire on the part of those who manage this fund to enable him to participate, and this Bill is designed to remove the difficulty.

Hon. Mr. SCOTT moved that the Bill be not now read the third, but that it be amended by striking out the first paragraph.

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

CO-OPERATION BILL.

The order of the day being called:

Resuming the adjourned debate on the motion of Hon. Mr. Young that the report of the Standing Committee on Banking and Commerce 'An Act respecting co-operation, be concurred in,' and the motion in amendment of the Hon. Mr. Scott that the said report be not now concurred in, but that it be committed to a committee of the whole House.

Hon. Mr. LANDRY—With the leave of the House, I should like the Hon. Mr. Ferguson to continue the debate.

Hon. Mr. FERGUSON—I intend to vote for the amendment of the hon. leader of the House, and my object in making a few remarks at this stage is to express an opinion which I entertain very strongly with regard to the treatment of this Bill by the Committee on Banking and Commerce. When a public Bill has received its second reading in this House, and is sent to a select committee, it is certainly not sent there to have its principle reviewed by that committee. It is against all parliamentary practice for a committee to assume any such duty or function as that. The object is to hear the views of those who are affected by it, either pro or con, and then to consider its provisions in detail, and make such amendments in the details of the measure as the committee may think proper; but I hold that it is altogether contrary to parliamentary practice for a committee to undertake to discuss and to negative the principle of a Bill after it has passed its second reading, a public Bill which has been sent to them; and on that account I support the motion of my hon. friend the leader of the House. As a public Bill, having received its second reading, it has, in my opinion, according to all parliamentary practice, a right to go to a Committee of the Whole without committing ourselves to the principle of the Bill any further than the House has already been committed to it by its second reading. I strongly contend that it is due to any public Bill, after it has been read a second time in this House and sent to the committee, when it comes back, to be submitted to a Committee of the Whole and therefore independently of what the opinions of hon. gentlemen might be as to the real merits of the Bill. I think that is the proper course to take with regard to it, and I think that practice is especially right in connection with this Bill because it has come to the House with a very strong commendation. All measures that pass the popular branch, and the second reading of which is agreed to by this House, of course are well commended; and this Bill though introduced by a private member of the House of Commons, was treated by the House of Commons with great care and respect. It was sent to a strong committee of that body, of which two members of the government were members, and they reported upon it, and at a subsequent stage it was taken up by the government on the motion of the right hon. Premier. It is true, there was some opposition to it expressed in this House; nevertheless the Bill received its second reading, and with that action I think the committee exceeded their power in the matter, which was, after hearing the parties pro and con with regard to it, to have taken it up in detail and made such amendments as they considered were necessary. This is the paramount consideration which would cause me to vote for the motion of my hon. friend the leader of the House. But I listened to the very ingenious and able argument presented to the House before recess by the hon. gentleman from Middlesex, with regard to the powers of this House and of the provincial legislatures in dealing with a Bill of this kind. I have no doubt it would be regarded as presumption in me to set up my view in opposition to so distinguished a gentleman as the hon. member from Middlesex. At the same time, we have to bear in mind with regard to my hon. friend, that he has been in the provincial harness and fighting valiantly and so strongly for what he regarded as the rights of a province, and the largest province of Canada, that he has hardly divested himself of the feeling that naturally grew up in the performance of his duty to the province; but perhaps I am not fair to my hon. friend. He is generally very broadminded, and he may be broader than I am with regard to this question. However, I fear he has hardly divested himself of this feeling which grew upon him in connection with his duty to the province. My starting point in the discussion of this question would be rather different from that of my hon. friend. I may be wrong, but I look upon this as a question of trade and commerce. I dare say many hon. gentlemen will conclude that it may not be so regarded, because it points to some local transactions in trade or in commerce, and that to be a question of trade and commerce within the meaning of the British

North America Act it must be a trade with the outside world, or at least between two provinces. I find that there are judicial findings upon that subject, and I will read one of them, a decision of Chief Justice Strong, who uses this language in Severn vs. the Queen:

> That the regulation of trade and commerce in the provinces, domestic and internal, as well as foreign and external, is, by the British North America Act, conferred upon the parliament of the Dominion, calls for no demonstration, for the language of the Act is explicit.

The question will of course whether this Bill is one for the regulation of trade and commerce. It is not exclusively that. It goes a little beyond it, and I notice from the wording of the letter of the Minister of Justice that he thinks it possible that it pertains to banking; and, of course, if it did, it would not weaken the position I take, because undoubtedly the regulation of banking is set down as belonging to the Dominion parliament. Subsection 2 of section 91 of the British North America Act gives exclusive jurisdiction in matters of trade and commerce to the parliament of Canada. Allow me to refer to a judgment, which is quoted in Bourinot, by Mr. Justice Taschereau, of the Supreme Court, with reference to this subject. If this Bill is a Bill dealing with the regulation of trade and commerce, although it might infringe on some right that the province has in carrying it out, we have still the right to pass it, and it would operate, even when it came in contact with a provincial law. It may be, as stated by my hon. friend, that the right to incorporate companies for a local purpose belongs to the provincial legislature; but if this is a question of trade and commerce, and we legislate on the subject, even the power of the province in the matter of legislating in the formation of companies for local objects would have to give way before the supreme power of this parliament. For instance, as an illustration of what I mean, we take the question of railways; a railway connecting more than one province is a question entirely within the power of the parliament of Canada. There is no power and jurisdiction given more thoroughly to the province than on questions relating to property and civil rights; still we have judgments, I may say almost innumerable, that the power of the province in regard to property and civil rights must give way before the supreme power of parliament in the working of the railways. It would be impossible to build and operate a railway as a federal work without encroaching on property and civil rights within the province, and the judgments are all in one direction, that the parliament of Canada, having the undoubted right to build the railway, can infringe on what is contained in the British North America Act as exclusive of the right of the province with regard to property and civil rights.

Hon. Mr. ROSS (Middlesex)—That proposition is rather too broad. While, under the Dominion Act, power is given to a railway to expropriate lands for railway purposes, yet in the disposal of these lands, in the title of these lands and in the power of dealing with these lands, you have to fall back upon provincial legislation, whatever that legislation may be. Your power to expropriate does not give you the right to set aside provincial legislation as to the mode of asserting or registering your title or dealing with the property ultimately.

Hon. Mr. LANDRY—In such a case, would we not be obliged to follow the procedure of the province in matters of expropriation, or have we not a law of our own?

Hon. Mr. ROSS—I think you have that under the Railway Act.

Hon. Mr. LANDRY—Though the province has a similar law?

Hon. Mr. FERGUSON—Undoubtedly in the matter of expropriation, the federal parliament passes a law and it overbears the law of the province; and if that point is clear, there is quite sufficient made out to substantiate the point I have been making.

Hon. Mr. ROSS—When a railway is declared to be a work for the general advantage of Canada only.

Hon. Mr. FERGUSON—When a railway is declared to be for the general advantage of Canada or, if it is not so stated, if it

connects more than one province, the federal parliament has the power to operate the road ; that follows. Here is the judgment, and it is quoted in Bourinot, by Chief Justice Taschereau :

The Federal parliament must have free and unfettered exercise of its powers with respect to matters placed under its control, even though such exercise may interfere with some of the powers left under the provincial control.

Now, if my starting proposition is right, that this Bill deals with a question of trade and commerce, the regulation of trade and commerce is one of the features, at all events, of the Bill, then by this judgment of Chief Justice Taschereau's, as well as that of Chief Justice Strong, which I have already read, this parliament has the right to pass it.

Hon. Mr. DAVID—I would ask my hon. friend to read the decision in the case of Citizens' Insurance Company vs. Parsons, which I think he will find very near the decision he has just cited.

Hon. Mr. FERGUSON—That is the case. It is the case of an insurance company, but the judgment which I have read is a quotation from a previous judgment rendered by Chief Justice Strong and is quoted here approvingly by Justice Taschereau. Then I turn to the judgment of Justice Ritchie:

I do not think that the local legislatures are to be deprived of all power to deal with property and civil rights, because parliament, in the plenary exercise of its power to regulate trade and commerce, may possibly pass laws inconsistent with the exercise by the local legislatures of their powers—the exercise of the powers of the local legislatures being in such a case subject to such regulations as the Dominion may lawfully prescribe.

I might also read from Bourinot with regard to this subject. It runs very much in the same direction. After speaking about the difficulty in laying down any fast rule of construction, he says:

The nearest approach to a rule of general application that has been attempted in the courts of Canada with a view to reconcile the apparently conflicting legislative powers under the Act is with respect to property and civil rights, over which exclusive authority is given to the local legislatures ; that as there are many matters involving property and civil rights expressly reserved to the Dominion parliament, the power of the local legislatures must, to a certain extent, be subject to the general and special legislative powers of the Dominion.

He goes on further:

It is therefore to be presumed—indeed it is a necessary implication—that the Imperial statute in assigning to the Dominion parliament the subjects of bankruptcy and insolvency, intended to confer on it legislative power to interfere with property, civil rights and procedure, within the province, so far as a general law relating to these subjects might affect them.

The conclusion I have arrived at for myself is, that we have a right to pass this measure, and that if we do pass it it will become operative, and where there may be any clash between it and a provincial law, the federal law must prevail. I do not think that we should at this stage discuss the merits of the Bill; but as that seems to be the trend of the discussion, I think there are some things in the measure with which I could not agree, and that when we get into committee I shall be very glad to join with those who think as I do on that subject to modify the Bill in that respect. But I appeal to hon. gentlemen, that it is not fair to the interests that are involved in this Bill to deny them what a single individual may do and what any group of people may do in other similar avocations of life under the law, which is conceded to them freely and without any restraint whatever. Take for instance, mining: I have no hesitation to say that in the incorporation of mining companies, there has been a great deal of wrong-doing in Canada as well as in other countries; yet the proverbial liar with a hole in the ground and two or three other associates, is allowed to get an Act of incorporation and go on and operate. That being so, I do not see why the civil servants in Ottawa, for instance, should not be allowed to co-operate and carry on business in a way that would be most conducive to their own interests. I have not a very strong opinion in favour of farmers co-operating in trade. It is essential to farmers that there should be merchants, and that they should trade and they should work together, and for that reason I would not encourage farmers to trade in co-operation. But for a class like civil servants or employees in large factories, they have nothing to sell. Trade is all in one direction. If they feel that middlemen are taking too much out of them, why should they not be allowed to

go to the producer and purchase by co-operation or any other way? Every facility should be given them to co-operate and get over heavy exactions in the way of profits of middlemen. For these reasons, I intend to support the motion of the hon. leader of the House, and I think we should certainly go into committee on the Bill.

Hon. Sir MACKENZIE BOWELL—I rise for the purpose of taking exception to the doctrine laid down by the hon. gentleman from Marshfield as to the powers of the Senate and of the committee. If his theory be correct, our action in this House results in a mere farce. In the first place, he said that the Senate having concurred in the second reading of the Bill, therefore, they confirmed the principle of the Bill, and that therefore the committee had no right to interfere with the principle involved in the Bill. To that position I take exception. In the first place, it has been understood for years past that the second reading of a Bill by either House of parliament does not confirm in the minds of those who permit it to pass without objection the principle of the Bill. That has been conceded over and over again. Otherwise we should decide the principle of the Bill on second reading. In referring a Bill to a committee it is always understood that that committee can deal with it as it pleases. It often occurs with private Bills and more particularly public Bills, and even in the case of government Bills, that the government consents to a reference of them to a special committee to consider the principle as well as the provisions of the Bill. Parliament has that right, and, having that right, they refer a Bill to a special committee, and that special committee has the power to deal with the Bill as the majority think proper. They must, after having affirmed the position they hold upon the principle or details of the Bill, report their conclusions to the Senate, and the Senate then takes such action as it feels necessary on the question. In this case, the measure was discussed for hours, and the committee came to a decision upon the Bill with instructions to report it to the Senate. It is for the Senate to say whether they will concur in the views of the committee or reject them. The position we are in is this: instead of the motion for the adoption of the report being considered, we are considering a motion in amendment to refer the Bill to a Committee of the Whole. That is quite in accord with our rules and with parliamentary usage. It is for the Senate to say now whether the report of the committee shall not be adopted and that the Bill shall be referred to a Committee of the Whole House. If that motion should carry, it is for the committee to decide what they will report to you, Mr. Speaker, after considering the measure. When the committee meets, it may come to a conclusion that the views of the special committee are not in the interests of the country, and that the Bill should become law. Then when that report is made, it is for the Senate to take action as to whether they will concur in the report of the committee or reject it. If there is any other rule or practice which justifies the statement that the committee exceeds its power in dealing with any measure, or any abstract principle involving the resolution, I am not aware of it. The Senate in session has the power to deal with any of these questions as the majority think proper. In this case, the Bill was referred to the Committee on Banking and Commerce to deal with it. Whether their report meets with the approval of the Senate, is altogether another question. I cannot concede a more absurd position to take than to say that because the Bill was referred to a committee, that they are restricted in the action they should take upon it, unless there be special instructions to the committee to deal with it in a particular way. I do not propose to enter into a discussion as to whether this is a Bill affecting trade and commerce, or even the constitutional aspect of the question. That I shall leave for those who have probably given the matter more study than I have done. If I could convince myself that it is within our jurisdiction, and not an interference with provincial rights, the principle of the Bill should have my support; but having taken the position I have assumed on the question of provincial rights, and our interference with the rights and prerogatives of the provinces, I do not propose to stultify myself.

Hon. Mr. FERGUSON—I fear I have not made myself clear.

Hon. Sir MACKENZIE BOWELL—Are we to discuss this Bill as if we were in Committee of the Whole? If the hon. gentleman is to discuss the question again, I should have the right to reply.

Hon .Mr. FERGUSON—I am not going to make another speech. I shall confine myself entirely to a matter of explanation. Am I within my rights?

The SPEAKER—The hon. gentleman can explain any part of his remarks.

Hon. Mr. FERGUSON—I fear that I did not make myself clear on this point. I know that a practice has arisen in parliament of having Bills read the second time with the understanding that the House has not committed itself finally to the principle. I was not here when this Bill was read the second time, and do not know if that understanding was arrived at; but a reference to a committee does not leave the reversal of the position taken by the House in the hands of the committee. All the committee have to do is to consider the details of the Bill, get more light on it, and report that to the House, and the House itself, having reserved its assent finally to the principle of the Bill, could then at the third reading, without any stultification of itself, reverse its action. But the view I take—and that is the opinion I wish hon. gentlemen to understand I hold—is that we may pass the second reading of a Bill without being absolutely committed to its principle, if there is that understanding; but that the consideration of the principle does not belong to the committee but to the House.

Hon. Sir MACKENZIE BOWELL—To that I take decided objection.

Hon. Mr. LOUGHEED—I do not propose to discuss the principle of the Bill, because I am assuming that the principle of the Bill, by practice, if not by fact, was approved when it received its second reading and was sent to the committee. I, however, must dissent from the finding of the committee. I think the committee misconceived the constitutional rights of this parliament with reference to the Bill. In looking over the report of the committee I find that it does not expressly say that this parliament has not authority to deal with the Bill, but simply that it finds that the provinces, by practice, have been incorporating somewhat similar companies, and it is inexpedient, in view of the exercise of that right by the provinces, that we should intervene to incorporate such societies as are contemplated by this Bill. That is tantamount to saying that should the provinces at any time encroach upon the rights of the federal parliament, and incorporate companies or societies which the federal parliament would have a right to incorporate, that, therefore, in the future, we should stay our hands. That is a proposition that I for one could not assent to. I would refer hon. gentlemen to the report of the committee, in which it is to be found that the committee has been silent in expressing any opinion as to our not having a right to incorporate the societies. I had very grave doubt in my mind if the banking clauses had been eliminated from the Bill, whether we should have the right to incorporate the societies at all. They are societies with purely local objects, but having incorporated in the Bill the banking clauses, it seems to me that the provinces could not exercise authority to incorporate societies to do a banking business.

Hon. Mr. ROSS (Middlesex)—It is not a banking Bill.

Hon. Mr. LOUGHEED—Under the British North America Act, section 91, subsections 15 and 16, this parliament has the exclusive jurisdiction with reference to banks, savings banks and banking. Upon referring to schedule (c) of the Bill in question (and I may say under clause 8 of the Bill it is provided that schedule (c) shall be posted up in the head office of every savings and credit society), I find the following:

Form of statement to be made by a society carrying on the business of banking :
1. Capital of the society;
(a) nominal amount of each share;
(b) number of shares issued;
(c) amount paid up on shares;
2. Liabilities of the society :
(a) on judgments;
(b) on contracts;
(c) on notes and bills;
(d) on estimated liabilities;

3. Assets of the society :
(a) government or other securities;
(b) bills of exchange and promissory notes;
(c) cash in bank;
(d) other securities;

That should be plain enough. I have to infer from this schedule that the society to be incorporated under the Bill is to be either a bank or a savings bank.

Hon. Mr. DAVID—I do not admit that this is a banking Act, but supposing it was, does the hon. member contend that if there are in a Bill ten clauses, wherein the provincial legislature has jurisdiction, and only one or two clauses under the jurisdiction of the federal parliament, that the whole Bill then comes within the jurisdiction of the federal parliament?

Hon. Mr. LOUGHEED—If the promoters of the Bill embodied within its provisions any of the features of an incorporation over which the federal parliament would have exclusive right, even though that were accompanied with features which peculiarly belong to the province, they are properly before this parliament, and it becomes a question whether this paliament will grant them what might be termed the provincial features of the Bill. It is for this parliament to exercise its discretion as to whether all those powers should be given to such societies; but my argument is confined to this proposition, that this feature of the Bill, which is one of its essential, if not the essential feature of it, is peculiarly within the competence of parliament, and only this parliament could incorporate such societies as those of which I speak as banking societies.

Hon. Mr. McSWEENEY—Are not the banking operations limited as to the district?

Hon. Mr. LOUGHEED—Yes. I was about to say, that because a savings bank or a bank might make an application to parliament with territorial restrictions so far as its business is concerned, that would none the less take it out of the provincial power and confer it upon the federal. Under no consideration can a province incorporate a bank. My proposition is that parliament could incorporate a bank to do business in a particular province, restricting its operations entirely to that province, and notwithstanding its being what you might term a provincial bank, it would be one which the provinces could not incorporate, and which would be exclusively within the powers of this parliament. Holding this view, I do not feel myself at liberty to concur in the report of the committee.

Hon. Mr. ROSS (Middlesex)—Could not the province incorporate a credit and loan society, that is to receive and lend money ?

Hon. Mr. LOUGHEED—I find nothing in section 92 of the British North America Act conferring such power upon a province.

Hon. Mr. ROSS (Middlesex)—Such societies have been incorporated, and the incorporations has never been disallowed.

Hon. Mr. KERR—With reference to this report, a motion for the adoption of which is before the House, the question with which the committee was confronted was whether this Bill was one within the exclusive jurisdiction of this parliament, or in the alternative, was it within the exclusive jurisdiction of the provincial legislature, or a third proposition, was it one of those cases in which the jurisdiction overlapped? As it was intended, for it was the instruction from the Senate, although not in writing, the committee heard evidence, and counsel for the four provinces named in the report—Ontario, Quebec, Saskatchewan and British Columbia—appeared before the committee and represented that those provinces had each within itself the exclusive right and jurisdiction to deal with such matters. If that contention was correct, it is plain that this parliament ought not to attempt to act. It was contended, on the other hand, that this parliament had the power and, therefore, could deal with it if they chose. The committee was confronted with this question: if it is correct that there is that power, would it be wise and proper, under the circumstances, and with the evidence before us, to interfere and legislate, even though that power was vested in parliament. The power might be vested in a province equally with parliament, and then the question was, in that event, what was their relative position in the matter? The committee, after having heard the matter, presented certain propositions in the form of a report, and they are set forth definitely, and there are not less than five different statements presented to this House as statements of fact. They

claim (1) that the provinces have legislative jurisdiction over the matters embraced in the Bill; (2) that the legislatures of the provinces have exercised those powers, so that we have the case of a province claiming to have, and having the powers to deal with these matters, and that they have exercised those powers; (3) they have incorporated a large number of companies with the powers embraced in the Bill, and (4) such companies are in active operation, and (5) are under the supervision and control of the legislatures of the provinces respectively. Now, confronted with such a case, the facts of which are beyond dispute, what conclusion could the committee come to but to advise this House as to what it deemed the proper course? The House is not bound to follow that advice, it is perfectly true; but in the discharge of its duty, having heard this evidence, and not being able to present the evidence in detail before the Senate and having heard the contention, they summarized the facts in these findings, and present to the House the conclusion that in the opinion of the committee it is not necessary or advisable that this House should act. Why? Because it appears that the provinces have acted, and that the requirements of the public, so far as there are requirements in these matters, are being satisfied.

There is no necessity, nor is it advisable to interfere with or disturb the conditions which have been so established. It is not necessary that Parliament should act, nor is it advisable that they should interfere with the conditions which have been established by the provinces. In other words the provincial right which has been asserted and which has been acted upon by the provinces, and under which rights have grown up, companies have been formed, properties have been acquired and all good purposes which it is supposed and claimed by the advocates of this Bill can be conferred upon the public, are really being conferred and are being enjoyed by those who have taken advantage of the rights which they claim, and the rights which they have been conceded under the provincial legislatures; therefore it is not necessary nor is it advisable to pass this Bill. Under those circumstances, with that statement of facts presented before the committee, what other conclusion and what other duty had the committee to discharge but to come in this way before the House, and if that report is acceptable to this House, then it is certainly the duty of the House to adopt it and to take no further action with reference to the Bill. The case has been presented as to what is the condition of things under the law as the matter stands. Let me say a word or two with reference to my own view, which I presented before the committee and which I think is the view which this House should adopt, or I would not present it. First, I submit that this Bill is one which is within the legislative jurisdiction of the provinces, and I was glad to find that in the opinion of the Minister of Justice, who was asked to consider this question, and whose opinion was read here, that that view which I had previously expressed before the committee at a previous meeting and on more than one occasion too, has been sustained, and the provinces have the jurisdiction to legislate in connection with the matter as this Bill proposes. The next proposition is, has this parliament power to pass it? On that point, it is not necessary, in the view which I take of the matter, and which the committee took of the matter, to come to a conclusion, and as the Minister of Justice abstained from giving an opinion on the point, for the reasons which very properly occurred to me, and which are stated by him in the letter which was read, it is not necessary to come to the conclusion as to whether we have the power or not, because I am prepared to concede, if Parliament has the power, it being undoubtedly my opinion and it being an opinion which is sustained by that of the Minister of Justice that provinces have that power, the circumstances are such as to make it inadvisable and inexcusable that parliament should exercise the power, even if we have it. There is a borderland undoubtedly between the jurisdiction of Parliament as compared with the jurisdiction of the provinces, and there is an overlapping ground in respect to the powers vested in the provinces and also in the Dominion. An illustration of that is in the case of railways. A railway can be incorporated by a province if its operations are wholly within the province. The Dominion could incorporate a railway in the same

province, because the power to deal with railways is especially vested by the Act in Parliament, so that there would be a case of overlapping jurisdiction, and while the provinces may assert their power, and the parliament may assert its power within a certain radius, it would be an unnecessary thing for Parliament to legislate and incorporate a company which was running over precisely the same ground, serving precisely the same country and running from and through the same towns in a province. In such a case, I would say it was expedient for parliament to exercise its power if the legislature of the province had already done so, unless some other right intervened. If the work was of such a character that, taken in connection with other works which the parliament had sanctioned and had granted, a conclusion could be arrived at by Parliament at all events that the work so provided for was one which was for the general advantage of Canada, and, in that case, it would be the duty of Parliament, as it would be its undoubted right, to take the whole work over and deal with it. So that I take it that the proposition which I have endeavoured to present is clear. The point comes down to this : is there that overlapping position with reference to provincial rights and Dominion rights in this case? Now, that has been determined by the highest court in the land and in the very plainest terms. I refer to the last judgment on this point, which is the judgment of the Privy Council in the case of the Attorney General against the Grand Trunk Railway Company, where the question was one that arose on a matter of contract between employer and employed. It was a case in which the railway company had by its conditions and stipulations provided that the party could contract himself out of rights of action, which might accrue to him during his employment if no such contract were signed, and therefore, it was a question of whether that civil right which undoubtedly was a right within the provincial rights, could be covered and embraced by legislative authority by the railway company incorporated under the Dominion Parliament, and with the right to make contracts. In the discussion of the matter, this is the way in which it was put by the court after discussing the question as to the whole proposition, they wind up with these words :

> The point, therefore, comes to be within a very narrow compass. The respondent maintains, and the Supreme Court has upheld its contention, that this is truly railway legislation.

And therefore would be within provincial jurisdiction. The judgment continues:

> The appellants maintain that under the guise of railway legislation it is truly legislation as to civil rights, and as such, under section 92, subsection 13 of the British North America Act, appropriate to the province. The construction of the provision of the British North America Act has been frequently before their lordships. It does not seem necessary to recapitulate the decisions, but a comparison of two cases decided in the year 1894 seems to establish these two propositions: first, that there can be a domain in which provincial and Dominion legislation may overlap, in which case neither legislation will be ultra vires if the field is clear.

Hon. Mr. LOUGHEED—What is the subject being discussed?

Hon. Mr. KERR—Contracting out of liabilities.

Hon. Mr. LANDRY—Is the hon. gentleman reading the finding of the court or the argument of the lawyer?

Hon. Mr. KERR—The judgment of their lordships. First that there can be a domain in which provincial and Dominion legislation may overlap; in which case neither legislation will be ultra vires if the field is clear; that is if neither Parliament has exercised its legislative power.

> 'And secondly, if the field is not clear and in such a domain that two legislations meet, then the Dominion legislation must prevail.' Accordingly the true position in the present case does not seem to turn upon the question whether this law deals with a civil right, which may be conceded, but whether this law is truly ancilliary to railway legislation.

And dealing with that, they decided the case. Now, one of the cases which makes this very clear is the case of the Attorney General of Ontario against the Attorney General of Canada, and in that case, which was one with reference to assignments, and whether insolvency or bankruptcy being within the jurisdiction of the Dominion, the provincial law was constitutional and

within the right of the province to pass, and whether it interfered with or was a part of the jurisdiction which can be exercised by Parliament alone. On the argument of that case, it was contended by the Hon. Mr. Edward Blake and Mr. Haldane, now one of the British ministry, and one of the points which was made there was:

These decisions establish five rules of construction relating to the Act of 1867.

This is the argument, but it is adopted in the judgment.

One, the presumption is in favour of the validity of an enactment.

I will skip the others and go to number 5:

Subjects which, in one aspect, fall within section 92 may in another aspect and for another purpose fall within section 91.

That is the proposition which in effect was adopted by the court. I will not take time to read it. That is what is meant by the judgment I read first, referring to the judgment in that case. If we look at this Bill before us, it is perfectly plain that it is one of those which, like the assignment case, is clearly within the jurisdiction of the province, so far as its area and scope of enactment, and so far as it is also within the powers conferred upon it. First as to the location, clause 2 says:

A society which may be incorporated under this Act is a society for carrying on any industries, businesses or trades, (*except banking, as defined by the Bank Act, and insurance specified*) in or authorized by its rules, whether wholesale or retail including dealings of any description with land.

So that the words of the second section expressly precludes the idea of this being a bank within the scope of our Bank Act, or within the scope of what is authorized there.

Hon. Mr. LOUGHEED—I admit that. I refer to a savings bank.

Hon. Mr. KERR—Subclause C of this Bill reads:

In regard to a savings and credit society, such society shall not carry on any other business, and shall be subject to the provisions hereinafter contained.

So that the corporation which is to be incorporated here is to be one as distinguished from a bank, in the first instance as distinguished from a savings bank, which is different from a savings and credit society.

Hon. Mr. LOUGHEED—The restriction is that they shall not do a banking business as defined by the Bank Act; but they may do a banking business outside of the Bank Act.

Hon. Mr. KERR—I do not see where it says that.

Hon. Mr. LOUGHEED—The restriction being placed by clause 3 on it, would not the inference be that they could do business outside of what is defined by the Bank Act.

Hon. Mr. KERR—Look at what is defined by the Bank Act, and you will find it covers the whole system of banking. Then when we come back to the second part of it, I see the business of banking is excluded from it. Then we come to the question of the savings bank as distinguished from a savings and credit society:

In regard to a savings and credit society, such society shall not carry on any other business, and shall be subject to the provisions hereinafter contained.

So that it is confined in its operation to the business of a savings and credit society only. You will observe that because the method of investing money by the savings bank as it must be is one thing, and the question of a credit and loaning society is another business. Loans can be made on real estate. A savings bank is precluded from doing that.

Hon. Mr. DeBOUCHERVILLE—It can lend money.

Hon. Mr. KERR—Yes, but not on the same class of security. There is an exclusion of this class of business. They can lend money on a mortgage. Savings banks cannot do that, nor can a bank lend money on a mortgage. What can be done by this society? Remember it is not called a savings bank.

Clause 8 provides that:

Every society which carries on the business of credit and savings shall, every six months, make out and keep conspicuously hung up in its head office, a statement in the form in

schedule C to this Act, or as near thereto as circumstances admit.

2. A society carrying on the business of credit and savings shall not operate outside of the electoral division where it has its head office.

Hon. Mr. DeBOUCHERVILLE—But it can operate there.

Hon. Mr. LANDRY—All over the Dominion.

Hon. Mr. KERR—Section 9 says:

9. A society carrying on the business of credit and savings shall elect at its annual general meeting a board which shall pass upon all loans or investments of the funds of the society.

2. Such board shall be composed of not less than three members, and their term of office shall be one year.

3. The members of such board shall not have the right to borrow either directly or indirectly from the society.

Then it refers to the general meeting of the society, and these rules are to govern and so on, treating it all the way through as distinguished from a savings bank, and providing amongst other things that the money may be loaned to a man who must reside within the electoral district over which it has jurisdiction, and may be loaned on real estate security. So that it has different power and different jurisdiction from that which is understood to be the business and jurisdiction of a savings bank. Under those circumstances, let us see just what the British North America Act is. First, parliament has jurisdiction under section 9. The second point where the exclusive jurisdiction is conferred on parliament. First, we have 'The public debt and property.' Secondly, 'The regulation of Trade and Commerce,' but we do not find anything in this Bill relating to trade and commerce. Then it deals with the incorporation of banks and the issue of paper money. Then the savings bank. Then we come to section 92, the exclusive powers of the province, section 11, which was referred to before, the incorporation of companies with provincial objects—I need not read it—third, property and civil rights in the province, and generally all matters of a merely local or private nature in the provinces. We have by this Bill a limitation which I have pointed out, the society carrying on the business of credit and savings shall not operate outside of the electoral division where it has its head office. It confines it to business locally within the electoral division, and therefore, necessarily within one province and in each case according to the jurisdiction of the province there is jurisdiction over these different companies. Now, what would be the effect of granting the power to incorporate companies under an Act like this? We have heard of the hundreds of cases in which incorporation have been granted in the provinces where such companies have been incorporated, and where they have been carrying on business. It would be nothing but the introduction of confusion, companies with different rights, companies with different powers. If we assume this greater power than the others would have, or if this be in addition to its other powers, then we would have a confusion as to powers, and a manner of conducting business and conflict of authority which would undoubtedly be raised would leave all these companies in a state of confusion. I submit it would be inexpedient and inadvisable to adopt this motion, and the report correctly expresses the view that should be adopted.

Hon. Mr. LANDRY—I want to call attention to the real position we occupy at the moment. That Bill has been referred to a select committee. At the second reading of the Bill the principle was adopted.

Hon. Mr. KERR—Not necessarily? Our rule does not say so.

Hon. Mr. LANDRY—Yes it does. If my hon. friend will read rule 26, page 64——

The principle of a Bill is usually debated at its second reading.

That is the usage.

Hon. Mr. KERR—No, it is the contrary.

Hon. Mr. LANDRY—If it is the contrary of what it says, I understand the argument of my hon. friend. If the preamble of a Bill is usually accepted or adopted at the second reading, what particular circumstances have arisen to deviate from that rule? The principle of a Bill is always accepted or refused on the second reading of the Bill.

Hon. Mr. McMULLEN—When the hon. Secretary of State moved the second reading of the Bill, he intimated his intention

of sending it to a committee and it was given a second reading, to the best of my recollection, without a division on that point, and, agreeing to that, the House let the Bill go.

Hon. Mr. LANDRY—That does not change the position one iota.

Hon. Mr. McMULLEN—Yes it does, materially.

Hon. Mr. LANDRY—My hon. friend has the right to hold that opinion, and I have a right to have a contrary opinion, and my opinion is as good as his. The hon. gentleman says that when the Secretary of State introduced this Bill and the second reading took place, he intimated to the House that it would be referred to a special committee. I accept that. The standing committee is a select committee, and if you refer to the rules you will see that the standing committee is a select committee. You have a standing committee and a special committee, and when I say a Senate committee I use it in the broad sense of the word, a committee which is composed of the whole House. That was referred to a Senate committee with the understanding that all parties interested in the Bill would be heard before it, but that committee was only replacing the Committee of the Whole. Has that committee more powers than the Committee of the Whole?

Hon. Mr. McMULLEN—The House delegated certain powers to that committee when it referred the Bill to them. It got the second reading, on the good faith that it would go to that committee, and in consequence of that, I contend the principle of the Bill was not adopted in the same sense as it would have been if the Secretary of State had not intimated his intention of sending it to that committee.

Hon. Mr. LANDRY—I was asking the hon. gentleman if the Standing Committee had more power than the Committee of the Whole? I am quite ready to accept his answer if he is ready to give it. Yes or no.

Hon. Mr. McMULLEN—The Standing Committee of the House has concurrent power with the House, because the House cannot confer on the committee any more power than they themselves possess.

Hon. Mr. LANDRY—As the hon. gentleman is unable to answer, I will answer for him. I say that the House, in referring that Bill to the committee, did not give any instructions. It was purely and simply referred to the committee, and the Standing Committee has no more power than a Committee of the Whole.

Hon. Mr. McMULLEN—That is all right.

Hon. Mr. LANDRY—Having got my hon. friend to say it is all right, I will read rule 74:

> No arguments are admitted against the principle of a Bill in the Committee of the Whole.

If the Standing Committee has no more power than a Committee of the Whole, then no arguments are to be admitted against the principle of the Bill in that committee. Is my hon. friend convinced?

Hon. Mr. ROSS (Middlesex)—What would be the sense of referring this Bill to a select committee to hear evidence and argument, if no arguments are to be admitted? It was referred to the committee for the purpose of hearing arguments, and the promoter of the Bill sat there with the other members of the committee and heard arguments for three days, and having heard them were we to consider they were not heard to be influenced by them? These arguments were not to be heard in a Committee of the Whole, but could be heard in a Select Committee.

Hon. Mr. LANDRY—The Bill was referred to a committee, without any special instructions.

Hon. Mr. ROSS—I understand there was no special instruction.

Hon. Mr. LANDRY—The hon. member may have said at the time that it was referred for the purpose of hearing those for and against the Bill, outsiders, to give them a chance to speak before the committee because they had no right to speak in the House.

Hon. Mr. ROSS—The committee was mislead if it was left to the committee to hear argument and evidence, if they were not to hear evidence and argument and act on it.

Hon. Mr. LANDRY—If the committee moves in the circle for which it was created, all right. That committee has no more right than a committee of the whole. This was a public Bill ; a private Bill would be different. It was a public Bill and being referred to a committee for a special purpose, to hear the outsiders, they had no right to do under those circumstance what the committee of the whole could do.

Hon. Mr. ROSS—That is technical. I am trying to get the merits. Here I was opposed to the principle of the Bill. I could have moved for its rejection at the second reading. Acquiescing in the view that the reference to the select committee would leave me free to the same exercise of my judgment as I would have on the second reading. I acquiesced in that, and let it go to the committee; then, having heard the evidence and being convinced that the Bill was not within our jurisdiction, I am told I have no right to exercise my judgment and act accordingly.

Hon. Mr. LANDRY—My hon. friend being in the committee, and the committee not having the power they claim they have, my hon. friend was not deprived of his power because if he has a right to vote against the principle of the Bill on the second reading he has the same right on the third reading. The committee goes into details of the Bill, and when the Bill comes back for the third reading, the principle of the Bill is accepted or rejected on the third reading as well as on the second. My hon. friend may be in favour of the principle of the Bill on the second reading because in his mind he might say "I might offer some amendments to the Bill that will suit me ; but he might not succeed in getting the amendments made and therefore he would be against it on the third reading.

Hon. Mr. ROSS—That is good reasoning.

Hon. Mr. LANDRY—The Senate committee to which that Bill was referred had no more rights than the Committee of the Whole and in the Committee of the Whole we have no right to discuss the principle of the Bill. My hon. friend said that the committee reported this Bill. What was the conclusion 'Your committee further recommends that the preamble be not adopted;' but when the committee recommended that, the preamble had already been adopted by this House on the second reading.

Hon. Mr. DAVID—Under reserve.

Hon. Mr. LANDRY—I have no reserve. "And that the said Bill be not passed." Why should we not pass this Bill ? We must not forget that that committee had made a first report, and in that first report they were asking this House to have the opinion of the Minister of Justice. That shows what the intention or the committee was. It was to know if the Bill was constitutional or not, by asking the opinion of the Minister of Justice. They address themselves to the Minister of Justice and what is his answer? He says :

> I recognize that it is my duty as official legal advisor of the Governor General and the legal member of His Majesty's Privy Council for Canada, to advise the Crown upon all matters of law referred to me by the Crown, and to advise the heads of the several departments of the government upon all matters of law connected with such department, but it would seem to me presumption on my part to offer advice to either House of parliament, or to the Standing Commitee of the Senate, especially when among its members there are many honourable and learned gentlemen more competent than I to form an opinion upon any doubtful matter of law.

He could advise the Governor General, he could advise the Prime Minister and the King but he could not advise us. Why ? Is it because we have the hon. member from Toronto on that committee ? The Minister of Justice continues——

> Moreover the Bill referred to has been passed by the House of Commons and in that view it would ill become a member of that House to question the constitutional power of Parliament to enact legislation of this character.

Here is a gentleman who voted on the Bill and who by the stand he took in the House of Commons recognizes that the Bill is constitutional. He is asked to give his opinion and he says : 'How could I give an opinion when by my vote in the House of Commons I have declared that it is constitutional. Am I to stultify myself ?'

Hon. Mr. DAVID—Does it not mean this—'If I was not bound by the vote of the House I would declare the Bill is not within the jurisdiction of the Dominion parliament.' If you read between the lines

you will see that he was embarrassed by the decision of the House.

Hon. Mr. LANDRY—I do not want to read between the lines when I read the lines themselves. What do they say? They say 'how could I give an opinion when as one of the House of Commons I voted myself for that.'

Hon. Mr. DAVID—Exactly.

Hon. Mr. LANDRY—That man who enlightens the Governor-General, the premier and everybody on earth enlightens himself and voted for the Bill. Evidently his action was before his eyes when he was asked to give an opinion, and he says, 'the best opinion I can give is the way I voted.'

Hon. Mr. ROSS (Middlesex)—Is not this an expresison of repentance on his part? He voted for the Bill, but he does not say it is constitutional?

Hon. Mr. LOUGHEED—I think it is the greatest tribute that could be paid to the genius of the Minister of Justice that he has written an opinion that nobody understands.

Hon. Mr. LANDRY—The Minister of Justice concludes——

> I beg, therefore, to say by way of reply to your communication, merely that in my opinion the subject with which the Bill in question deals is within the legislative authority of any provincial legislature, unless it may be in so far as the Bill would authorize (if it does authorize) the incorporation of savings banks.

That is, this Bill is within the jurisdiction of the legislatures unless it is within our jurisdiction. He says the door is open unless it is shut. That is no opinion at all. To have an opinion, we must see how he acted himself, and he is one of those who voted for the Bill in the House of Commons.

Hon. Sir MACKENZIE BOWELL—I would ask the hon. gentleman from Stadacona, for whose opinion as to the rules of the House I have very great confidence, whether the committee which had this Bill under consideration, would have the power, as each clause was put to them, by the chairman to say no, and by a majority to reject every clause submitted to them.

Hon. Mr. LANDRY—No, they would not have the power to do that. They cannot reject all the clauses. They must accept at least one.

Hon. Sir MACKENZIE BOWELL—There is no such practice.

Hon. Mr. WILSON—A public Bill, when the principle of it is adopted, must be referred to a committee, and as this is a public Bill, it should have gone to the Committee of the Whole. Then why was it sent to the Committee on Banking and Commerce? The rule must have been violated; but my hon. friend who has spoken so forcibly on observing rules did not ask that the rule be suspended in order that it might be sent to the Committee on Banking and Commerce. Why was it sent there? We were led to understand by the leader of the House that if this Bill went to the Committee on Banking and Commerce that committee should have absolute liberty to treat it as it would any Bill introduced in the House. What is the use of my hon. friend saying that the committee had no rights. If they had none, what was the good of sending the Bill to them. It would have been a perfect farce to send it to the committee if we had no opportunity of hearing the discussion and evidence and forming an opinion. After being reported from the committee, any member of the House could insist upon having the Bill submitted to a Committee of the Whole House. If a public Bill can be taken away from the right committee, it would have to come back here, and what was the use of its coming back if we had committed ourselves to the principle of the Bill on its second reading? It looks to me very absurd reasoning and treatment. I remember the statement made to the House by the hon. Secretary of State when the Bill was sent to the committee. It was that we should be at perfect liberty to approve or disapprove of the Bill when it came back to the House. Now we are told that having consented to the second reading we have committed ourselves to the principle of the Bill, and have virtually put ourselves out of court, so that we can form no opinion and must accept the Bill. I think I am at liberty to vote for or against the Bill as I choose.

Hon. Mr. McMULLEN—I exceedingly regret that this matter has been brought up at this very late hour of the session. The Bill has been the subject of a good deal of discussion. One of the largest deputations I ever saw in this building assembled in this Chamber for the purpose of offering opposition to this particular Bill. After that deputation was heard, and when the second reading of the Bill was proposed, the hon. Secretary of State generously proposed to send the Bill to the Banking and Commerce Committee without any limitation as to the manner in which it should be dealt with. The hon. member for Marshfield, who took exception to the action of the committee to-night, was a member and attended every meeting and never raised the point he has raised to-night.

Hon. Mr. FERGUSON—I never attended any meeting but the last one and I raised the point then that it was not within the jurisdiction of the committee.

Hon. Mr. McMULLEN—I have no recollection of my hon. friend doing so.

Hon. Sir MACKENZIE BOWELL—What the hon. gentleman from Marshfield says is quite correct; he took the same position in the committee.

Hon. Mr. McMULLEN—The Bill has been discussed from time to time all through the session. Now that the report of the committee is before the House, the hon. Secretary of State proposes that it shall be rejected. In my long experience in parliament I have never known the leader of the House or a member of the government to move that a report of a committee be set aside, either under the present Premier or any of his predecessors. Can any one in this House mention a single instance in which either the present Premier or Sir John Macdonald ever moved to set aside the report of a committee? This is a Bill over which there is a great divergence of opinion. We have been hastening business in this House for the last two or three days to be ready for prorogation on Saturday or early next week and he should give the House credit for the manner in which they have facilitated putting the work through in view of the necessity of the Premier and his colleagues having to go to Quebec to take part in the celebration there. Now, at the eleventh hour, to revive a contentious measure like this and risk the closing up of the House is, I will not say imprudent but a dangerous thing to do.

Hon. Mr. BOLDUC—You kept the Bill in the committee for four months.

Hon. Mr. McMULLEN—The committee was called together promptly whenever there was an application from anybody to be heard. I would strongly remonstrate with the hon. Secretary of State and urge him to let the whole matter stand over until next session. That should begin within three or four months, and if it is thought wise to take up this Bill then, there will be time to give it thorough consideration; but to force the Bill upon the House at the eleventh hour when the session is about closing, and in view of the fact that the Senate is holding three sessions every day, is, in my opinion, not treating the House with the courtesy which we have a right to except. However, if he decides to take that course, we shall have to do whatever we think is best under the circumstances.

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

CONTENTS:

The Honourable Messieurs

Béique,	Lougheed,
Bolduc,	Mackay (Alma),
Boucherville, de,	McKay (Truro),
Choquette,	McMillan,
Coffey,	Montplaisir,
Domville,	Robertson,
Ferguson,	Ross (Moosejaw),
Gillmor,	Scott,
Landry,	Sullivan.—18.

NON CONTENTS:

The Honourable Messieurs

Beith,	McLaren,
Bowell,	McMullen,
(Sir Mackenzie),	McSweeney,
Campbell,	Riley,
Cox,	Ross (Halifax),
David,	Ross (Middlesex),
Frost,	Roy,
Jaffray,	Tessier,
Kerr,	Watson,
King,	Wilson.—19.

The report was adopted on the same decision reversed.

MANUFACTURE AND SALE OF OPIUM PROHIBITION BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (205) 'An Act to prohibit the importation, manufacture and sale of opium for other than medicinal purposes.'

Hon. Sir MACKENZIE BOWELL—I put a notice upon the paper to-night asking for the correspondence submitted for and against the Bill, and I should like very much to have that correspondence before final action is taken. Not that I am opposed to the principle of the Bill, but I think it is one that requires a very great deal of consideration as it is virtually a Bill of confiscation, to a very great extend, and while I should like to see the use of opium, whether crude or refined, totally destroyed and its importation and manufacture prevented, it is a grave question how far we should go with a class of people who have been carrying on a business, though not particularly in accord with our own views, in which very large sums of money have been invested, and destroy their trade and bring ruin upon those engaged in it. It seems to me there should be some provision in the Bill to enable them to dispose of the stocks they have, or give them compensation for the destruction of the property which they hold. It may be a popular view to take to abolish the traffic, but I have strong views in favour of the protection of those who are carrying on a business under the law as it exists upon the statute book, and if we desire to destroy the trade, let us take the manly course of compensating them for it, and destroy the article if you please. I will, in committee discuss the question as it has affected the country in the past, and what the policy of China, England, India and Hong Kong has been upon the subject. I think it is just as well to know exactly what position this question is in, in the eyes of the whole world.

Hon. Mr. SCOTT—The province of British Columbia adopted laws and has endeavoured to suppress the traffic for some time, but it is carried on in defiance of the laws; however, after the Bill passed the House of Commons I received a number of telegrams, and representatives of the parties called upon me, and I intended to submit this proposition when the Bill was in committee :—

Subject to any such regulations, it shall not be an offence under section 1 of this Act to sell or offer for sale or have in one's possession for sale, for export only, within three months after this Act comes into force.

Giving them three months in which to export.

Hon. Sir MACKENZIE BOWELL— To what country can it be exported ?

Hon. Mr. SCOTT—It must be taken out of Canada. I do not know where it would be exported to—China, I suppose.

Hon. Mr. LANDRY—Or put it on board the 'Arctic.'

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman try and secure the documents that I have asked for ?

Hon. Mr. SCOTT—I received a letter a few moments ago which is the only correspondence I have had. Mr. Mackenzie King made a report on it which has been printed and circulated, and beyond that I have had nothing except a telegram from British Columbia objecting to the Bill, and a communication from Mr. McInnes who represents the parties interested.

Hon. Sir MACKENZIE BOWELL—I understand that communications have been had with the premier and with the government in favour of the Bill which we are now considering, and that there have been protests from those who have large amounts of money invested in the business. Those are the ones I want.

Hon. Mr. SCOTT—I produced at council to-day a telegram from the gentleman acting for these parties, calling attention to the large amount of money invested, and asking that some consideration be given. However, I will make inquiries.

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

BILLS INTRODUCED.

Bill (204) 'An Act to amend chap. 38 of the Statutes, 1907, in amendment to the Railway Act.'—Hon. Mr. Scott.

Bill (210) 'An Act to amend the North-west Territories Act.'—Hon. Mr. Scott.

JUDGES ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (206) An Act to amend the Judges Act.

The Bill was read the first time.

Hon. Mr. SCOTT—I move that this Bill be read a second time to-morrow. This Bill deals with salaries of the county court judges and district judges, giving certain increases. Clause 1 reads:

The judge of the county court of the county of York, $3,500 per annum.

Sixty-nine other judges and junior judges of county courts and district courts, each $2,-500 per annum during the first three years of service, and after three years of service, each $3,000 per annum.

Hon. Mr. SULLIVAN—I think that is very proper. The salaries of county court judges of Ontario ought to be increased.

Hon. Mr. FERGUSON—Does my hon. friend merely contemplate dealing with county court judges of one province?

Hon. Mr. SCOTT—I have not gone through the Bill. It affects county court judges in Manitoba, $2,500 for the first three years, and after three years, $3,000, and it makes provision with regard to the chief commissioner and assistant chief commissioner of the Board of Railway Commissioners, the same as was done with reference to the late chief commissioner, that his term as high court judge before his appointment to the commission should count in his pension.

Hon. Sir MACKENZIE BOWELL—Does it deal with one judge, or with the county court judges as a whole?

Hon. Mr. SCOTT—I do not know what the increase is.

The motion was agreed to.

The Senate adjourned until 11 a.m. to-morrow.

Hon. Mr. SCOTT

THE SENATE.

OTTAWA, Thursday, July 16, 1908.

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

Prayers and routine proceedings.

LEASE OF SHOPS AT MONCTON.

INQUIRY.

Hon. Mr. McSWEENEY inquired:

Have the government leased the old shops and grounds at Moncton, which were advertised last February, and tenders were closed about March? And, also, if lease has been closed, to whom was it awarded?

Hon. Mr. SCOTT—The answer to that question is 'no.'

PAY OF OTTAWA FIELD BATTERY.

INQUIRY POSTPONED.

Hon. Mr. LANDRY inquired:

When does the government think that it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned:

(a) The statement indicating the amounts spent on the Deschambault wharf—February 14?

(b) The correspondence exchanged between the Department of Militia and Lieutenant-Colonel Davidson *re* latter's dismissal and the promotion of Sir Henry Pellatt to the rank of colonel—February 14?

(c) The statement showing what was the daily pay of the soldiers of the Company No. 2 of the Ottawa Field Battery in 1865 and 1866—March 17?

Hon. Mr. SCOTT—I have no answer to any of these questions.

Hon. Mr. LANDRY—I suppose the hon. gentleman could get those answers for the next sitting of the House?

Hon. Mr. SCOTT—Where everybody is working under high pressure it is not easy to see anybody and attend to one's own work, all the ministers are so busily engaged. I would suggest to the hon. gentleman to give his question to some friend in the other Chamber, and have him ask the minister there.

Hon. Mr. LANDRY—I have no slaves in the other Chamber. My question No. 3 was answered yesterday, so it will be dropped.

POSITION OF COLONELS AT THE TERCENTENARY.

INQUIRY POSTPONED.

Hon. Mr. LANDRY—I have a question on the Order Paper item No. 4 which reads as follows :

Has any provision been made or will any be made by the militia authorities to give honorary colonels and honorary lieutenant-colonels of regiments a fitting position in the military turnout at Quebec on the occasion of the tercentenary?

It is easy to answer that—just telephone to the Militia Department to rouse the minister?

Hon. Mr. SCOTT—I have written and telephoned and I have asked him to send down one of the officials who was familiar with the matter to the hon. gentleman's room and get him what he wanted. I did the best I could. I cannot reform all the departments at the same time.

Hon. Mr. LANDRY—No. I asked by question No. 4, what standing will be given to lieutenant colonels and honorary colonels in the turnout which will take place at Quebec.

Hon. Mr. SCOTT—I got that answer.

Hon. Mr. LANDRY—I did not get it.

Hon. Mr SCOTT—It must be among my papers They were to have an official standing in Quebec.

Hon. Mr. LANDRY—I will wait for an answer.

Hon. Mr. SCOTT—That was really the substance of the answer, that they were to have an official standing at the Tercentenary.

Hon. Mr. LANDRY—In regard to paragraph (c) of inquiry No. 2, the hon. gentleman said an official would come to me to inquire what I wanted. He came up.

Hon. Mr. SCOTT—I fear the department do not see their way to answer that.

Hon. Mr. LANDRY—They are at sea.

The SPEAKER—Have all the questions been answered?

Hon. Mr. SCOTT—I will bring another answer in the afternoon.

Hon. Sir MACKENZIE BOWELL—In reference to paragraph (c) question No. 2, does the hon. gentleman know whether the records have been kept in the department? I know that when Major General Herbert was in charge of the department, some inquiries were made with reference to the pay rolls of the old Belleville Rifle Company. We were desirous of obtaining its history. It went back as far as 1837, and the answer we got was that all these old records had been burned and destroyed, being considered of no value. Probably this return may be in the same position. The question is, whether the parties to whom the money was really due ever got it and whether it was paid by the government and put in the pockets of some official. I think that is the history of the matter to which the question alludes.

Hon. Mr. SCOTT—Quite likely.

Hon. Sir MACKENZIE BOWELL—And if it were possible to arrive at the truth of the matter, it would be a vindication of the officer who received the money. If, however, he kept the money he ought to be punished.

Hon. Mr. LANDRY—I will explain the object of my motion. In 1865-6 some volunteers were sent to Prescott. Some companies were paid at the rate of 50 cents and some at the rate of 25 cents a day. That is what the men say. I want to know if the government discriminated in that way, paying some of the men twice as much as they paid others?

Hon. Mr. SCOTT—That is a proper inquiry.

Hon. Mr. LANDRY—I asked for a return relating to one company, the men of which received 50 cents a day, and for a return of another company, the men of which received only 25 cents a day. The man who came to me said, 'Do you want all the pay lists?' I said, 'I do not want that, I only want the amount paid in these two cases.' The official I have referred to brought me the pay lists of the annual drill that year. I said 'I do not want the annual drill; I want the pay lists of the men on active service on the frontier that year.' I explained to him exactly what I wanted,

and he said he would give me an answer to-day.

Hon. Mr. SULLIVAN—Perhaps I could get some of the rolls of the First Frontenac, commonly called the Bloody First. At the time of the Windmill battle at Prescott they made a gallant attack on a distillery and captured it. What they did with the contents I do not know. Their deeds have been so great, that I am sure they must be on record at Kingston. I know their colors are there, and when I return to Kingston I will endeavour to find out any historic facts connected with them.

CIVIL SERVICE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (189) An Act to amend the Civil Service Act.

(In the Committee.)

On clause 6,

6. Clerks now holding the rank of first-class shall be placed in subdivision A of the second division.
2. Clerks now holding the rank of senior second-class shall be placed in subdivision B of the second division.
3. Clerks now holding the rank of junior second-class shall be placed in subdivision A of the third division.
4. Third-class clerks and temporary clerks paid out of civil government contingencies shall be placed in subdivision B of the third division.

Hon. Sir MACKENZIE BOWELL—There is a provision in the law that third class clerks must undergo an examination as to fitness before promotion, to be held by the new commission to be appointed. What position would a third class clerk be in who has passed the preliminary examination, the examination as to the duties of his office, and also the qualifying promotion examination? We will assume that he has passed all the examinations necesary for promotion. Will that officer be compelled to go before the new commission and be examined again before he can be promoted?

Hon. Mr. SCOTT—I think not. It would not be fair. I do not think the Bill is intended to be ex post facto; it is intended to be prospective. The Act will not come into force until September because it will take some time to organize under it. It is quite impossible to fathom exactly where it will lead to, but I think I am quite safe in saying that an official who is now qualified for promotion could not be disturbed.

Hon. Sir MACKENZIE BOWELL—That is an equitable conclusion to come to, but I question very much whether under the provisions of the Bill, unless some arrangement is made prior to bringing it into force, that the interpretation given by the hon. gentleman is correct.

Hon. Mr. SCOTT—I am confirmed in that opinion by the fact that we retain, for the present at any rate, the present examiners. Dr. Thorburn is still chairman of the board of examiners. The inspector of schools here, Dr. Glashan, is also a member of the board, and the other member is in the library.

The clause was adopted.

On 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.
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.
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.

Hon. Sir MACKENZIE BOWELL—In nearly all these clauses, power is vested in the Governor in Council, and, as the Bill stands, we are divesting the Senate of all the powers it has exercised and enjoyed in the past; but when you come to clause 45, it looks as if the powers are all transferred back, and that they will still be retained by the Senate.

Hon. Mr. SCOTT—Yes, that is quite clear. The Senate, as a body, and any of its committees they please to name, will stand in the place of the department as far as regulations and suggestions and recommendations and all that go. The words in the Act are that a resolution of the Senate or House of Commons takes the place of any

representation that might be made by the head of a department. For instance, if a clerk awarded to them is not satisfactory, or they do not care to keep him, they have a right after six months to reject him and ask for another.

Hon. Sir MACKENZIE BOWELL—In the 8th clause, I think the words 'order in council' should read 'a resolution of the Senate.'

Hon. Mr. SCOTT—That particular clause only refers to departments in the government.

Hon. Sir MACKENZIE BOWELL—No, to all departments.

Hon. Mr. LOUGHEED—I think we had better postpone consideration of clause 45, until we reach it. I would point out that under clause 8 it would permit of the government, in the re-organization, or in the organization of the department provided for in the first part of the section, to radically re-organize the department to the detriment possibly of many of the officers and clerks who now enjoy a certain status. It seems to me that the head of each department should be restricted to maintaining in such re-organization the present status of each officer or clerk. It will be seen that this gives the widest possible power or discretion to the head of each department to in fact manipulate, if he so desires, the standing of the different officers or clerks in his department and possibly to the detriment of many who have certain rights by reason of their long service in the department. I would suggest that the clause be amended by providing that due regard should be had to the present status of each officer or clerk.

Hon. Mr. SCOTT—That is really the intention. The salaries named for the different officers have been based entirely on the standing of the first, second and third classes. However, I have no objection to the words; they can do no harm.

Hon. Mr. LOUGHEED—Then I move that we add, after the word 'council' in the tenth line the following:

Having due regard to the status of each officer or clerk, as the case may be.

Hon. Mr. SCOTT—The intention is that there shall be as little disturbance as possible.

Hon. Mr. POWER—That is hampering the administration.

Hon. Mr. BEIQUE—Would that not tie the hands of the different departments?

Hon. Mr. SCOTT—Of course there are some men employed in the departments, who keep their eye on the clock all the time.

Hon. Mr. LOUGHEED—Of course there is flexibility about this; it simply lays down a principle.

Hon. Mr. SCOTT—The arrangement of the salaries has been fixed according to the status of first, second and third-class clerks. There may be an exceptional case, but the whole basis is that the present status will be maintained.

Hon. Sir MACKENZIE BOWELL—Does the hon. gentleman make the statement that the Commission intend to deal with those who come to their offices and act as drones and do as little as possible, and apply every year for an increase? If this Bill could only get rid of that class it would be a good thing for the country.

The amendment was agreed to.

The clause as amended, was adopted.

On clause 9,

9. There shall be a commission to be called the Civil Service Commission assisted by two members appointed by the Governor in Council.

Hon. Sir MACKENZIE BOWELL—The object of the government, certainly the object of the Civil Service Commission was, to remove as far as possible the appointments to the Civil Service from the political influences which are constantly brought to bear when these appointments are made. If this clause be adopted as it is, the presumption is the two gentlemen who will be appointed as commissioners will be of the Liberal party, and it is not unfair to presume that whether they were both of the Liberal party or both of the Conservative party, that in making the selection, preference will be given, in all probability, naturally, to those who hold the

same view that the Commissioners hold and who are supporters of the government for the time being. In the United States, in order to avoid as much as possible the use of political power by the commissioners under the Civil Service Act, I find that their Act in reference to the appointment of commissioners whose duties are to a certain extent similar to those we impose upon the Civil Service, contains these words:

Not more than two of them shall be adherents of the same political party.

This, or something similar to it, would fit in very well after the word 'members' in the 21st line of the clause. If the government really desire to remove entirely the political influences that will be brought to bear upon the commissioners and the favouritism which the commissioners might show in making a selection of candidates, they ought in these appointments not to be both of the same political character. In the appointment to the three commissioners in the United States, provision is made that only two shall be of the same political party. One strong reason to my mind why the policy of selecting, if there are to be two commissioners, one from each party, or if there are to be three, two of one party and one of another, is that the law provides that you cannot remove any or either of those commissioners except by vote of parliament, and then there must be a complaint against them which would justify parliament in dismissing them, or, in other words, the commissioners are placed in precisely the same position as the judges of the courts and the Auditor General.

Hon. Mr. COMEAU—Do you shut out the independent man?

Hon. Sir MACKENZIE BOWELL—Not if you could pick out an independent man, who had no politics or prejudices. I have not the most exalted opinion of what you call independent men. To illustrate what I am saying, I will cite a little incident which occurred in Toronto. A politician was going through the lunatic asylum, and got into a conversation with a little English woman, who asked him what he was doing in Toronto. He said he was a member of the local legislature, and she asked him the question, 'What politics are you?' He said, 'Oh, I am a h'independent.' She said, smilingly, 'Oh, yes, I understand that exactly; that is a man who is ready to be bought and sold at any time by whoever is in power.' I am not prepared to say that is my opinion, but that was the lunatic's definition of an Independent. Of course if the hon. gentleman from Digby recommends the appointment of an independent man, I hope he will not be of that character.

Hon. Mr. POWER—I think there is a great deal of force in what the hon. gentleman has said, and when I first heard of this commission I thought that it would be wise to follow the example of the United States; but the government took a different view, and I suppose the government were right. They sometimes are right. There are two or three reasons which tend to make one believe that my first impression is not correct. In the first place, we are supposed to imitate the English system, and the system which they have in the United States is not the English system; then there is another circumstance to which I wish to direct the attention of the committee, and that is that when this Bill was introduced it did not contain the provision which it now contains, that these commissioners should hold office during good behaviour. In the House of Commons, it was felt desirable that these commissioners should be independent of the government and that provision was put in. I think that as a general thing if an officer feels that he is completely independent of the government, he is likely to do his duty honestly and without any undue favour to friends of the government. Hon. gentlemen will remember that the ex-Auditor General was appointed in this way, and no one could accuse him at any time of unduly favouring the members of his own party; and I assume that these commissioners will be something of the same stamp. Then there is another circumstance. If you adopt the United States plan, and provide that there shall be three commissioners, two of them belonging to the party in power and one belonging to the opposition, I think the effect will be

that the majority will do as they please and that they will feel less bound to consider the interests of the minority than if they were put on their honour.

Hon. Mr. SULLIVAN—The hon. gentleman does not mean to say that the United States officials are destitute of honour? I think they have more honourable men than we have here, and better civil servants.

Hon. Mr. POWER—I did not catch what the hon. gentleman said. My view is that under this Bill, the commissioners are independent and are put on their honour to do what is fair and right, and I think that instead of gaining, you would lose if you put on a third man who would be supposed to have exclusive charge of the interests of the friends of the opposition.

Hon. Mr. FERGUSON—I hardly agree with my hon. friend from Hastings, that it is desirable to insert the provision he suggests in this Bill, nor do I agree with him in the estimate he gives of what are called independent men. I think I have in my mind men whom it would be very hard for anybody in this House to state which political party they had the greatest leaning to, and who would be admirably adapted for the carrying out of this work. What I think would be very desirable and fair to parliament is, that the government should submit to the House, before passing the Bill, a list of names out of which they would select the commissioners. I know that was the course pursued in the settlement of the land question in Prince-Edward Island. Government submitted a list of names of the arbitrators that would be selected, and the list was satisfactory to both parties, as long as the names would be taken from the list presented. If hon. gentlemen in the government had considered the matter earlier and had furnished the list of names, it would have been a guarantee that the appointments would be placed in good hands. I regard it of the greatest importance that it should be done on the high plane of fair play as between the civil servants themselves and their status, and also as between the two political parties. There is another reason why I take this view, and it is this: the provision we are putting in the law with regard to the commissioners being only removable by both Houses of parliament, I do not attach very much importance to, because if the commissioners were to act as partisans for a political party, you may depend upon it the political party that was discriminated against and had the majority in both Houses would repeal the clause in the Act which forbids removal of commissioners by Governor in Council. They could do that with the greatest ease. Parliament could repeal that clause, and, therefore, the men who would be appointed as commissioners could not possibly afford to snap their fingers at public opinion and justice, because a way could be had of bringing them up if they were to act as partisans. Apart even from the consideration that we have power to repeal, it has been held in cases that arose in the Australian colonies, where they have the same provision in their constitutional Act as we have, that judges, for instance, may be removed by the Governor in Council. In one or two of the Australian colonies they put provisions in their law that persons appointed by letters from the Crown could only be dismissed by address, and the Privy Council has held that that Act was ultra vires. But anyway we know that parliament could repeal its own Act and therefore the commissioners could not possibly afford to go in defiance of principles of justice and fair play as between the two political parties, and make appointments of a partisan nature.

Hon. Mr. BEIQUE—The provision in the Civil Service Act authorizes the president to appoint, by and with the advice and consent of the Senate, three persons not more than two of whom shall be adherents of the same political party, and they shall constitute the Civil Service Commission. The president may remove any commissioner, but in filling a vacancy the president and the Senate must conform to the first provision as to the selection of a commissioner. I do not for my part agree with the suggestion of the hon. senator from Hastings. I hope that the commissioners to be appointed will be persons who will command the confidence of the country, not so much because of their political views as their character and qualification

for the position. It would be importing a wrong principle to recognize in the selection of those commissioners political divisions. It would tend to create strife in the Commission itself, and would not be for the good government of the country. I do not think that we should borrow from the United States. Their system is not at all similar to ours. The president can dismiss, and as a matter of fact has dismissed very readily, an official of that kind. Under our system, it is intended that the commissioners shall hold office as the Auditor General does, whether there is a change of government or not. They are intended to be permanent officials, to be removed only by a vote of both Houses. It is the correct principle, and in accordance with precedent, and we should not recognize qualifications arising purely from the political views of parties.

Hon. Mr. LOUGHEED—The object of this Bill is to create public confidence as to appointments of our public servants. Patronage which has heretofore been exercised by the party in power and which they have discovered has been somewhat to their disadvantage is now being handed over to a Commission. An excellent opportunity is furnished in this Bill to the government to introduce not altogether a precedent, but a principle which should be well recognized in the public life of Canada. It has been the fortunate lot of this government since its accession to power to fill nearly all the great offices in Canada, and yet I venture to say that it would be difficult—I have in view at present the judiciary—in the many many appointments to the bench both superior and inferior to point to the name of any Conservative who has been selected. The bench has undergone almost an entire change since the accession of the present government to office, and I doubt if any hon. gentleman in this Chamber can put his finger on any judicial appointment that has been freely made from the opposition party. They have, with one or two exceptions, been selected from the party in power.

Hon. Mr. WATSON—Oh, no.

Hon. Mr. POWER—I should like to call the hon. gentleman's attention to the fact that the government have recently appointed a chief justice in New Brunswick, and a chief justice in Nova Scotia, both of whom are Conservatives.

Hon. Mr. FERGUSON—They were not original appointments; they were promotions.

Hon. Mr. WATSON—What about Judge Phippen, of Winnipeg?

Hon. Mr. LOUGHEED—The only reason they appointed Judge Phippen was that the provincial government demanded the appointment of a Conservative before they would proclaim the Act.

Hon. Mr. ROY—What about Judge Beck?

Hon. Mr. LOUGHEED—Judge Beck joined the Liberal party and was with the party at the time the Autonomy Bill was under consideration.

Hon. Mr. DOUGLAS—What about Judge Wetmore ?

Hon. Mr. LOUGHEED—He was appointed to the bench by the Conservative government, before he was appointed to the chief justiceship.

Hon. Mr. BEIQUE—What about Judge Nesbit?

Hon. Mr. LOUGHEED—This government had an opportunity of showing a measure of distinterestedness in selecting political opponents for high judicial offices. but they did not do so. The same remark applies to the Railway Board, which is a quasi judicial body and to the National Transcontinental Railway Commission. In England it is entirely different. The party in power there, in making its high appointments, does not give consideration to the fact of the appointee belonging to the dominant party. They recognize the principle that if public confidence is to be created in the higher offices of the State, gentlemen must be selected from both political parties.

Hon. Mr. McSWEENEY—What about Chief Justice Barker, of New Brunswick?

Hon. Mr. LOUGHEED—He was on the bench before this government came into power. It shows the extreme partisan spirit of this government when hon. gentlemen claim credit for promoting a judge to a chief justiceship who has been twenty years on the bench. We have reached that position in Canada when the acrimony of political strife should be modified to the extent of recognizing the services which our leading public men have rendered the State, to the extent of appointing them to the higher public offices. There should be a fair distribution, especially in making appointments to the judiciary, of men of both political parties, and also in making appointments to the very important commissions of which I have made mention. Here is an opportunity, if the government desire to create confidence in the public mind that the servants of this Dominion are to occupy the positions they fill entirely irrespective of any political influence.

Hon. Mr. DOMVILLE—Would the hon. gentleman expect the government to be taking positions out of the hands of an incoming party if they were coming into power to-morrow?

Hon. Mr. LOUGHEED—I was about to say that as this government is going out of power at the next general election, they might recognize the expediency, to say the least of it, of distributing the offices of these commissioners amongst the adherents of both political parties. The saner men belonging to the Liberal party would recognize the expediency of doing that.

Hon. Mr. McSWEENEY—Did the late government always do that?

Hon. Mr. LOUGHEED—I will not say always, but they showed very much more generosity in the appointment of political opponents to the more important offices than this government has ever shown.

Hon. Mr. FROST—Will the hon. gentleman tell us how many appointments from the Liberal party were made during the eighteen years the Conservative party were in power?

Hon. Mr. LOUGHEED—I could refer to many appointments of Liberals to positions on the Superior Court bench by the Conservative government.

Hon. Mr. FROST—Name one.

Hon. Mr. LOUGHEED—Justice McMahon, Chancellor Boyd, Chief Justice McLellan, the late Justice Killam, and I could mention others. I challenge hon. gentlemen on the other side to point to an equal number selected from their political opponents.

Hon. Sir RICHARD CARTWRIGHT—It only shows they were better lawyers on the Liberal than on the Conservative side.

Hon. Mr. LOUGHEED—I was hopeful that my right hon. friend, as he grew older, would divest himself of his unsound political views and show that measure of generosity I would have expected from him. I will give him the credit of saying that I am satisfied if he had the selection of those two commissioners himself, he would be willing to appoint one from each of the two political parties. I do not intend to move an amendment now, but at the third reading of the Bill I shall move that clause 9 be amended by adding the word 'provided both of whom shall not be adherents of the same political party.' That would give an opportunity to my hon. friends in the meantime to consider the suggestion we have made and follow in the wake of the excellent precedent set by the United States in their Civil Service Act.

Hon. Sir MACKENZIE BOWELL—We all take perhaps different views on a question of this kind, but every one will echo the sentiments of the hon. gentleman from De Salaberry, that we hope certain things will take place. It is the old story 'hope told a flattering tale.' I am prepared to say from a somewhat long experience that very little complaint can be made against the judiciary of this country, particularly of Ontario. I was rather surprised to hear the chorus from the other side when my hon. friend called attention to the fact that a Conservative government had appointed a number of judges who belonged to the Liberal party. My hon. friend from Toronto smiled. Whether that was a judicial or a sarcastic smile I cannot tell, but

no one knows better than the hon. gentleman who holds a prominent position in the profession, that some of the most eminent judges in Ontario who were Liberals were appointed by Sir John Macdonald, among them I might mention Mr. Blake, Judge McMahon and Mr. McLennen, who formerly represented Victoria, and who has been promoted by the present government to the Supreme Court bench. I never heard fault found with any of those judges. In Manitoba Judge Killam was appointed by the late government. Every one respected his character, and will always look back with pleasure at his record as being a man of extraordinary ability. The present government very properly placed him at the head of the Railway Commission, where he did good service for the country, and has left a name of which his descendants may well be proud. These are only a few cases to which I could call attention. The hon. senator from Halifax objects to the suggestion I made because he says it is not English but American. Those who know me, need not be told that I have not very strong feelings in favour of United States politicians, or the system that prevails in that country, but I am not prepared to say that everything there is objectionable. There are many points in the character of the people and in their legislation which we might with profit follow in this country. We should follow English precedent he says. Does any one suppose that the same prejudices do not exist even in the case of the Civil Service Commission in England, that prevail in other parts of the world? Human nature is human nature. I know that it is necessary in England to have influence to secure promotion in the civil service. A distant connection of mine writes me that although he has passed the promotion examination, and is in a position to claim promotion for his long services, it is impossible for him to get it unless he can bring influence to bear upon certain persons. He does not hold a prominent position in society, and although he is entitled to promotion, he cannot secure it without influence. It will be the same here. In order to remove any friction in the future, and to prevent charges being made against the commissioners in selecting officers, I have made this suggestion. I fully concur in that clause of the Civil Service Act which places these commissioners above and beyond the influence of the government of the day. It is an admirable provision. Though the law may be changed in order to get rid of commissioners, it is not so likely to be done as it would be if they were there during the pleasure of the people who appointed them. I do not wish it to be understood that I think two gentlemen appointed to this important position could not act judicially and without prejudice; but it is the tendency of human nature to give your favours to your friends and to act on their suggestion and advice. I know when I had favours to give, I did as others had done, bestow them on my friends, but when it came to promoting those already in office, then merit and nothing else was allowed to prevail. In all the cases to which hon. gentlemen opposite have called attention, where judges who were Conservatives have been given higher positions, they were already on the bench and had proved their fitness for promotion. Judge Barker stands high in his profession and socially. Judge Townsend was also on the bench. I hope that in the carrying out of this Civil Service Act it will be, as far as practical, removed from the political influences which have surrounded appointments in the past. I hope the hon. Secretary of State will act upon the suggestion of the hon. senator from Calgary and consult with his colleagues as to the propriety of making the change suggested.

Hon. Mr. WATSON—I think the statement made by the hon. senator from Calgary, as to the appointment of Judge Phippen is very unfair, and should not be allowed to go abroad uncontradicted. I do not think the hon. gentleman intended to go so far as to say that Judge Phippen was only selected because the local government refused to proclaim the Act unless he was appointed. I know the contrary to be the fact, that he was selected on account of his ability to fill the position of judge. It is a reflection on him to say that he was only appointed because his political friends in the Manitoba

government forced the government at Ottawa to make him a judge.

Hon. Mr. LOUGHEED—I said the provincial government of Manitoba refused to allow the Act to be brought into force by order in council, until this government agreed to a Conservative as one of the three judges constituting the Court of Appeal, and in that way Judge Phippen came to be appointed. No doubt he was appointed because of his ability; he was one of the foremost lawyers in the profession.

Hon. Mr. WATSON—Does the hon. gentleman know what he has stated to be true?

Hon. Mr. LOUGHEED—Yes. I assume the responsibility of saying it is true. If the Manitoba government had not taken that stand, three Liberal judges would have been appointed.

Hon. Mr. WATSON—As one of the parties consulted in recommending judges for appointment, I never heard of the proposition which the hon. gentleman has mentioned. Judge Phippen was appointed because of his fitness. I do not think it is a good thing to have a strong partisan appointed. My experience is that when they are appointed, they are so very much afraid of being regarded as partisans that they are inclined to lean the other way. The hon. leader of the opposition says that one of the two commissioners to be appointed under this Bill should be a Conservative. I hope the government will select men who are neither Liberal nor Conservative—men you could not brand as belonging to either party. They may be hard to find, but there are such gentlemen to be found. Any minister ought to have his officials in close touch with him, in political sympathy with him, because such men will try to popularize the minister and the department. If a change of government were to take place, deputy heads would be removed if they were bitter partisans. If the hon. gentleman were Minister of the Interior, he might not be satisfied with the present deputy head of that department. It would be a great mistake to carry out the idea that we should say to what political party the commissioners should belong. In conclusion, I wish to state emphatically that the selection of Judge Phippen to the King's Bench was not done at the suggestion of any of the hon. gentleman's political friends.

Hon. Sir MACKENZIE BOWELL—Can any one tell us why the Act in Manitoba was held up for about a year and a half before it was brought in force?

Hon. Mr. WATSON—No, I cannot tell.

Hon. Sir RICHARD CARTWRIGHT—Speaking with some considerable experience of the Civil Service, I say that it is eminently desirable that civil servants should, as far as possible, be removed from politics. In my own department, I have acted on that principle. I have paid no regard to the political proclivities of those under me that I found there. Of course the appointments I made were for my own friends, but any one I found there has received full consideration from me, whatever his proclivities may have been. A great stride is being made in the provisions of this Bill. The entrance into the Civil Service from this time forth will be by merit, decided on competition, as in England. That is a very great improvement, and will lead to great improvement in the service. Furthermore, I can say in the case of most of my colleagues, and I am bound to say I have observed it to a considerable extent in the case of my predecessors, the heads of departments, if they have good men under them who are capable of carrying out their wishes and carrying on the business of the departments, will be glad to promote such men and do all they can for them. I think that was the case to a very reasonable extent under my hon. friend opposite (Sir Mackenzie Bowell) and I know that it has been the case in a good many other departments. It is very much the interest of a minister in charge of a department to have good and capable servants under him, and allowing without distinction of party or prejudice every man who chooses to go into the Civil Service to compete in the form proposed by this Bill, will, I believe, shortly produce very important results. I should be very averse indeed to anything approaching the United States spoils system

being introduced into Canada. It is perfectly true, and I had very bitter experience of it when I was a member of the Mackenzie administration, that when a new government comes into office, and finds all the superior offices occupied by men of strong partisan leanings, that the government conducts its affairs at a very great disadvantage, so great that I am not surprised that a great many desire that the chief officers should be removed. Nevertheless, weighing the advantages and disadvantages together, I beg to state that I should be very sorry indeed to see the permanent heads of the departments removed on the occasion of a change of ministry. There are certain officers, of course, such as private secretary, which must of necessity be changed when the government is changed, and it is desirable also that the government should have power to bring in officers with special qualifications; but with that reservation I deprecate any attempt at introducing the United States spoils system. The English system, with all its defects, and it has some, has worked well, and is being substantially introduced into the United States. That is a point I think on which all parties can agree. I would go a little further than some of my hon. friends in endeavouring to remove the Civil Service from all connection with politics. I have long thought that, as in the case of judges, it would be better for them and for us if the civil servants had no votes and were entirely outside the political arena; but that is a matter of personal opinion, and it is not brought up under the present Bill. But the other point I say the House may thoroughly rely upon, that is, that if you throw open the Civil Service to competition in the first stages, you will in a very short time purge the Civil Service from political influences that hon. gentlemen have referred to, to a very great extent and you would insure a very superior class to those that have been brought in by their political pull rather than on their merits.

Hon. Mr. KERR—I should not have said a word, except to deprecate and express my regret that the names of many of our most able and most honourable and impartial judges have been mentioned here to-day in the course of this discussion on account of their being charged with being political appointments. I have been a member of the bar for over 45 years in the province, and during that time it has been my privilege to be constantly in daily contact, I might say, appearing before the judges and others who have occupied such positions, and whatever government has appointed them, or whatever may have been their affiliation before their appointment I can say that I have yet to learn of a single instance of any judge who has had the privilege of sitting upon the bench in the high courts of justice in the province of Ontario whose actions have been promoted, prompted or suggested by political consideration. We have been singularly fortunate in the province, by whomsoever the appointments have been made, in having men appointed who were appointed by reason of the signal ability they displayed at the bar, and their high position, and the confidence they enjoyed not only of the members of the bar, but also the public, and I should be very sorry if through any observation which has been made here, in the slightest degree the honour of the bench in the province of Ontario should be attacked. I do not know of a single instance, although men have been appointed who have occupied prominent positions in political fields before their appointment from the days of Sir John Robinson down—I have been a member of the bar that long—in which any one of those men has acted in such a way as would justify the imputation that they had ever been politicians or that they had ever been members of any political party whatever. I think it is fair and right that this statement should be made. As to the question of appointment of judges, so long as appointments are made with a single eye to the public service, and with due regard to the qualifications which are essential to hold the position on such a bench as that is, I think it is a matter utterly immaterial to consider for one moment whether these gentlemen have or have not at any time, either in the present or in the past been connected with any political party. I think the one thing to consider is the selection of men who will discharge their duties impartially and to

the best of their ability, and, so long as that is done, no government can be blamed because they may have selected them from one political party or the other. I do not mean to claim the right of the political parties to recommend the appointment of judges. It is the right of anybody, no matter what party he belongs to, to expect to have that appointment conferred upon him. I can say of many of the appointments made since the present government came in power, that the single consideration was, whether the man would be likely to accept the appointment and whether he would be fit for the position.

Hon. Mr. LOUGHEED—I might resent the implied charge that any reflection is cast upon the impartiality or honour of the bench. I am sure every hon. gentleman of the chamber will hold the same high opinion of the bench already expressed, but it was simply the principle that was under discussion.

Hon. Mr. DOMVILLE—First of all, we talk for our own province and what is good there is good everywhere else. Under the present Act when they hold these examinations, young men come from colleges or high schools, in the freshness of youth, supposing all they have to do is to pass an examination and then receive an appointment. They pass the examination, many of them, but never get any position; but under this Bill I can see, if it is as I understand it, when an examination is held, such as they have in Somerset House, England, if there are 500 candidates for examination, and there should be 20 opportunities for positions open, those who pass the highest will get the position irrespective of politics or anything else. I think the government are doing an excellent thing. I do not always feel inclined to back up everything the government does, although I swallow it sometimes; but this is a reform that must commend itself to the country.

Hon. Mr. FERGUSON—I wish to emphasize the opinion that I have already expressed in an incidental way, that I could not support a motion that would insist that these commissioners should be selected one from each political party. I think that would keep alive a feeling of partisanship, and the idea that these appointments were to be had by political friends, and you would find politicians would be pestering the government of the day for appointments. I think, therefore, it would be very much better to depend upon the high character of the men you would appoint on the commission. I only wish we had a list of the names from which the commissioners would be selected, so that we would have the assurance that the men appointed would be men of high character.

Hon. Sir MACKENZIE BOWELL—I am rather surprised at the hon. gentleman from Toronto finding it necessary to make the speech he did in laudation of the judges of Ontario. I think the only one who referred to the judges at all was myself, and if my recollection serves me right I used the expression that it had been our good fortune in Ontario to have a class of men on the bench against whom no charges of political influence could be brought. I do not understand the necessity at all for a eulogistic speech such as the hon. gentleman made, because it was not called for by anything I said, and certainly not by anything the hon. gentleman from Calgary said.

Hon. Mr. LOUGHEED—I regret that the government has not seen its way to give a wider scope to this commission, so that of its own motion it might have the right or power to investigate the affairs of any department irrespective of the minister.

Hon. Mr. SCOTT—The first line gives that authority.

Hon. Mr. LOUGHEED—This would not permit the commission to investigate the want of proper organization in a department, or the question of gross extravagance, nor would it permit them to place a limitation on the number of clerks. All it can do is to inquire into the status of the clerks or officers under the Civil Service Act. It seems to me, what the government requires to do is to have a commission in whom the people of Canada will have confidence that they can exercise supervisory and inquisitorial powers, if necessary, into the disorganization into which departments will naturally fall in time.

Hon. Mr. FERGUSON—The weakness is shown in the last line, where they can only investigate under an order in council. Why should they not have that power without an order in council?

Hon. Mr. SCOTT—Our system of government is responsible to the people, and if you transfer that responsibility to officials, you are taking it away from the administration entirely.

Hon. Mr. FERGUSON—If the words 'Governor in Council' were struck out it would give the commission the power to make the inquires which can now be made only by order in council.

Hon. Mr. SCOTT—If there were any justification whatever for it, no government could turn down the suggestion or recommendations by the commission that an investigation should take place into the conduct of any officials or management.

Hon. Mr. ROSS (Middlesex)—I do not think it would do to substitute a commission, irremovable, practically, for responsible government.

Hon. Sir RICHARD CARTWRIGHT—That would be the effect.

Hon. Mr. ROSS—You would make the commissioners so independent of parliament and so indifferent to parliament, that you could not endure them.

The clause and subclauses were adopted.

On clause 11,

11. The present Civil Service examiners shall continue to hold office during pleasure, and shall be under the direction of the commission.

2. The powers of the Civil Service examiners as a board under sections 7 to 15, both inclusive, of the Civil Service Act shall be vested in, and may be exercised by, the commission; and for the purposes of the said sections, either member of the commission may exercise any function or power vested by the said sections in the chairman of the board.

3. The said sections shall, so far as they are applicable and with the necessary modifications, apply to examinations under this Act.

4. Such further examiners as are deemed necessary may be appointed by the commission.

Hon. Mr. ROSS (Middlesex)—It would seem the intention of this clause is to provide examiners ad hoc, or as a permanent staff who are to be paid a certain remuneration and whose duty it is to conduct examinations and report. Has my hon. friend looked into the United States system? There, when an examination is made in connection with appointments for any department, the examiners are the officers of the department. If an examination were to be held for appointments in the Post Office Department the other members of the service were detailed by the commissioners to conduct that examination, and during the time of serving on the examination, they were removed from their official duties. I can conceive that these examinations will become a matter of expense, and men of dignity and standing will feel that they are in duty bound to preserve the honour and efficiency of the service if they had to pass upon those who were to be admitted to the service. As it stands now, the medical council is the custodian of the honour and status of the profession, and so with all the professions. Would we not confer an additional dignity upon the Civil Service if we alloted to them the task of passing upon the candidates and their attainments and so on, who were to be admitted by examination into the service?

Hon. Mr. SCOTT—The various applicants write under numbers. No one knows whose paper is being judged at all. It seems to me that absolute secrecy should prevail as to these examinations from the Atlantic to the Pacific. Those examinations take place on papers prepared by the present Board of Examiners, men who are intellectually quite equal to the duties; the parties write under a fictitious name or particular number, so when a paper is judged you do not know from what source it emanates. No one could tell who the writer is and, therefore, you secure excellence without any kind of partiality. Occasionally there is an attempt at personation which has been brought to my notice; but in 99 cases out of 100 the examinations are fully and honourably conducted. In reference to examinations being held by those who are already in the service, I should not approve of that at all. The promotion examination should be passed upon by the deputy minister, because he is supposed to come in personal contact

with his clerks, and form a good opinion of those who are to be recommended for promotion. I think the system will work out pretty well. The Board, as at present constituted, will continue. Their salaries are not large, and it is practically self sustaining. There is a small fee, and it very nearly pays the whole cost of the Board.

Hon. Mr. ROSS (Middlesex)—I am not finding fault with the present examiners. One was a pupil of mine. They are all capable men and have done their work well, and while not dismissing the present examiners, much assistance will be required in the future in the work of the examination above what these men may do, and in order to do that work. I think the government might very well consider whether the additional examiners might not be taken from men actually in the service who would be capable judges, even whether unanimity was preserved of the excellence of the answers to the questions, if the service is what we expect it to be.

The clause was adopted.

On clause 13,

13. Except as herein otherwise provided, appointment to positions in the inside service under that of deputy head shall be by competitive examination, which shall be of such a nature as will determine the qualifications of candidates for the particular positions to which they are to be appointed, and shall be held by the commission from time to time in accordance with the regulations made by it and approved by the Governor in Council.

Hon. Mr. ROSS (Middlesex)—In the matter of appointment, some care should be taken to distribute the appointments to positions at Ottawa, over the whole Dominion.

Hon. Mr. SCOTT—That will be so under competitive examination. The most meritorious will stand first.

Hon. Mr. ROSS (Middlesex)—That is my difficulty. I was going to point out that in the United States the appointments at Washington are distributed among the States and Territories on the basis of population. That is to say, the district of Columbia as a district, nor the states in the immediate neighbourhood of Washington, do not monopolize the appointments, but when vacancies arise, and appointments are to be made, the commissioners look over the list of candidates who have passed the highest examination from the state that has not its full quota, and from that list they make appointments for vacancies until the state has its quota. I can see this difficulty in that system; if you have an omnibus list, representing the best men in the United States and take from that list the persons standing at the head for a vacancy, there your competition is with the whole of the United States; but if you limit it to a state then your competition is only from the best individuals in that state.

Hon. Mr. SCOTT—In this Bill there is no limit to any province.

Hon. Mr. FERGUSON—No. Why should it not be open to all ?

Hon. Mr. ROSS (Middlesex)—I am just pointing out the two methods. One is that there might be a distribution according to provinces, and the other is that your appointments may be made from all of them. Something may be said in favour of both systems. If you have the open system the competition is over the whole of Canada, and if you have a provincial system it is for a province. If you have a provincial system you stimulate the competition in the province, and you have this as a guide; the school systems are not alike? They are not all equally advanced. You give to a province whose educational status might be far in advance of another, an opportunity for young men for positions, They are not barred out by the superior educational advantages in another province. No one province could snatch all the prizes. I think both systems have something to recommend them.

Hon. Mr. FERGUSON—I cannot agree with my hon. friend. I think merit should be the only test, no matter whether the successful men come from British Columbia or Prince Edward Island, or where they come from, and if the educational system from any one province is not good enough to furnish the men, let the province look to its education and improve it.

Hon. Mr. SULLIVAN—I had no idea that in my lifetime there would be a principle established such as is laid down here.

It is rather too big a leap. There are some offices in the government not worth competing for. With regard to examinations I would favour the civil service furnishing the examiners as far as they could do it. They are the men who are best qualified, other things being equal, if they had the technical knowledge required for any particular department. The main thing is to have it practical, not to have it given in a written examination which can be copied, and which students will elude, no matter how you fix it. The great point will be, those who enter for the competition will be subjected to a practical, thorough examination and in that way the examiner can elicit in a few words, by an oral examination ten times as much as by a written examination which would take half a day. It is the same way with universities and medical examinations, and it is found that one minute of an oral examination will enable you to form a better opinion of the depth of a man's knowledge than reading over pages of written matter. Canada does not contain such a lot of learned men. The number is comparatively small, and I hope the day is coming when the government will furnish educational attractions for young men. The civil service has no attraction now. Any young man who will roll up his sleeves and get to work will do a great deal better out of the service than in it. I hope the government will not require men to come here to compete for positions at $500 a year where they will have to remain for a lifetime before the salary reaches $1,000.

The clause was adopted.

On clause 23,

23. When, from a temporary pressure of work, extra assistance in excess of those whose names are on the list of successful competitors is required in the inside service of any department, the Governor in Council may, upon the recommendation of the head, based on the report in writing of the deputy head of the department that such extra assistance is required, authorize the employment of such number of temporary clerks as are required to carry on the work of the department.

2. Every such clerk shall, however, before appointment obtain a certificate of qualification from the commission, 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 age, health, character and habits.

3. No such temporary clerk shall be employed for more than four months in any year.

Hon. Mr. LOUGHEED—How does the hon. minister reconcile subsection 3, the four months period, with the six months period mentioned in another section?

Hon. Mr. SCOTT—There are times when parliament is sitting when there is an extra demand for clerks. Clause 18 provides:

No clerk supplied for temporary duty shall be so employed for more than six months in any year.

The clause was adopted.

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

The Senate adjourned until 3 p.m.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Yesterday, when I was speaking on the power of a Standing Committee of the Senate, the proposition I made was that the committee had not power to kill a Bill, the principle of which had been adopted by the House at the second reading. To make this clear I will cite Bourinot, at page 565, where he says:

Though a committee has full power to amend, even to the extent nullifying the provisions of a Bill, they cannot insert a clause reversing the principle affirmed by the second reading.

Further on he says:

The committee have no power to extinguish a Bill. That power is retained by the House itself.

I think that makes it clear.

Hon. Sir MACKENZIE BOWELL—Not at all. It is right as far as it goes. The committee could not kill the Bill, but they could express the opinion as to the propriety of killing the Bill and refer that opinion to the Senate, and the Senate could kill the Bill.

Hon. Mr. ROSS (Middlesex)—Yes. If we had risen without reporting anything, it would have been killing the Bill ; instead of doing so we sent the Bill back to the House.

Hon. Mr. LANDRY—Yes, but the hon. gentleman said : 'Has the committee not power to kill the Bill ?' I said not. The hon. gentleman said that the committee could clause by clause reject each clause of the Bill.

The SPEAKER—There is nothing before the House.

Hon. Mr. LANDRY—It is a question of explanation of what I said yesterday.

POSITION OF COLONELS AT TERCENTENARY.

INQUIRY.

Hon. Mr. LANDRY inquired:

Has any provision been made or will any be made by the militia authorities to give honorary colonels and honorary lieutenant-colonels of regiments a fitting position in the military turnout at Quebec on the occasion of the tercentenary?

Hon. Mr. SCOTT—The answer is : It is usual, at all important military reviews, to reserve a space for the accommodation of officers in uniform, among whom honorary colonels and lieutenant colonels of regiments would, of course, be included, close to the saluting flag.

An arrangement of this sort will be made at Quebec on the occasion of the military review, subject, of course, to the requirements of the National Battlefields Commission. All other celebrations in connection with the Quebec Tercentenary are in the hands of the National Battlefields Commission and not of the Militia Department.

Hon. Mr. LANDRY—Are we to understand that the Department of Militia surrenders their power to the Crown?

Hon. Mr. SCOTT—On other occasions than the review. At the military review, space is reserved for officers in uniform; but on the other occasions the Commission takes precedence.

Hon. Mr. DOMVILLE—I would point out to the hon. minister the point that my hon. friend from Stadacona is aiming it: Under the Militia and Queen's Regulations, the colonels have a right to fall in at the rear of the staff at the saluting point; but if I remember correctly—I may be wrong—they have to fall in on foot. Would you ask the honorary colonels holding important positions—like Lord Strathcona and others—to fall in on foot behind all the generals who will be at Quebec on horseback ? I think that is what my hon. friend meant. The hon. minister might ascertain whether they would fall in mounted or dismounted?

AN EXPLANATION.

Hon. Mr. FERGUSON—Before the orders of the day are called, I wish to make a personal explanation. Yesterday when the Bill respecting the hotel site at Ottawa was before the House, I understood the hon. senator from Wellington to make a personal reflection on me, and I retorted as I thought somewhat in kind. Since then, I have looked at the report of the debates and find that I heard the hon. gentleman incorrectly, and that he made no personal reflection. I am sorry, therefore, that under a misapprehension I retorted as I did.

ACCUSATIONS AGAINST J. McGOVERN.

INQUIRY.

Hon. Mr. LANDRY inquired:

1. What is the precise nature of the accusations brought forth against Mr. J. McGovern, foreman on the Intercolonial Railway between Lévis and Rivière du Loup?
2. Who was appointed commissioner to hold the inquiry?
3. When was the appointment made, and when and where did the inquiry take place?
4. When was the finding given, and what is it?

Hon. Mr. SCOTT—I would suggest to the hon. gentleman to put that question to the minister in the other House.

Hon. Mr. LANDRY—I have not been elected to the Commons.

Hon. Mr. SCOTT—But the hon. gentleman has friends there.

Hon. Mr. LANDRY—I have a right to put the question here.

Hon. Mr. SCOTT—Yes, I presume the hon. gentleman has. I think with my hon.

friend's assistance we have squeezed out more answers from the various departments than we have ever got before.

Hon. Mr. LANDRY—I am ready to propose a vote of thanks at the close of the session to the hon. gentleman for the aid he has given me. This is the last question I have, and we should part on good terms, and I am sure he will try and get an answer to the question to-morrow. If the accusation was made, it was made here in Ottawa, I suppose, and the Department of Railways can give an answer. If I had the authority of my hon. friend I would go to the department direct and get an answer, but I have not his influence.

Hon. Mr. SCOTT—I don't know about that. My influence is ebbing. I think I am looked upon as a nuisance.

The inquiry was allowed to stand.

THE OPIUM TRADE IN CANADA.

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 all correspondence, reports, memorials and protests forwarded to the government in connection with the opium trade in Canada, whether asking for the suppression of said trade or otherwise.

He said: This question will come up before the Senate for discussion soon, probably to-night, and I should like to see this correspondence, if the hon. gentleman can procure it for me.

Hon. Mr. SCOTT—I asked to-day at council if any of my colleagues had received communications, and the reply was that they had not. I asked Mr. Templeman, Sir Wilfrid Laurier and Mr. Lemieux. I had a long telegram from Mr. Peters in British Columbia, and a communication from Mr. McInnes, who, I understand, is acting for them. Those are the only two I know of.

Hon. Sir MACKENZIE BOWELL—What is the nature of the telegrams from Mr. Peters?

Hon. Mr. SCOTT—The telegram is as follows:

Hon. Mr. SCOTT.

Victoria, B.C., July 14, 1908.

Hon. Senator Scott,
Senate, Ottawa.

Re Statute preventing sale of opium, Chinese merchants claim that great injustice will be worked if Act brought in force at once. They have half a million dollars of stock on hand, which will be almost a total loss, also a large amount is now in transit to British Columbia. Is it not possible to give some time to dispose of stock on hand? Immediate enforcing of Act means practical confiscation. Again, persons used to smoking opium cannot be stopped at once; they must stop by degrees and if sale is absolutely stopped it will mean the death of many such persons. The opium used for smoking and which is the only kind manufacturing here, is known as Patna and is not the same kind as used by druggists which is known as Persian opium.

FRED. PETERS.

The effect of the letter from Mr. McInnes, was that if the parties were granted six months they would be willing to give security to the amount of $50,000. I brought it up in council to-day and council did not favour extending the time beyond three months, because it would lead to smuggling. I have brought down all the correspondence I know of.

CIVIL SERVICE ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (189) An Act to amend the Civil Service Act.

(In the Committee.)

On clause 38,

38. No salary or additional remuneration beyond the regular salary of the office he holds shall be paid to any deputy head, officer, clerk, or employee in the Civil Service, or to any other person permanently employed in the public service, except by a special vote of parliament, in which the name of the person who is to receive the remuneration shall be given; and no vote expressed to be made generally 'notwithstanding anything in the Civil Service Act' shall be deemed sufficient to authorize the payment of any such additional salary or remuneration.

Hon. Sir MACKENZIE BOWELL—Attention was called in the other Chamber to the fact that this clause was rather confused. It is somewhat involved. The expression 'notwithstanding anything in the Civil Service Act' would not avail to carry a vote. I propose to make it clear and after the word 'generally' I propose to add the words:

Though qualified by the words——

Then the clause comes in 'notwithstanding anything in the Civil Service Act' and add :

Nor any words to the like affect.

Hon. Mr. FERGUSON—Does my hon. friend really think that by putting in these words it will deprive parliament of the power of inserting words that will give a similar meaning ?

Hon. Mr. SCOTT—No, but it will show our intention.

Hon. Mr. POWER—I may be altogether mistaken about this, but it will be remembered that certain deputy heads have been in the habit of receiving pay beyond the pay given to an ordinary deputy. There is the deputy Minister of Justice, the deputy Minister of Railways and the deputy Minister of Finance. It seems to me that some serious difficulty may arise in giving these gentlemen the additional amounts which it is proposed to give them, under the wording of this clause. I do not know how you are going to vote the $1,000 extra or the $2,000, as the case may be, to any one of these deputies if this clause is to be operative.

Hon. Mr. LOUGHEED—There is provision for it being done by special vote. It seems to me that the four lines might be stricken out with advantage.

Hon. Mr. SCOTT—The vote will already have been given and they will have got that salary under Acts we have passed, so that it will not interfere with them.

Hon. Sir MACKENZIE BOWELL—This is adding a clause to the Civil Service Act intentionally to protect the government against themselves.

Hon. Mr. ROSS (Middlesex)—Yes.

Hon. Sir MACKENZIE BOWELL—They have been violating the law.

Hon. Mr. SCOTT—Like other governments.

Hon. Sir MACKENZIE BOWELL—Using the word 'notwithstanding anything in the Civil Service Act to the contrary,' and they say that such words, or words to that effect shall not guide or justify any such votes in the future; but they take the precaution just before adding that to provide that unless these special votes or special increases are given by a special vote of parliament. So that it opens the door. All they have to do in the future, if they desire to increase the salaries, instead of using the words 'nowithstanding anything in the Civil Service Act to the contrary,' is to introduce a special Bill declaring that certain officials shall receive such and such increases of salaries. I desire to put upon record the use to which the words 'notwithstanding anything in the Civil Service Act' and words to that effect were used in the very last estimates which were laid before parliament. It will show when you look at the amounts, how careful the government have been to provide themselves with large sums of money to dispose of, independent of the laws which are on the statute-book at present. They are somewhat interesting because they exceed any other estimates that have ever been laid before parliament even by the present government. Turn to schedule A of the estimates of the sums granted to His Majesty, which by the by, is only a portion of the amount required for the financial year ending March 31, 1909, and to the purposes for which they are granted, you will find the use of those words to the following extent: Under the heading of 'Civil Government' you will find first, 'Salaries, notwithstanding anything to the contrary in the Civil Service Act,' $37,-253.12.

Then take the next item of Militia and Defence and they ask for $55,572, and down a little lower you will find contingencies where they only ask for $45,110.63. Then at the foot, the last one in the contingencies they change the wording that has been in use for years past, and they use the words: may be paid to members of the Civil Service notwithstanding anything in the Civil Service Act to the contrary,' the sum of $38,062.50. On that page alone you have placed at the disposal of the different departments no less than $175,988.75, notwithstanding anything in the Civil Service to the contrary.

Hon. Mr. SCOTT—There may be only one official to which that refers who will be paid, in the group to which that exception is necessary to apply.

Hon. Sir MACKENZIE BOWELL—In the first part it says 'Salaries notwithstanding anything to the contrary in the Civil Service Act,' and then when it comes down to the Department of Militia it is salaries again 'notwithstanding anything in the Civil Service Act to the contrary,' and when it comes to the contingencies it uses the same words, both for the Post Office Department and contingencies generally. On the next page on the items 'Arts, agriculture and statistics,' you will find that one item alone amounts to $100,625, and immediately under that $43,750, and again a sum of $39,373, making a total of $183,748; Then under the head of 'Miscellaneous,' there is for railway statistics $3,084, extra clerks $3,981.25, and for salaries of engineers, draughtsmen and so on, $33,932, making on that page $40,998.13. Then go a little further, and you will find that under the head of customs my successor in that office is very modest in his demands. Salaries, contingencies, expenses of the several ports in the Dominion, including pay, over-time of officers, notwithstanding anything in the the Civil Service Act to the contrary, only $1,491,875, about a quarter of a million more than the whole cost of the service under the late administration. If you look at canals, you will find there is no less than $21,875,-odd for the payment of the employees. Civil government comes up again under the head again of schedule B, $424, that is a moderate sum, but not so moderate, however, as in the administration of justice. They require to pay to one Charles Morse $625, notwithstanding anything in the Civil Service Act to the contrary. When you get down to 'Transportation Facilities' there is a sum of $5,000 required notwithstanding anything in the Civil Service Act to the contrary.

Under the head of 'Public Works' in the item 'miscellaneous,' they require for one of their branches $2,500, and in another $8,125; in the third branch $1,875 and in the fourth $9,375. Making a total of $20,250. Leaving out miscellaneous in the same paragraph, they ask for $2,500. The Marine and Fisheries ask for a very small sum, $37.50. In the Geological Branch they ask for $268.75, $125 $625, and $2,255. Under the head again of miscellaneous, the expenses of litigated matters and so on is an amount of $1,875, and the Department of Labour $3,837. Under the head of collection of revenue, they ask for $625 which is not a very large sum. Taking them all, it reaches very nearly $2,-000,000. It is quite evident that before the new Civil Service Act goes into force, the heads of the different departments desire to have a tolerable amount of money placed at their disposal for proper and improper purposes, I cannot say which, in direct contravention of the law. I am not questioning just now whether they are asking these sums for legitimate purposes, or to provide for friends who cannot be provided for under the new law when it comes in force. What I am calling attention to is the extent to which these words notwithstanding anything in the Civil Service Act to the contrary, are used for the purpose of obtaining money to dispose of without the knowledge of parliament. Take the Customs Department in particular, about $1,500,000 is asked for. Under the old regime, when the Customs Department laid its estimates before parliament, every port in Canada from one end to the other appeared, showing the amount that was required for salaries, rents, stationery and extra clerks, if there were any, so you could take up any port in the Dominion and ask the government what increase or decrease there was, and why there was an increase or decrease. But under the present system, parliament knows nothing about it, and to my surprise, in the discussion of the estimates on the floor of parliament, these particulars have never been asked for. They take just as they did before the Civil Service Act came into force, a lump sum to dispose of just as they please. That is the manner in which the government has been administered, and you have a fair specimen of it in these estimates. I want to call attention to the manner in which the law is evaded by the sanction of parliament. Under the clause we are now considering, instead of preventing that in the future, the door is

left as wide open as it has been and is now for the reason just advanced by the hon. senator from Marshfield when he asked the question whether the hon. Secretary of State supposed for a moment that parliament had not power to change the law whenever they thought proper to do so. There is an actual provision providing for that, so that this clause is apparently calculated to deceive the public. I hope this may be the last opportunity I shall have to call the attention of the Senate to the manner in which the present government administer the public funds in connection with the Civil Service. I am surprised that the hon. senator from Wellington has taken these evasions of the law so calmly and coolly. I am surprised that the ghost of the former James McMullen of the House of Commons does not haunt about midnight the dreams of the hon. senator from Wellington. I would have expected to have heard him in the sonorous tones in which he generally addresses the House, denouncing the practice which prevailed in the past and which is so intensified in the estimates before us.

Hon. Mr. SCOTT—The present government are following a bad example. Turn up the statutes anywhere and you find items with these words 'notwithstanding anything in the Civil Service Act to the contrary.'

Hon. Sir MACKENZIE BOWELL—I said that.

Hon. Mr. SCOTT—The hon. gentleman assumed those sums are paid out. In half a million of such votes there may not be over $100 paid out, but in order to justify payments to a single clerk who happens to be in a department, those words have to be added. I turn to the Supply Bill of 1894, when the hon. gentleman himself was premier, and I find the following amounts appear, 'Notwithstanding anything in the Civil Service Act to the contrary':

Department of Justice $2,455.
Marine and Fisheries $43,850.
Printing and Stationery $27,409.
Customs $36,000.

Then on the next page, 'Civil Government $1,400,' and so on. Then I find, turning over another page, additional pay to persons permanently employed in the public service, &c., under the heading of 'canals,' $15,000. It does not follow because large amounts appear that any considerable portion of them will be paid out. We have to take the bulk sum to pay outside officials who have no status, in order to pay them an extra amount sometimes, and we have to put in those words. From time immemorial it has been done that way.

Hon. Mr. McMULLEN—The Bill before the House has not come a moment too soon. When I was in the House of Commons, I criticized the extra pay to civil servants where these words 'notwithstanding anything in the Civil Service Act,' appeared, but still it went on from year to year, and no doubt it has increased since. Civil servants are never done demanding, begging, seeking, to get increases of salary or allowance of pay for extra work. It appears to be a disease that attacks every man when he is appointed to the civil service, and he never ceases pressing his claim in every way he possibly can for some increased allowance. That has been the policy adopted by the civil service as a class for many years, and I hope that the passage of this civil service Bill will put an absolute stop to such appeals. The old government was bothered in that way no doubt. The hon. Secretary of State has pointed out that it has been the custom for years to grant increased allowances under the item 'Notwithstanding anything in the Civil Service Act.' I repeat, this Bill to amend the Civil Service Act has not come in a moment too soon. I regret it does not go further, but it is a step in the right direction. I hope we will go on improving its provisions and that eventually it will be extended to the outside service, and that all branches of the service will be made subject to the Act. It cannot be done a moment too soon. I hope some provision will be made by which any civil servant shall forfeit his position if it can be proved that he made application personally or through others for an increase of salary or allowance. We want to put a stop to all that sort of thing. In the past, a large portion of the time of ministers was taken up answering letters of friends urging ap-

pointments in the civil service, and in listening to pleadings for increases of salary or allowance. I hope this Bill will put a stop to all that sort of thing, and that we shall turn over a new leaf. So far as the use of these words 'Notwithstanding anything in the Civil Service Act' is concerned, the old government and the new can touch thumbs; the one is about as guilty as the other. The expression may be more generally used now than it was under the former government, but it is time we put a stop to it, now and forever.

Hon. Mr. LANDRY—Is it the intention of the hon. gentleman to move an amendment in that sense?

Hon. Mr. McMULLEN—I shall consider my hon. friend's suggestion.

Hon. Mr. LANDRY—In the light of the hon. gentleman's former speeches, I expected that he would.

Hon. Mr. ROSS (Halifax)—In connection with the observations by the hon. gentleman from Wellington, I may say that what he calls a disease in the Civil Service is not confined to them; it belongs to the human race. There is not a senator here that has not some little part of that disease. We are all trying to make more money, and we should not blame the civil servants or speak harshly of them, because they are not greater sinners in that respect than we are all ourselves.

Hon. Sir MACKENZIE BOWELL—It is a great compliment to the late government that the hon. Secretary of State could not furnish further evidence of what he calls their dereliction of duty.

Hon. Mr. SCOTT—I did not call it dereliction of duty.

Hon. Sir MACKENZIE BOWELL—In every case where they were asked to use that expression 'notwithstanding anything in the Civil Service Act to the contrary,' it was for a special purpose and parliament knew why it was used. But there is nothing of the kind in the estimates before us. There is no precedent, under the Conservative administration for such an item as we find here, asking $1,500,000 for one department, and simply saying it is to be expended on the Civil Service as the minister or the government may think proper. It is all very well for the hon. gentlemen to say that while a large sum is taken, only a small portion of it may be spent. If the former government sinned, they erred to a very limited extent as compared with the sins of the present government.

Hon. Mr. ROSS (Middlesex)—The hon. leader of the House says that the intention of this clause is, to a certain extent, to protect the government against a violation of the Civil Service Act. Suppose we read from line 20 of the clause in this way: 'Or to any other person permanently employed in the public service except by Act of Parliament,' and stop there. There ought to be some finality in these salaries. There should not be estimates every year with a sort of caveat 'notwithstanding anything in the Civil Service Act.' It is really a confession that we are doing something that is exceptional, presumably sheltering ourselves under the Supply Bill. I never thought that the Supply Bill was in that sense an Act of Parliament. I am not sure if the Auditor General construed the Act of Parliament authorizing himself to hold his position that he would honour a payment of that kind.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. ROSS (Middlesex)—If he would do that in the form in which it has been done, he would not be debarred from doing it certainly if the provision was that there should be no increase of salaries except by Act of Parliament.

Hon. Mr. ELLIS—Would not putting it in the Supply Bill be an Act of Parliament?

Hon. Mr. ROSS (Middlesex)—The hon. senator from Hastings says he thinks it would be sufficient authority. I stand corrected from his superior experience, but I am quite sure that the government would not bring down a Bill to parliament providing for an increase of salaries to the same extent exceptional increases are done under the Supply Bill. We had a Bill before us in regard to the Auditor General, and another in regard to the superintendent

of insurance. Both Houses would get tired of passing Acts of Parliament if one was required for each increase. If the members of the government want to protect themselves against this constant nagging for increases, that is one way, and I should be glad if some provision were made whereby civil servants knew that they got a minimum salary when they entered the service, and got increases from time to time, and that they need not look to anybody else for special favours or for occasional increases.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman ought to know that that is the law on the statute-book at the present moment. When the civil servant is appointed he enters the service at a certain minimum salary or whatever may be recommended at the time, and that there are to be annual increments; but notwithstanding that fact the salaries are increased and parliament sanctions the increases and the Auditor General passes them, of course, because they are authorized under an Act of parliament and he cannot help himself. This clause is no protection whatever, because if they cannot do it one way, they can by another. The suggestion of my hon. friend from Calgary makes it clear when he says 'Notwithstanding anything in the Civil Service Act or words to that effect.' But just before that there is a provision by which they can do all that by introducing a Bill in parliament.

The clause was adopted.

On clause 41,

44. If a person dies while in the public service, after having been at least two years therein, an amount equal to two months of his salary shall be paid to his widow or to such person as the Treasury Board determines.

Hon. Sir MACKENZIE BOWELL—Is there not a proposition to increase that sum?

Hon. Mr. SCOTT—There was, but the Finance Minister said the superannuation fund was based on this assumption that a certain portion would fall in, that if an official dies while in the service so much was added to the fund, and pro rata reduced the annual payments the survivors made. That was the basis on which the whole thing was predicated. I should be exceedingly glad if we could see a way of increasing it, but if you change it you change the whole basis of superannuation, and it was thought advisable that that should not be done just now because it would lead to complications. If it stood isolated, and not as a precedent for other cases it might be done.

Hon. Sir MACKENZIE BOWELL—The policy which has been in existence for a great number of years under both governments was to grant to the widow or the heirs of a deceased officer two months' salary. There have been cases where an officer had been in the employment of the government, say a postmaster for instance, who had been paying into the superannuation fund for 25 years and died suddenly. Of course neither he nor his family receive any benefit from the fund. A suggestion was made that in cases of that kind the government should be empowered to grant, instead of two months' salary as at present, six months or in proportion to the length of time that the officer had been in the service. I can understand very readily the difficulty in adopting a system of that kind, because we all know that the payments which have been made into the superannuation fund have not been sufficient to meet the demands upon it, and, consequently, they have to draw from the exchequer a sufficient sum to make up the deficiency, and I can understand very well the difficulties in establishing the principle of paying a large amount to the relatives of those who die suddenly and reap no benefit from the money paid into the fund. The answer to that is that if they retire from the service and live eight or ten years they would be drawing a sum proportionate to the amount of their salaries and the length of their services. Still, there are a great many hardships. I could individualize if necessary, and I was in hopes the government would adopt the grading system and deal with the widow and the family in proportion to the length of services rendered by the official of the government. However, the government have decided not to do that. I can see great objection to establishing a precedent of that kind, but I should have been

glad if some system could be adopted by which these extreme cases could be met.

Hon. Mr. POWER—I think our old superannuation system was very defective indeed, especially in the point indicated by the hon. gentleman from Hastings, that while a man might retire in comparatively good health from the public service after having served 20 years, he might live 20 years and draw a handsome retiring allowance all that time, but if he dropped dead at his post, his widow and family got nothing except this gratuity of two months' pay. I see that the government do not propose to deal with that matter in this Bill, but I hope the leader of the government will be able to give the House some assurance that, at the next session, steps will be taken to put the superannuation law on a proper and businesslike basis, to assimilate our pension system to the systems which prevail in the banks and big railway companies. I hope the hon. Secretary of State will be able to give us some information.

Hon. Mr. SULLIVAN—A gentleman who was in the employ of the post office for 30 years, during which time he paid into the superannuation fund, died a few months ago, and all that his mother obtained was two months' pay. That was monstrous injustice. No government or individual should take a man's money that way and keep it. They should at least return the amount that he paid in, and this House should register a vow that they would see that such grievances should be remedied at once. The government, or any men with consciences should at once rectify an injustice of that kind.

Hon. Sir MACKENZIE BOWELL—I think the Minister of Finance, when this question was under consideration in the Commons, intimated to the House, that their intention was to introduce a superannuation law in the future, somewhat of the character of the late law. It may not be exactly in accordance with it. Perhaps the hon. Secretary of State or Minister of Trade and Commerce, may inform the House whether that matter has been considered and whether they intend to do anything?

Hon. Sir MACKENZIE BOWELL.

Hon. Sir RICHARD CARTWRIGHT—It has not been considered as yet; but I may say informally that the question of the Superannuation Act will probably be considered.

Hon. Mr. SULLIVAN—Did not the Commission recommend that the Superannuation Act should be resumed again?

Hon. Sir RICHARD CARTWRIGHT—That matter will be under the consideration of the government. No decision has been arrived at.

Hon. Mr. FERGUSON—I do not think any assurance of the government now is of value. It is a case almost of deathbed repentance.

Hon. Sir RICHARD CARTWRIGHT—I may remind my hon. friend that deathbed men have a fashion of living very long.

Hon. Sir MACKENZIE BOWELL—I think both these hon. gentlemen were governing the country when an order in council was passed declaring that if any official sought to influence members of parliament or anybody for an increase of salary, it should be accepted as tantamount to a resignation, and if not a resignation that he should be dismissed. That was introduced during the administration of the Customs Department by the late Mr. Burpee. I am not aware that that order has ever been repealed.

Hon. Mr. SCOTT—It is still in force.

Hon. Sir MACKENZIE BOWELL—But it has been a nullity, and members of parliament have pestered the heads of the department for increases of salary, and pressure has been brought to bear, and where the minister had not sufficient strength of character to deny it, they would keep at him and worry the life out of him. Has that same system prevailed during the last twelve years? Do hon. gentlemen believe that such a clause will have the slightest effect after it has been on the statute-book for six months?

Hon. Sir RICHARD CARTWRIGHT—If you make it read 'No female person,' it might have the effect.

Hon. Sir MACKENZIE BOWELL—It is better to have it on the statute-book, than by an order in council, and if you do not add another clause to impose a penalty of $100 on the person who approaches the head of a department for an increase of salary, providing that when the attempt was made the penalty would be imposed.

The clause was adopted.

On clause 45,

45. Wherever under sections 5, 8, 10, (paragraph b of subsection 1), 21, 22, 23, 24, 26 (subsection 2), 32, 33, 36 and 37, (subsection 4), 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 the Senate, shall be taken by the House of Commons or the 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.

Hon. Mr. LOUGHEED—I should like to know what is proposed to be done to bring the officers of this House in a proper position so that they may enjoy the advantages they have at present, and at the same time be classified properly?

Hon. Mr. SCOTT—The clerks of the various departments are placed in the division to which they belong according to their salaries. We have already made provision for that. Then it is for the Senate to place its officers in the divisions to which they belong, taking the standard. The standard which is adopted elsewhere is the present salary.

Hon. Mr. LOUGHEED—The present salaries should not be accepted as the standard. If that were the case, they would not rank in those divisions to which they would be entitled by reason of the precedence that had been accorded them at all state functions. Take for instance the Gentleman Usher of the Black Rod; he would be in subdivision B. I do not think the clerks in subdivision A should take precedence over him. Heretofore that has not been the case. Our Sergeant at Arms would not be in the first division, but in the second division. He occupies a very much better position than would be accorded him on the salary basis. Before the House abandons the rights which they have over their officers, they should see to this being rectified.

Hon. Mr. DANDURAND—It is a case where there is more honour than emolument.

Hon. Mr. FERGUSON—The question arises whether clause 35 taken in connection with clause 45 will not place our officers in a fair and proper position. I think the servants referred to in clause 35 would include the officers of this House and the House of Commons, and would preserve their status as at present. Hon. gentlemen who have given it more consideration than I have, will be able to form a conclusion as to whether clause 35 will preserve the status of those officers of this House.

Hon. Mr. SCOTT—I think there is no doubt about that.

Hon. Mr. LOUGHEED—I think there is every doubt.

Hon. Mr. SCOTT—A resolution of this Chamber is tantamount to a rule made in the department. A resolution of the Chamber takes the same status as an order in council would in reference to a department.

Hon. Mr. LOUGHEED—I think not. Those divisions are arbitrary.

Hon. Mr. SCOTT—Clause 35 is the controlling clause.

Hon. Mr. LOUGHEED—This clause simply deals with reduction and status; that has nothing to do with the question under consideration. Under the clause alluded to, there are arbitrary divisions, and under section 35 there are arbitrary divisions. Nothing the head of a department can do by order in council can change those divisions. The only way, to my mind, to make it satisfactory, is to pass a substantive clause that notwithstanding anything herein contained, the Gentleman Usher of the Black Rod and the Sergeant at Arms shall come under certain conditions, and then there is no doubt about it.

Hon. Mr. SCOTT—It would be necessary to make a re-organization of all the staff. The House of Commons has not done it yet, but they will do it after the Bill is passed. They were satisfied it was all right.

Hon. Mr. LOUGHEED—My contention is that a resolution will not meet the requirements. All the heads of the department, with an order in council, can do is to place within certain divisions herein named officers placed in entirely different positions from the clerks or officers of the other departments. There is no parallel case. They have certain social status at state functions, and, in my judgment invoking the Act would put them down in subdivision B as to Black Rod and the second division as to the Sergeant at Arms.

Hon. Mr. POWER—Does the hon. gentleman not think that, under clause 8, the House can deal with that matter? In our case the Speaker will be head of the department; he will cause the organization of the staff of this House to be defined, not by an order in council but by an order of the Senate. It strikes me that this clause would authorize His Honour the Speaker, acting under a resolution of this House, to practically re-organize the staff. I understood that our Committee on Internal Economy has been summoned to meet to-morrow, chiefly for the purpose of preparing a scheme under which our officials and employees will come under the Act. The idea is that the Contingent Committee shall pass the resolution with speed and that in order to come within the terms of the Act at the next session the Senate will ratify what is done at the close of this session.

Hon. Mr. BEIQUE—I understand it is a question of precedence. May I suggest, to cover the point, the addition of the words, 'with respect to attendances of this House,' &c.

It will require some additional words in order to maintain the order of precedence of the officers to which the attention of the Senate has been called. It seems to me clause 8 refers only to the organization only of the department of the Senate and could not in any way affect the status of the clerk, the Usher of the Black Rod or the Sergeant at Arms. Unless there was some other clause providing for that particular clerk. The clause clearly refers to the organisation of a department and not to the status of its officials, whoever they may be, in case of state functions or of anything of that kind. The clause reads very clearly. It seems to me to refer exclusively to the organization of the Senate and not to the precedence of its officials.

Hon. Mr. LOUGHEED—My hon. friend the Secretary of State will know whether it is the intention of the Senate that this resolution should be passed before the Act comes in force.

Hon. Mr. SCOTT—The Act will not be in force before September.

Hon. Mr. LOUGHEED—Whatever is done should be done before prorogation.

Hon. Mr. SCOTT—The usual course is to have a recommendation from the Contingent Accounts Committee.

Hon. Mr. LOUGHEED—It is better to let this clause stand until that is done.

Hon. Mr. SCOTT—I would suggest that they have a meeting to deal with it now.

Hon. Mr. LOUGHEED—It must be done by resolution of the Senate.

Hon. Mr. SCOTT—On a report of the committee.

Hon. Mr. LOUGHEED—Then it would be better to let this clause stand until that report comes in.

Hon. Mr. DANDURAND—How could the Senate act before the Bill is sanctioned?

Hon. Mr. LOUGHEED—This Bill will be sanctioned when prorogation takes place, and then we cannot act.

Hon. Mr. SCOTT—Let the committee report what they think proper, giving the salary and status of each official, and that will be subject to the approval of the Speaker, and may be confirmed by resolution of the House in advance. There is no one to take exception to it.

Hon. Mr. FERGUSON—The Speaker continues in office until dissolution, of course.

Hon. Sir MACKENZIE BOWELL—Who is to have the appointment of the Clerk, the Sergeant at Arms, and the Usher of the Black Rod in future? In the past it has been done by the government. Will the appointments in future be in the hands of the government or relegated to the Senate?

Hon. Mr. SCOTT—The practice in the future will be as it has been in the past. The Clerk of the Senate is outside of the commission, just as the deputy head is. He ranks as a deputy head, and so far as the Black Rod is concerned, although he would be appointed by the government if a vacancy were to occur, that would go under the recommendation of the commission, subject, of course, to the approval of the Senate.

Hon. Mr. FERGUSON—The amendment suggested by the hon. senator from De Salaberry may cover the ground; but I am not sure of the effect the word 'precedence' will have.

Hon. Mr. BEIQUE—My suggestion is that the words used should be 'rank and precedence.'

Hon. Mr. FERGUSON—I doubt whether we have any order as to precedence, and if we have not, that word would not have a very distinct meaning.

Hon. Mr. SCOTT—There is an unwritten meaning.

Hon. Mr. FERGUSON—The whole thing turns on clause 35, but I am not sure. We ought to get a very good opinion on that point.

Hon. Mr. SCOTT—We will have a full report, I hope, before the House rises.

Hon. Mr. FERGUSON—My suggestion is not so much as to what the Contingencies Committee will do, but that we should get good legal opinion to know where our officers stand?

Hon. Mr. LANDRY—Get an opinion from the Minister of Justice.

Hon. Mr. FERGUSON—He will tell us that we know ourselves.

Hon. Mr. POWER—Our own law clerk has studied the matter carefully, and the committee would be guided by his opinion. I wish to direct attention to the latter part of this clause. It says:

> 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.

That applies to the joint Committees on Printing and on the Library. It seems there, that you must get the two Houses to pass a resolution, and it might be rather difficult to get that. I do not move an amendment, but I suggest an amendment that I think would meet the case. When parliament is in session, if a reasonable proposition is made, you can get a resolution of both Houses; but if parliament is not sitting, and it is necessary to deal with the staff of the Library or the Printing Bureau there does not seem to me to be any means under the Bill as it stands now to deal with them, and I suggest to add at the end of the clause: 'Or if such action is required during the recess of Parliament by the Governor in Council, subject to the ratification of the two Houses at the next ensuing session.'

Hon. Mr. SCOTT—I do not apprehend any difficulty.

Hon. Sir MACKENZIE BOWELL—Would not that be in direct conflict with the object of this clause? As I understand it, this clause is inserted in the Bill for the purpose of continuing in the Senate and in the House of Commons all the powers and authorities they had in the past to deal with questions of this kind, and with questions affecting the Committee on Printing and the Library, there must be joint action. If they come to the conclusion that they cannot agree, the Governor in Council should act; but I do not think that any conflict has ever occurred in connection with either of these committees, and, consequently, I can see no possible object in the suggested amendment. On the contrary, I should think it inadvisable to adopt any clause which would take from the Senate any of its powers and authority that it has exercised in the past.

Hon. Mr. POWER—Having been on the Library Committee for some 30 years, I

am in a position to say that that committee has never made an appointment. Appointments have always been made by the Governor in Council, or, possibly by the premier, because the library is supposed to be under the special care of the premier of the day. I assume that the appointments are made by order in council. If my amendment were adopted, the action of the Governor in Council would be subject to ratification by the two Houses when parliament met again, and that seems to me a reasonable proposition.

Hon. Mr. FERGUSON—We have two difficulties here; one is to provide for the retention of the status of our officers and the other is, how to bring this whole thing into operation, parliament not being in session. I do not think any great public loss will occur if this Act be not allowed to go into operation until ten days after the meeting of parliament. It would give both Houses of parliament the right to act of themselves. How can we, when the Bill has received the royal assent, do anything that would be effective in carrying it out.

Hon. Mr. SCOTT—It seems to me the opposition to the Bill is wholly unnecessary.

Hon. Mr. FERGUSON—It is not opposition to the Bill.

Hon. Mr. SCOTT—The control in the past has been under the Contingent Accounts Committee to be approved by this Chamber. Why cannot the committee meet before the House rises and deal with the question? Then if the Senate approves of that disposition of it, authorize the Speaker to confirm it when the Act comes into operation. There is no difficulty; it is smooth sailing. No one can contest it.

Hon. Mr. POWER—I move to add the following at the end of the clause :

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.

Hon. Mr. LOUGHEED—Under clause 23, could not a temporary clerk on the list be appointed to fill a position of that kind?

Hon. Mr. POWER.

Hon. Mr. FERGUSON—If that is subject to ratification, it would not take effect until ratified. What is the good of it?

Hon. Mr. SCOTT—It would be acted on.

Hon. Mr. FERGUSON—Supposing the House would not approve of it?

Hon. Mr. SCOTT—I think that is conjuring up a difficulty. You have to meet the emergency in some way, and I think we shall be equal to it.

Hon. Mr. WILSON—I can see no benefit arising from the amendment. The Governor in Council has exercised that power for years gone by, and no injustice has occurred.

Hon. Mr. POWER—The difficulty is, that this clause we are now considering takes the power away from the Governor in Council and vests it in the two Houses by joint resolution. We cannot get the two Houses to act between the prorogation and the meeting of parliament.

Hon. Mr. WILSON—Either House has the right to this authority. This clause would not remove the authority heretofore existing with the government of the day to exercise that jurisdiction in the future as they have in the past, and, therefore, I do not see any necessity for it unless you are trying to take away from the Crown rights and privileges they have heretofore enjoyed. If the amendment is intended to deprive the Crown of that authority, let us know it.

The clause was amended and adopted.

Hon. Mr. CAMPBELL, from the Committee, reported the Bill with amendments which were concured in.

The Bill was then read the third time and passed.

SOURIS BRANCH OF THE PRINCE EDWARD ISLAND RAILWAY.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (202) An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony, on the Souris branch, to Elmira.

He said : I inquired of the minister, and I have been informed that the length of this line is 13 miles. The Minister of Railways did not think the country was as level as was stated. I presume it will cost $20,000 or $25,000 a mile.

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

PUBLIC LANDS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (181) An Act to consolidate and amend the Act respecting the Public Lands of the Dominion.

Hon. Mr. LANDRY—That is not the next order.

The SPEAKER—The proper order should be orders of the day for third reading, second, orders which at the time of adjournment were under consideration, and third, orders of the day which at the time of adjournment had not been reached. Therefore, the Public Lands Bill is the next order. If a fresh order paper had been printed, the undisposed orders would have been in their proper place and I take it that is the rule in spite of the fact that we have not a fresh order paper for this afternoon. Rule 29 governs the procedure.

Hon. Mr. SCOTT—I may say I am advised by one of the officials of the department, whose view I asked as to the main object of the Bill, that it was to eliminate from the law, provisions which it was found in the public interest inadvisable to retain, such as the hamlet and cooperative farming clauses, also the provision respecting registration of charges on the unpatented homesteads, etc. The new features of the Bill relate more particularly to the granting of pre-emption, and second homestead entries, within a defined district and also simplifies the mode of procedure to be followed by settlers in obtaining entries for available Dominion lands and earning title thereto. The numbering of the Bill, as printed for the Senate, does not differ at all from the numbering of the Bill in the House of Commons. The clauses there are all accompanied by notes indicating the reasons there might be. I may say that in the majority of cases there is no change. Wherever a change of importance had been made it is indicated by a note which is attached to the section. I had myself, as a preface, given some explanation when I first presented the Bill to the House. I say briefly that the Bill is practically the same Bill as was presented to parliament at the last session. The object of the Bill, wherever changes are made, is to adopt those alterations in the sales of the lands and timbered minerals that the experience of the last few years has prompted. Some hon. gentlemen have asked about areas. The total number of good lands that are supposed to be in the three provinces is 170,000,000 acres. That, of course, would not take in the northern lands which are considerably north of Edmonton. From that you may deduct 32,000,000 acres of the odd numbered sections, sales of the lands and timber and minerals that have already been granted to railways. The patents for nearly all those lands have been already granted; between thirty-one and thirty-two million acres have been homesteaded; to that is to be added the Hudson Bay Company lands and school and Indian lands. The number of acres surveyed at the present time in those provinces, I am advised is one hundred and twenty million acres.

Hon. Mr. LOUGHEED—Is that additional to the one hundred and seventy million ?

Hon. Mr. SCOTT—That is part of the one hundred and seventy million. There are one hundred and twenty million acres that would be open for settlement and homestead unless already taken up. The Bill last year permitted the new homesteader and the second homesteader, to homestead all over the area. This Bill limits the person who has already got one homestead and wishes to take up another to an area that may be described as extending from some distance west of Moose Jaw to a point some distance east of Calgary on the main line of the Canadian Pacific Railway and from the international boundary to township 44. Within that area only it is asked that the pre-emptions of the proposed homestead shall apply. That is the radical difference between the present Bill on that

subject and the Bill of last year. The Bill last year contemplated giving the homesteader a right to homestead a second homestead anywhere. This limits him to the area defined.

Hon. Mr. LOUGHEED—How many million acres are available for pre-emption in that area?

Hon. Mr. SCOTT—I am advised 28,000,000 acres, and the homesteader can settle on either the odd or even numbers. Now that the railways have been satisfied, and there are no more grants to railways, persons desiring to homestead in any part of the country can go on the even or odd numbered sections, so that the distinction between the two has been now removed, and it is intended that the person homesteading in the area that I have described, and taking up a quarter section shall pay for it at the rate of $3 an acre part down and a part in one and two years. Out of the fund arising from those sales, it is proposed to set apart such portion as may be necessary on the basis of the calculation already made, to build the railway to the Hudson Bay which the provinces for so many years have desired to see constructed.

Hon. Sir MACKENZIE BOWELL—Is that provided for in the Bill?

Hon. Mr. SCOTT—I think so. I am safe in saying that is the object of the Bill.

Hon. Sir MACKENZIE BOWELL—I do not think it is provided for in the Bill. It has been mentioned or intimated by the Minister of the Interior, I think, that that might be done. It is not provided for here.

Hon. Mr. SCOTT—The optional part of it would be whether the government would build the railway, or whether it would be built by a company. At all events, that is the policy in reference to the sale of those lands. The cost of the railway, from a very rough calculation, was put down at $15,000,000, and it would require 5,000,000 acres at $3 an acre to make up the amount. Hon. gentlemen are aware that about 26 years ago a clause was inserted in the Lands Act authorizing the Governor in Council to allot to a railway to Hudson bay, a land grant of 6,400 acres per mile for that portion of it that passed through the province of Manitoba and for the portion outside of Manitoba to Hudson bay 12,000 acres per mile. So that that liberal land grant has been on the statute-book for nearly a quarter of a century. No offer, I believe, had ever been made to build the line. An attempt was made many years ago, and I think the rails were laid for 30 or 40 miles running north from Edmonton; but it never extended any further.

Hon. Mr. LOUGHEED—If there is not a provision in the Bill for that, I suppose my hon. friend will support an amendment I may move that these funds shall be carried to the credit of a railway fund.

Hon. Mr. SCOTT—I am advised that that was the recommendation of the minister.

Hon. Mr. LOUGHEED—There is nothing in the Bill about it.

Hon. Mr. SCOTT—There are a great many things in the Bill I do not know anything about. All I can say to the House is that I am advised of the features of the Bill that differ from the law as it now exists.

Hon. Mr. LANDRY—I suppose amendments will be hardly acceptable to the government?

Hon. Sir RICHARD CARTWRIGHT—They would be considered.

Hon. Mr. LANDRY—And accepted if they are good.

Hon. Sir RICHARD CARTWRIGHT—That depends. Coming from the hon. gentlemen, I think I am safe to say that if they are found good they will be accepted.

Hon. Mr. LANDRY—Is the government determined not to find them good?

Hon. Sir RICHARD CARTWRIGHT—If they are are not good they will be rejected.

Hon. Mr. SCOTT—It may help the elucidation of the Bill if I read from a memo

I prepared stating the provisions of the old Bill that are now left out. First we have all provisions with regard to surveys because they are included in the Dominion Lands Survey Act. We passed a law affecting surveys. Then the next: Removing the bar from granting re-entry to a person whose entry has been cancelled for nonfulfilment of duties except at the discrimination of the minister. The third matter is repealing hamlet and co-operative farming clauses. The fourth matter is doing away with the issue of certificates of recommendation for the issue of patents; then doing away with notice of intention to apply for patents six months in advance; then repealing provisions with regard to charges against homesteaders. Then doing away with establishment of timber districts. Then certain powers of the Governor in council have been left out. First the reservation of land for railway construction. That is out altogether. Then the reservation of lands for granting of subsidy in aid of construction of a railway to Hudson bay. The clause in the Public Lands Act of 1884 alloting 12,800 acres per mile is repealed. That would only be repealed on the assumption that provision would be made for the building of a line from some other source. It simply confirms the statement that I have made, that it is intended to allot the $15,000,000 from the sale of the land to the construction of the Hudson Bay Railway.

Hon. Mr. LOUGHEED—We had better put that in the Bill.

Hon. Mr. SCOTT—Then we have the granting of lands to persons in consideration of the construction of drainage works. It appears there have been extra areas given to persons who took up land that required drainage.

Hon. Mr. LOUGHEED—At a reduced figure.

Hon. Mr. SCOTT—Then there are other matters. Those are powers taken from the Governor in Council under the law which has been exercised by the Governor in Council.

Hon. Sir MACKENZIE BOWELL—Have these powers which are taken from the Governor in Council been vested anywhere else?

Hon. Mr. SCOTT—Some of them, no doubt, will be contained in the Bill—any of them that ought to be retained. It may be that in the opinion of the Minister of the Interior some of them ought not to be exercised. As years go on, and the land becomes more valuable, and people take up land more freely, the inducements offered in past years should not be continued.

Hon. Sir MACKENZIE BOWELL—That provision should be accepted as a movement in the right direction, in order to prevent, if it were possible, similar transactions to those which have taken place in the past in the disposition of large grants of lands and timber limits and other concessions by order in council. It seems to me that these orders in council are now crystallized into clauses of the law, so that if the law is adhered to, the whole outside world will know what is being done, but I do not understand that they would prevent other orders in council from being passed, changing regulations which may exist even at the present time. I am not going to discuss the details of the Bill, for the simple reason that I know very little about them. There is, however, one principle involved in the Bill, the clause which grants a second homestead which I think is disposing of the public domain in too liberal a manner. The object in granting the homestead, with which I think most public men agree, was to induce people to go into the prairie country and become settlers. Does the government not think, or will not the country think, that they have gone pretty near far enough when they give away 160 acres of land as a whole without payment of anything except the payment of $10 for the recording of his name and the right under the law to pre-empt 160 acres? Under the provisions of this Bill when it becomes law the man who has gone into that country and homesteaded 160 acres and remained there sufficiently long to secure his patent, then has the right under this Bill to move to another section and enter his name for a second homestead. Is the country not generous enough after they have given a

settler 160 acres and the right of pre-emption to another 160? To my mind it is. It may be said that the homesteader who has lived upon his homestead sufficiently long to secure his patent may sell out to a new comer who would prefer paying some money for land, a portion of which has been brought under cultivation, than to go on to a new section altogether. That might be the case in a few instances where settlers live adjacent to each other and one wants to buy out the other. All he has to do is to purchase the right of the first homesteader, and that homesteader goes into another section of the country and has the right to homestead again for another 160 acres. That is limited to the semi-arid region.

Hon. Sir MACKENZIE BOWELL—It does not make any difference whether it is limited or not. I am speaking generally. It seems to me that if a man goes into that country and homesteads and gets 160 acres for nothing, he ought to be satisfied and the government ought not to extend the right to give to that same man another 160 acres for nothing because he goes in and settles upon it. It does not seem to be the view of the former government, and this government had for a long time in adopting the free grant system. There may be speculative men who take a different view of this question. The country is liberal enough when it offers a homestead of 160 acres to any actual settler. That is sufficient for him to make a comfortable living for himself and family. If he wants more land, he should pay for it. I am quite in favour of the system of homesteading, but this Bill extends it altogether beyond the limits of generosity.

Hon. Mr. DAVIS—The hon. gentleman from Hastings is probably not aware that, generally speaking, one hundred acres in the west is not enough for farming. At one time, when there was a large amount of railway lands available, one could homestead 160 acres and buy another quarter section, but that is not the case now. If this area is thrown open to homestead entry, the homesteader has no pre-emption, and every one who knows the conditions in the west will bear me out in saying that it is absolutely necessary to have a larger area than a quarter section.

Hon. Sir MACKENZIE BOWELL—Could not the homesteader pre-empt the adjoining 160 acres?

Hon. Mr. DAVIS—He could, if there was any to pre-empt; but it is not easy to get an adjoining quarter section. With reference to a person selling his homestead and locating another, it does not make much difference to the country if he does. What we want is to get the land settled. If a new settler prefers to buy out a homesteader in order to get a farm in a settled section, with improvements, and the pioneer is willing to sell and take up another homestead, I do not see how the country is injured. I would rather give him another homestead than see him move out of the country.

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

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

(In the Committee.)

On subclause 8 of clause 11,

8. Except as otherwise provided in this Act, every person who has received or receives, or has become or becomes entitled to letters patent for a homestead by the performance of homestead duties, with or without payment of purchase money, or by the location of scrip thereon, shall be deemed to have exhausted his homestead right and shall not be entitled to obtain another entry for a free homestead: provided, however, that any person who, on the second day of June, in the year one thousand eight hundred and eighty-nine, had obtained or had become entitled to letters patent for a homestead, shall be permitted to make a second entry for a homestead.

Hon. Mr. DAVIS—Scrip is issued to a half-breed for the purpose of extinguishing the Indian claim; but the half-breed is just as much entitled to enter a homestead as any other man. Does it mean that a half-breed shall not be entitled to a homestead after he receives scrip?

Hon. Mr. SCOTT—He could not have a right to land as well as scrip. He is given scrip to apply on the land if he chooses; but if he does not do so, he is not entitled to a double entry.

The clause was adopted.

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

The Senate adjourned until 8 p.m.

THIRD SITTING.

The SPEAKER took the Chair at 8 p.m.

Routine proceedings.

MILITIA RETURNS.

Hon. Mr. LANDRY—I would ask the hon. minister if he has not received this afternoon a document from the Militia Department in answer to one of my questions?

Hon. Mr. SCOTT—Did I not answer them all?

Hon. Mr. LANDRY—It is that information that the official of the Militia Department promised to send to-day.

Hon. Mr. SCOTT—The status and provisions of the colonels and lieutenant-colonels?

Hon. Mr. LANDRY—That was given.

Hon. Mr. SCOTT—Was there another one?

Hon. Mr. LANDRY—Yes. The Ottawa Field Battery.

Hon. Mr. SCOTT—I have not been able to see any one since. I have a note of it. I will send my secretary over.

FRENCH TRANSLATION OF DOCUMENTS.

Hon. Mr. LANDRY—I would ask my hon. friend if we have the translation of the document which we were promised at the beginning of the session?

Hon. Mr. SCOTT—I made an inquiry, but the explanation of the Bureau is that they cannot print, from the press of other papers. It has been made up in book form, and they are not allowed to print from it. It is said they had already printed the information in different form, and therefore they ought to be able to make it up. They say they have never made it up, and it has always to be revised and put in book form and indexed by the translator. That is the explanation they gave me. The printing is only the mechanical part. They are not allowed to make any change, and have to take things as sent them.

Hon. Mr. LANDRY—As mechanics, they are up to date; but as artists they are not.

FRENCH EDITION OF SENATE MANUAL.

Hon. Mr. LANDRY—We were promised at the beginning of the session that we would have our Senate Manual in French. We have not received it yet.

Hon. Sir MACKENZIE BOWELL—They have not had time enough.

Hon. Mr. LANDRY—That was done last year.

Hon. Mr. SCOTT—Was it not circulated?

Hon. Mr. LANDRY—No. I am longing for it.

The SPEAKER—I am sorry the hon. gentleman did not make his complaint earlier in the session.

Hon. Mr. LANDRY—I insist upon having it.

Hon. Mr. WILSON—I think the hon. gentleman has a good excuse, as he has been making complaints ever since the opening of the House, and he is only continuing them on the present occasion.

Hon. Mr. LANDRY—I think we are not at the end of the session yet. There is plenty of time. Christmas has not yet arrived.

The SPEAKER—I confess that the committee that had charge of the translation has been somewhat derelict in their duty in not seeing that the Manual was circulated. It was the hon. gentleman from Stadacona and myself. We will bestir ourselves before the end of the session to see that it is distributed, if available.

Hon. Mr. SCOTT—Has it been revised and sent to the Bureau for printing?

Hon. Mr. LANDRY—Yes. This time it is the fault of the Bureau.

Hon. Mr. SCOTT—I spoke to the King's Printer, and I said I wanted the work done particularly, and I supposed it was done long ago.

Hon. Mr. LANDRY—I will not delay the session for that, but I hope the first day of next session we will be gratified with a copy of it.

Hon. Mr. SCOTT—I have been humiliated in this matter, because when a charge has been made heretofore against the Bureau, it was found the blame was not laid at the proper quarter.

Hon. Mr. LANDRY—I kept this until the last. The committee did their duty.

DOMINION LANDS ACT AMENDMENT BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (181) An Act to consolidate and amend the Act respecting the Public Lands of the Dominion.

(In the Committee.)

On subclause 3 of clause 15,

3. If the minister is satisfied that an entry for a homestead has been obtained through personation he shall cancel the entry, and the person so obtaining entry shall not be eligible to obtain another entry, unless the minister declares otherwise.

Hon. Mr. WATSON—There ought to be some punishment for fraud of this character.

Hon. Mr. TALBOT—The punishment that he is not eligible for another entry is severe.

Hon. Mr. WATSON—Not severe enough, because it has been found in the past that people had blanketed the whole country by fraudulent means, in order to sell lands to settlers.

Hon. Mr. SCOTT—I propose to add as subclause 9, a provision for punishing any one guilty of such an offence.

Hon. Mr. FERGUSON—If a person is guilty of personation, the minister should not have the option of letting him make another entry.

Hon. Mr. SCOTT—There may be reasons that would justify him.

Hon. Sir MACKENZIE BOWELL—Why should the minister have the power?

Hon. Mr. SCOTT—In an office of that kind, you have to invest the head of it with a good deal of discretion, there are so many cases for which it could not provide. I had some experience of that when I was Minister of Crown Lands.

Hon. Sir MACKENZIE BOWELL—I do not think that discretion should be left to the minister. If a man has been found guilty of a fraud, why should it be optional with the minister to condone it if he thinks proper and let him make another entry? It might lead to favouritism, and a minister should not be placed in that position.

Hon. Mr. LOUGHEED—In addition to that, you propose making it an indictable offence. It is tantamount to say that the minister may condone or compromise an indictable offence.

Hon. Mr. TALBOT—It does not refer to the same offence as the one for which the hon. Secretary of State intends to make provision.

Hon. Mr. LOUGHEED—The minister states that it is to cover the case of personation. I would suggest to strike out the words 'unless the minister declares otherwise.'

Hon. Mr. WATSON—I think it is perfectly safe in the hands of the present minister anyway.

Hon. Mr LOUGHEED—That is no reply. I move to strike out the words 'unless the minister declares otherwise.'

Hon. Mr. SCOTT—I do not feel inclined to accept the proposition, because we cannot at the moment judge of those things. There may be extenuating circumstances or there may be a doubt about the personation.

Hon. Mr. LOUGHEED—There can be no doubt about it, because the clause provides for the commission of the crime. It is not merely attempting, but it is a case in which the offender has deliberately secured the entry by fraud.

Hon. Mr TALBOT—Suppose a man with a wife and large family made an entry

under another name for a certain quarter section. It is not the fault of the wife or family, but of the man who committed the offence, yet the thing is done and the family is punished. It might be that the minister, under such circumstances, would let the family keep the property.

Hon. Mr. LOUGHEED—Somebody is bound to suffer for the man's wrongdoing in all cases of that kind.

Hon. Sir MACKENZIE BOWELL—Suppose a man stole a horse because he had none of his own; would you condone that offence on account of the family? This is a case where a man deliberately commits a fraud, and takes a false oath in making the entry. He therefore commits perjury in addition to the other offence. Why should the minister be permitted to condone that offence and let him make another entry.

Hon. Mr. SCOTT—The minister is the best judge, and you must leave some discretion to him. I think the fault with this Act is that the minister has tied it up too strongly.

Hon. Mr. TALBOT—He is tying himself up too closely.

Hon Mr. SCOTT—I think he is making a great mistake. He is sweeping away all the orders in council, and binding himself by the Act.

Hon. Mr. LOUGHEED—Can my hon. friend conceive of any extenuating circumstances that would warrant a man making the affidavit he is bound to make in schedule (b) in which he solemnly swears to certain facts? He is guilty not only of personation but of perjury.

Hon. Mr. TALBOT—He could be punished under the Criminal Code.

Hon. Mr. LOUGHEED—He could, but the minister may grant him all the advantages to which an entrant would be entitled, namely a homestead and pre-emption.

Hon. Mr. BEIQUE—I would be in favour of enacting a punishment for impersonation, but discretion should be left with the minister, so that he might be free to protect the family if he thought it advisable to do so. Improvement may have been made by the wife and children, and it would be a hard case if the minister was unable to make any allowance.

Hon. Mr. LOUGHEED—Provision is made for that. The next entrant upon taking up that homestead would have to pay for the improvements and the representatives of the entrant would be entitled to the consideration.

Hon. Mr. BEIQUE—If it were forfeited, the family would not get anything at all.

Hon. Mr. TALBOT—I see in the original draft of the Bill the minister in preparing made an explanatory note as follows:

Explanatory note.—This is a new provision. As personation in the making of entries is to be particularly guarded against, it is considered there should be special provision so that every one may be aware of the offence and the result of its commission, viz., ineligibility to obtain another entry. At the same time it is thought desirable to give power to the minister to remove such ineligibility, for there might be a case in which there would not be an intention to defraud.

Hon. Sir MACKENZIE BOWELL—How is it possible there could be no intention to commit a fraud when a man makes an affidavit declaring he is some other person? You are actually giving the minister who presides over that department power to condone or pardon these crimes.

Hon. Mr. KERR—Supposing a man comes in to make an entry. He personally does not know that there are conditions about it. The form is still in doubt by the clerk in the office where he goes to make the entry, with all these different entries in them, and it is handed to him and the clerk says 'sign that' and he does so. That happens in the case of very ignorant men, and sometimes in the case of intelligent men. I believe it is done by members of parliament and perhaps even senators.

Hon. Mr. LOUGHEED—Name?

Hon. Mr. KERR—And an affidavit signed and sworn which is not strictly correct.

Hon. Mr. PERLEY—That is not personation.

Hon. Mr. KERR—That is doing as solemn an Act as making the entry.

Hon. Sir MACKENZIE BOWELL—No doubt that is correct. I know a case where a lawyer had drawn two affidavits, and when one was presented to a man to sign, he found the affidavit which had been read to him was not the one which he was asked to swear to; but the man who was making the affidavit knew that his name was John Burns, or whatever it was, and I do not know that there is a member of the Senate or the House of Commons, if a false statement might be laid before him, who would not know certainly whether he was signing as John Kerr or some other name.

Hon. Mr. KERR—Or John Bowell.

Hon. Sir MACKENZIE BOWELL—Yes, but that is not my name. If an affidavit were presented to me, I would know if I was Mackenzie Bowell as George A. Cox, and if I swore to the affidavit of George A Cox I would be committing perjury knowingly and wilfully. A man who makes an entry for a homestead must know at the time what his own name is.

Hon. Mr. TALBOT—Supposing a resident of the United States or Great Britain, or some other country, or some of his family got into disgrace, suppose it was himself, perhaps innocently, and he came to this country under an assumed name, and applied for a homestead?

Hon. Mr. LOUGHEED—That would not be personation.

Hon. Mr. TALBOT—I think it would, because he is under an assumed name.

Hon. Sir MACKENZIE BOWELL—There is a provision for that in the Election Act. If a man's name is put down improperly on the list, he can still vote.

Hon. Mr. TALBOT—I think it will be perfectly safe to leave it as it is.

Hon. Mr. FERGUSON—It occurred to me with regard to this clause that it was something very remarkable that the minister should have the power to condone the offence, but probably on a closer inspection I would hardly come to that conclusion. He may punish the man for personation and perjury, and then the question arises if a man suffers the penalty for the offence of personation and perjury whether he should forfeit his right to make an entry, assuming he had a right. I think we might stop earlier in the clause, that an entry made through personation could be cancelled. If a man endures all the punishment arising from the offence under the criminal code, why should there be any condition that he should not be allowed to make an entry at all; and if you get rid of all that you will get rid of this ugly proposition that the minister shall have a discretion which will look almost like condoning an offence.

Hon. Mr. LOUGHEED—I move to strike out the words 'unless the minister declares otherwise.'

The amendment was declared lost.

The subclause was adopted.

Hon. Mr. SCOTT—I propose to add as subclause 9 to clause 15, the following:

Everyone is guilty of an indictable offence and liable to two years imprisonment who buys, trades or sells, or who professes to buy, trade or sell land or any interest in or control of land open to homestead entry, or for which homestead entry has been granted before patent has been issued.

Hon. Mr. TALBOT—In many cases, in some portions of the west, where land companies have obtained the odd numbered sections, for example the Canadian Pacific Railway, they have got what we call dummies to enter on the even numbered sections, and they have gone round to people in the United States saying: 'we will sell you the odd numbered section and give you the right to enter on an even number section,' and then permit the dummy to withdraw.

Hon. Mr. LOUGHEED—I quite approve of the principle embodied in the amendment; but it seems to me it may be fraught with considerable danger to innocent parties. The impression does prevail with many who are not familiar with our land laws, among many homesteaders for instance, that they can sell their homesteads. Supposing a homesteader who may have served two or three years, who may have completed all his duties before the patent issues undertakes to sell his homestead,

he at once becomes liable for an indictable offence. He may have done it most innocently. The word 'knowingly' should be inserted before the word 'sell?' It should be qualified in some way.

Hon. Mr. SCOTT—It is not a case of that kind that is contemplated.

Hon. Mr. LOUGHEED—I know that, but it may occur.

Hon. Sir MACKENZIE BOWELL—How would it affect a case in which a homesteader had occupied his land for the full term and had complied with all the settlement conditions, and that he had borrowed money for the purpose of carrying on the occupation of farming, and for the purpose of buying agricultural implements, would he be subject to an indictable offence, if he, before obtaining a patent, sold it in order to raise money to pay his debts?

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. SCOTT—No, that would not be within the spirit of the Act. It is not framed to meet a case of that kind. It is only the executive that could put the law in force in a case of that sort.

Hon. Sir MACKENZIE BOWELL—But as you have vested the minister with power to forgive perjury under another clause, why not add to this clause 'unless otherwise decided by the minister.'

Hon. Mr. BEIQUE—The minister is not given power to condone the offence, but to permit re-entry.

The subclause was adopted.

On clause 32,

32. Agricultural lands shall only be open for purchase under regulations made by the Governor in Council; and there shall be no sale to one person under such regulations of an area of land in excess of one section, without a special order of the Governor in Council: Provided, however, that the minister may sell a fractional quarter-section, with or without homestead conditions, at a rate not to be less than three dollars per acre.

Hon. Mr. LOUGHEED—I doubt the propriety or expediency of permitting the minister to sell at a rate of not less than $3 an acre. That seems to be a very unwise provision. It practically places a value upon lands which are recognized to be well worth three times that amount at least. Why should the price remain now at three dollars, when values have gone far beyond that?

Hon. Mr. WATSON—I am sure the hon. gentleman from Calgary must know that there might be lands which would not be worth more than three dollars per acre.

Hon. Sir MACKENZIE BOWELL—Supposing the land would be worth double that?

Hon. Mr. WATSON—I would expect the minister to get double the price.

Hon. Mr. LOUGHEED—I do not see why the minister should sell a fractional quarter section. Considering what has already transpired in the alienation of lands in this country, this power should be vested in the Governor in Council and not in the minister.

Hon. Mr. WATSON—It is only a fractional quarter section which may be sold without the sanction of the Governor in Council. It is only a small portion.

Hon. Mr. LOUGHEED—It might be very valuable land. I move that the last three lines be stricken out.

Hon. Mr. WATSON—A great many sales have been made where there is a fractional piece of property adjoining a man's homestead alongside of a lake.

Hon. Mr. LOUGHEED—Why can the Governor in Council not do it? You make provision for anything beyond that to be dealt with by the Governor in Council. I cannot see why he cannot regulate the whole matter.

Hon. Mr. WATSON—It is a small thing to ask the Governor in Council to deal with.

Hon. Sir MACKENZIE BOWELL—It might be valuable.

Hon. Mr. SCOTT—Of course it is a very difficult thing to judge. It is only a fractional part in which the minister is allowed to use his discretion. For large areas he must go to the Governor in Council.

Hon. Mr. LOUGHEED—We know unfortunately how that discretion has been exercised in the past.

Hon. Sir RICHARD CARTWRIGHT—Does the hon. gentleman say that in connection with small fractional pieces of land an improper discretion has been exercised?

Hon. Mr. LOUGHEED—I would not say as to the area.

Hon. Sir RICHARD CARTWRIGHT—There may be a very large number of these small pieces, and really it is not the English practice, and it is questionable whether it is a good practice to place these before the Governor in Council. They must accept the ipse dixit of the Minister of the Interior for these small matters.

Hon. Mr. LOUGHEED—I suppose there will be hundreds of town sites in the Northwest owing to the construction of railways in the near future.

Hon. Sir RICHARD CARTWRIGHT—With respect to these, there are special provisions.

Hon. Mr. LOUGHEED—Adjoining a town site there may be a fraction of a section, and that fraction may be 150 acres. The minister may not be seized with a full knowledge of it, and I think the public would have more confidence if that land could only be alienated by the Governor in Council. This would not be a town site but would be land adjoining a town site.

Hon. Sir RICHARD CARTWRIGHT—You have gone ahead so fast in the Northwest that it is difficult to lay down general rules.

Hon. Mr. LOUGHEED—Therefore we should be cautious.

Hon. Sir RICHARD CARTWRIGHT—I think the precautions taken by the department will ensure the public any profits to be made out of the town sites. I know the question has been carefully considered by the minister.

Hon. Sir MACKENZIE BOWELL—This gives the minister power to dispose of fractional lots as he may think proper. That ought to be left to the Governor in Council.

Hon. Mr. TALBOT—I think what the minister had in view in preparing this, was to meet thousands of cases where there are small fractions of land on a river front or a lake shore that would not be sufficient for a homestead, but which could be sold to the owner of adjoining land. I know of hundreds of instances of the kind, but I do not know of any where a town site is affected.

Hon. Mr. LOUGHEED—Under section 100 of the old law, the matter is left to the Governor in Council.

Hon. Mr. WATSON—But under that provision, the value was fixed at one dollar per acre; whereas in this Bill it is increased to three dollars.

Hon. Mr. LOUGHEED—I do not know of any other department where the minister is allowed of his own motion to divest the country of public property.

Hon. Sir RICHARD CARTWRIGHT—I admit the possibility of some such cases occurring as my hon. friend speaks of, but I am inclined to think that the public will be better safeguarded on the whole by placing the responsibility where it must ultimately go, with the Minister of the Interior. My hon. friend's experience, and still more the experience of my hon. friend from Hastings, will tell him that in a case of this kind the council are in the hands of the head of the department, and placing the responsibility on the council would rather divest him of a proper sense of responsibility in dealing with such cases as we have been referring to.

Hon. Mr. LOUGHEED—I have confidence in the present minister not abusing the power. However, I have stated my objection and am prepared to let it go.

The clause was adopted.

On clause 34,

Hon Mr. LOUGHEED—A very pernicious principle has been introduced by this government of leasing lands for 21 years.

Hon. Mr. SCOTT—For grazing?

Hon. Mr. LOUGHEED—Yes. I remember how the Liberal party, previous to 1896, attacked most violently the leasing policy of the old government; but the policy of granting closed leases, particularly in settled districts, for 21 years and thus keeping out settlers, is to my mind most pernicious. I simply point out this objection, and while clause 33 would give power to the Governor in Council to continue those regulations, I hope that will not be the case.

The clause was adopted.

On clause 39, proviso in subclause 2:

Provided that if it is established to the satisfaction of the minister, either by report or order of the Lieutenant Governor in Council for the province in which any section, half-section or quarter-section of school lands is situate, or by the request in writing over the signature of the minister or deputy minister of the department which has charge of education in such province, that it is desirable to take or reserve out of such section, half-section or quarter-section of school lands a small portion thereof as a site for a school and for purposes properly connected therewith, the minister may, forthwith, sell to the board of school trustees for the district for which the same is required, at a minimum price of ten dollars per acre, such portion of school lands, in no case to exceed an area of four acres, which must front on a road allowance, at such price as he may consider fair and reasonable, and may forthwith, upon payment of such price, cause letters-patent to be issued for the portion of school lands so required as a site for a school and for purposes properly connected therewith.

Hon. Sir MACKENZIE BOWELL—If four acres of land were required by the trustees of a school section, you compel them to pay ten dollars an acre.

Hon. Mr. SCOTT—Not less than that.

Hon. Sir MACKENZIE BOWELL—But in the other case we discussed a short time ago, the minister could dispose of fractions of land less than quarter sections at a minimum of not less than $3 an acre. You compel the school trustees to pay $10 for land which, under ordinary circumstances, might be given them without charge. I do not see why there should be this discrimination. If there is any discrimination, it should be in favour of the school trustees.

Hon. Mr. WATSON—This only applies to school lands. The school lands are held in trust for the provinces, and they charge the highest possible price for school lands.

Hon. Sir MACKENZIE BOWELL—They are held in trust by the Dominion for the provinces, and they cannot dispose of them, only in special cases such as are contained in this clause, except by public auction. You take power to dispose of not more than four acres of land if it is required upon which to build a school house and the minimum charge must be ten dollars. I am not objecting to the power of disposing of lands under the circumstances.

Hon. Mr. LANDRY—Is this a new clause?

Hon. Mr. DANDURAND—Yes, it is a new clause.

The clause was adopted.

On clause 42,

42. All moneys from time to time realized from the sale of school lands shall be invested in securities of Canada to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province within which such lands are situate, towards the support of schools organized and carried on in accordance with the law of such province; and the moneys so paid shall be distributed for the purpose by the said government in such manner as it deems expedient.

Hon. Mr. LOUGHEED—This is a very serious departure from the old Act. The word 'public' has been left out in the sixth line of section 42. I move that the language of the old Act be restored so that it will read 'towards the support of public schools.'

Hon. Mr. SCOTT—I hope the hon. gentleman will not raise a controversy on that subject.

Hon. Mr. LOUGHEED—I will. You are departing from a well established trust. This fund has been provided for in the statute-book for over 30 odd years, in fact since confederation, and you are leaving out the word to describe the class of schools, so that this money could be distributed among private and other classes of schools.

Hon. Mr. SCOTT—I hope the hon. gentleman will not press the proposition. It

would create a furore in the Northwest and all over Canada. Why should we depart from the old Act ?

Hon. Mr. WATSON—Surely, the province which makes the laws for the schools and distributes the money, ought to be perfectly satisfied.

Hon. Mr. FROST—It is not distributed by the Dominion government.

Hon. Mr. LOUGHEED—These are lands set apart since confederation, and this land and the fund have been held in trust by the different governments of Canada since that time. There is therefore no reason why the provisions of the trust should be disturbed.

Hon. Mr. SCOTT—They have not been disturbed.

Hon. Mr. LOUGHEED—At the present time all schools separate or public, be they Protestant or Catholic, participate in the funds. The omission of that word will lead to a controversy which will set the fires burning again.

Hon. Mr. WATSON—Surely the provinces have a right to distribute the money.

Hon. Mr. BEIQUE—If I am not mistaken, by the other Act it was provided that the separate schools should have their share

Hon. Mr. LOUGHEED—And they are getting their share. They are public schools under the Act.

Hon. Mr. BEIQUE—Under the denomination of public schools.

Hon. Mr. LOUGHEED—They are public schools under the Act, just as much as the Protestant schools.

Hon. Mr. LANDRY—They are not denominational schools but public schools.

Hon. Sir MACKENZIE BOWELL—The explanatory note reads as follows :

Explanatory Note.—This provision is the same as in the present law except that the words ' or territory ' have been struck out as the territory referred to has been divided into the new provinces of Saskatchewan and Alberta, and there are no school lands beyond. It is also designed to avoid emphasizing the difference as to educational systems and to bring the section into conformity with the Alberta and Saskatchwan Acts.

Hon. Mr. SCOTT.

That does not refer to it at all. The explanatory note when compared with the clause itself is misleading. There must be some reason for that.

Hon. Mr. SCOTT—It gives the government a little more latitude. It all goes back for school purposes.

Hon. Mr. LOUGHEED—Will my hon. friend say how this government will be justified in diverting that fund, which has been established since confederation, into channels other than that which has been preserved by every statute which has been passed since that time? We have amended this Act time and again since the acquisition of Ruperts Land by the government of Canada, and why at this moment should this be departed from, particularly as Roman Catholic schools as well as Protestant schools are public schools under the Act, and have been participating in the distribution of the funds; but private schools, other denominational schools, other racial schools may be established and may come in under this clause and demand a portion of the fund. I am entirely opposed to any disturbance of the trust which has remained and been protected in all its integrity during those many years.

Hon. Mr. POWER—Does the hon. gentleman not think that the provincial government is the proper party to decide ?

Hon. Mr. LOUGHEED—That is not the question. That is a sacred trust which has never been disturbed.

Hon. Mr. POWER—Trust for what? In the province of Manitoba the produce of these lands was given to the provincial government, and it is the same in the other western provinces.

Hon. Mr. LANDRY—No. The hon. gentleman is altogether wrong. The Northwest country was acquired from the Hudson Bay Company in 1875, Manitoba was then carved out of Ruperts Land, and the rest of the land was put under federal jurisdiction by the law of 1875, and under that law of 1875, the majority in any school or division had the right to have the school they choose, and the minority a separate school: but that was in the point of view of de-

nominational schools, because a public school may be a Catholic school under the law of 1875, if the majority is Catholic ,and the minority separate from the majority form a separate school which might have been a Protestant school in a Catholic region, or a Catholic school in a Protestant region.

When the ordinances of 1888 and subsequent years came into force, the denominational schools were abolished altogether and public schools were established in every section of the province. Under the Autonomy Bill, each school district under this law has a right to a public school, but the public school is a neutral school. There is no religion taught in such schools except where there is a certain portion of the population who may have a right to a separate school; but in that school, religion may be only taught after half-past three in the afternoon.

Hon. Mr. TALBOT—In all of the schools, religion can be taught after half-past three, and in none of the schools may religion be taught before that hour.

Hon. Mr. LANDRY—There are no more denominational schools; they are all public schools. The separate schools are not separated from the majority on account of religion.

Hon. Mr. TALBOT—They may be, but they are treated so justly in that country that they do not want separation.

Hon. Mr. LANDRY—Those lands were granted when denominational schools existed, and when lands were sold for school purposes the proceeds of the sales were kept for the schools as they existed at that time. The law has been changed and neutral schools have succeeded denominational schools, and now the proceeds of sales of these lands are to be given as the law provides. That is the policy of this government. I would have reserved the lands and used the proceeds as the constitutional rights of the people required. We must submit, I suppose, but I do not think the Dominion parliament should dispose of those lands against the constitutional rights of the people who at that time inhabited those provinces.

Hon. Mr. WATSON—The explanatory note of the original Bill said that it is also desired to avoid emphasizing the different educational systems, and to bring this in conformity with the Saskatchewan Act. It appears to me that the money given to the provinces has to be distributed to the schools organized in the provinces, and that ought to be sufficient protection that the funds arising from the sales of the lands will be properly applied.

Hon. Mr. SCOTT—There is a distinct recognition of separate schools in the Alberta Act.

Hon. Mr. LANDRY—But under the law of 1875, in a school district where the Catholics are in a majority, they had a right to have the schools they choose.

Hon. Mr. SCOTT—A fair compromise has been made; what is the use of discussing it.

Hon. Mr. LANDRY—Because you are affecting the funds.

Hon. Mr. SCOTT—We are not affecting the funds.

Hon. Mr. LANDRY—Under the law of 1875, the majority in any school division, whether Catholic or Protestant, had a right to have the school they choose. They have not that right now. They have public schools, but not denominational schools.

Hon. Mr. TALBOT—They can have separate schools yet.

Hon. Mr. LANDRY—A separate school is not necessarily a denominational school.

Hon. Mr. ROY—What is the use of discussing that now? The Autonomy Bill is passed.

Hon. Mr. LANDRY—I know the Autonomy Bill is passed, but there are grave doubts as to whether it is constitutional.

Hon. Mr. LOUGHEED—What I object to is that without consulting the three provinces, Manitoba, Saskatchewan and Alberta, a fund which has been established since the acquisition of that territory by Canada for educational purposes should now, without notice to those provinces, be diverted from the channels then es-

tablished, and that the words 'public schools' should be omitted from this Bill. This action of the government should raise a protest from all those provinces, and I certainly shall insist upon my amendment that the words 'public schools' be restored. I would further point out that separate schools are public schools. That a Catholic population in any district can organize a separate school which is a public school within the provisions of the Acts dealing with education. As I have said, this fund has not been withheld from those schools, but has been distributed proportionately among them. With the numerous races going into the west, all seeking to establish racial schools of their own, I protest against any disturbance of the law which for so long has been on the statute book and which is to-day being carried out with the greatest degree of satisfaction to Catholics and Protestants and as to which there is no difference of opinion. I protest against any diversion of this fund, or any change whatsoever being made in the terms of the school lands trust.

Hon. Mr. SCOTT—We are leaving it to be distributed by the governments of the provinces for the support of schools organized and carried on in accordance with the laws of those provinces.

The committee divided on the amendment, which was rejected, contents 3, non-contents 15.

Hon. Mr. LOUGHEED—I give notice that on the third reading I shall move this amendment again.

The clause was adopted.

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

Hon. Sir MACKENZIE BOWELL—I desire to call the attention of the Senate to the fact that nearly half the time that we have been discussing this most important Bill with 104 clauses there has not been a quorum of the House, and the question is whether that practice is to be continued. If there is anything in the world which would bring the Senate into contempt it would be the manner in which we have rushed this Bill through. I will not say railroaded through, because that expression has been ruled out of order in the other chamber.

RAILWAY ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (204) An Act to amend chap. 38 of the statutes of 1907 in amendment of the Railway Act.

Hon. Mr. LOUGHEED—Can my hon. friend explain the object of this Bill?

Hon. Mr. SCOTT—It is repealing one section of the Railway Act. The section repealed deals with filing of mortgages, hypothecs and other securities, but I do not know why it has been repealed.

Hon. Mr. LOUGHEED—As the hon. member is not able to explain the object of this Bill, I will have to do so. The Minister of Justice in introducing this measure in the House of Commons, pointed out that this clause was put in by mistake last session; that the power which we seek to exercise here is exercisable only by the provinces; that it would be very much in the shape of a chattel mortgage; and the rolling stock, not coming practically within the Railway Act, it being personal property, therefore it was thought to be misleading, and as a matter of policy, it was considered advisable by the Department of Justice to strike out.

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

JUDGES ACT AMENDMENT BILL

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT—The explanation of this Bill is as follows:

Section 1, by substituting the words 'sixty-nine' for 'sixty-seven,' provides for two additional district judges in Ontario (provisional districts of Fort Francis and Sudbury). Section 2, by substituting the word 'eight' for the word 'seven,' provides for one additional county court judge in Manitoba. The object of section 3 is to secure to the chief or assistant chief commissioner of the Board of Railway Commissioners any time served by him previously as a judge which would entitle him to a pension. On the death of Mr. Justice Killam, when the position was offered to Mr. Justice Mabee, he pointed out that he would by assuming the office forfeit any right that

was accruing to him of the enjoyment of a judicial pension, as the Railway Act made no provision for such pension. The object of the section is to provide that the time previously served by a commissioner as judge shall count on his pension as commissioner or assistant commissioner. The period is also reduced from fifteen years to twelve years. That is to say, if a judge having served two years is appointed chief or assistant commissioner and serves ten years as such, the aggregate period of twelve years will entitle him to the same superannuation as if he had remained judge for fifteen years.

The motion was agreed to, and the Bill was pasesd through its final stages.

SECOND AND THIRD READINGS.

Bill (210) 'An Act to amend the North-west Territories Act.'—Hon. Mr. Scott.

The Senate adjourned until to-morrow at 11 a.m.

THE SENATE.

OTTAWA, Friday, July 17, 1908.

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

Prayers and routine proceedings.

REPORT OF COMMITTEE ON DEBATES AND REPORTING.

Hon. Mr. BEIQUE presented the report of the Committee on Debates and Reporting of the Senate and moved its adoption.

He said: This is the usual report always made at the end of the session with regard to the reporter who furnishes the synopsis of the proceedings to the press.

Hon. Mr. LANDRY—Are we not proceeding a little rapidly in adopting the report now? Could we not concur in it this evening?

Hon. Mr. BEIQUE—It is continuing the same arrangement with the special reporter as last year, including the arrangement with the French reporter at the rate of $15 per week, as was done during the present session.

Hon. Mr. LANDRY—I suppose that all the printed part of the report as it is given here is a repetition of the report adopted last year; and what is written is new.

Hon. Mr. BEIQUE—Yes.

Hon. Sir MACKENZIE BOWELL—Has the committee met to consider the question of the debates, upon the resolution moved by the hon. gentleman from Halifax?

Hon. Mr. BEIQUE—The committee met this morning, but they considered it was almost impossible to take up the matter, it being too late in the session, with the committee of the House of Commons. The committee is afraid it will have to be deferred until the beginning of next session.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell the Senate what the cost of the press summary has been for this eight months session, based upon the report of this committee?

Hon. Mr. BEIQUE—It is easy to figure the amount. It is costing for the English reporter $40 a week, and $15 for the French.

Hon. Sir MACKENZIE BOWELL—That makes $55 a week, whether we are sitting or not. That includes all the adjournments.

Hon. Mr. LANDRY—Is the hon. gentleman not in error when he says $40 a week?

Hon. Mr. BEIQUE—I think not.

Hon. Mr. LANDRY—The report mentions $40, but I understand it is $50.

Hon. Mr. BEIQUE—I will give the answer more precisely when the matter is taken up.

DELAYED RETURNS.

The notice of inquiry being called :

By Hon. Mr. LANDRY :

When does the government think that it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned :—

(a) The statement indicating the amounts spent on the Deschambault wharf— 4th February ?

(b) The correspondence exchanged between the Department of Militia and Lt. Col. Davidson re the latter's dismissal and the promotion of Sir Henry Pellatt to the rank of colonel— 14th February ?

(c) The statement showing what was the daily pay of the soldiers of the company No. 2 of the Ottawa Field Battery in 1865 and 1866— 17th March ?

Hon. Mr. SCOTT—Stand until next session.

Hon. Mr. LANDRY—Until this evening?

Hon. Mr. SCOTT—No, until next session. There has been more done for the hon. gentleman than for any member of either House. He has taken up a great deal of my time and made me a nuisance with many of the departments by the way I have been hammering at them, all on his account.

Hon. Mr. LANDRY—I will have those questions answered before I leave.

The motion was allowed to stand.

QUEBEC BRIDGE COMMISSION REPORT.

Hon. Mr. LANDRY—Before the orders of the day are called, I should like to know if appendices No. 1 and 2 of the report of the Quebec Bridge Commission are available? They have all the other appendices. We are told that these appendices form part of another volume, but I cannot find that volume.

Hon. Mr. SCOTT—I suppose it is at the Printing Bureau.

Hon. Mr. LANDRY—It ought to have been printed long ago.

Hon. Mr. SCOTT—I will inquire and let the hon. gentleman know.

PROPRIETARY OR PATENT MEDICINES BILL.

THIRD READING.

The House resumed in Committee of the Whole, consideration of Bill (146) An Act respecting Proprietary or Patent Medicines.

(In the Committee.)

Hon. Mr. McMULLEN—The object in holding over clause 14 was for the purpose of providing means whereby retail merchants could dispose of the balance of their stock of patent medicines on hand at the time of the passage of this Act. No doubt country merchants will be caught with a considerable stock of such goods on hand when this Act comes in force. I have discussed the point with the Minister of Inland Revenue, and we have come to a decision that, with the approval of the committee, clause 17 should be amended in this way. The clause reads: 'The Governor in Council may make such regulations for giving effect to any of the provisions of this Act,' and it is proposed to add after the word 'Act' the following: 'In respect of the sale of patent or proprietary medicines in the hands of the retail merchant at the time of the coming into force of this Act.' He suggests that, and it has been changed under the direction of the solicitor. He thinks that should meet the difficulty.

Hon. Mr. SCOTT—The amendment should read, not at the time of the Act coming into force, but at the passage of the Act. They might load up before the Act is put in force.

Hon. Mr. McMULLEN—That is better. We probably could not agree here as to what would be a reasonable time. The clause 17 leaves it to the Governor in Council to make regulations.

Hon. Mr. SCOTT—I have no objection to the amendment; it throws the responsibility on the Governor in Council.

Hon. Sir MACKENZIE BOWELL—Will not the effect of the amendment passed last night be to render it almost impossible for a druggist to put up a prescription? I so understand from people engaged in the trade. If that will be the effect, we had better change the title of the Bill and call it: 'An Act for the protection of the Medical Profession.'

Hon. Mr. SCOTT—The amendment before the House deals with another point altogether.

Hon. Mr. KERR—The amendment will only give rise to trouble. What is the meaning of the expression, 'being in their hands?' I think it should mean in stock.

Hon. Mr. MITCHELL—If they bought by contract, they could not have a large stock in their storage.

Hon. Mr. WATSON—I should like to ask if an order is placed for a quantity of patent medicines, would that be considered in stock?

Hon. Mr. KERR—No.

Hon. Mr. WATSON—Should we pass an Act to interfere with the contract which has been made?

Hon. Mr. KERR—I move that the words 'The hands,' be struck out, and make it read 'In stock at the time.'

Hon. Mr. SCOTT—I object most decidedly. This Bill has been discussed a great deal. A compromise was agreed upon with the minister. I have consented to approve of that. I think it is going a long way. Canada is behind the rest of the civilized world on this question of drugs, and I think the trade requires some reasonable restraint. There is a safeguard in the Bill by withholding its coming into force except on proclamation. No doubt the Governor in Council will have many applications on the subject. The hon. gentleman from Wellington has had conversations with a good many parties interested, and in conversation with them, we agreed to this compromise. I hope the House will not go further. It is a different matter when we are dealing with substances which benefit society. Here we are dealing with drugs which poison. Why should we extend the delay where human life is at stake? We should have some respect for the lives of our people. With regard to the question of opium, the dealers represent that they have $40,000,000 invested in opium and its manufacture, and they desire from 6 to 12 months to dispose of it. I am opposed to that. I have consented to three months time. They give bonds that no part of their stock shall go into circulation in this country. If we are going to allow two or three years extension what will be the use of this law?

Hon. Mr. McMULLEN—Parties will have to get an order in council by which dealers who have stock will be able to sell it. Immediately on the coming into force of this Act, there will be notice given that all retail merchants holding medicines will have to make a distinct statement of what stock they have on hand. It will have to be returned to the government and sworn to. On receipt of that statement the government will issue a label that will have to be placed on every bottle of medicine that they hold, which will show that they are authorized by order of the Governor in Council to dispose of that specific medicine. If in the statement that they send in, there is such a thing as cocaine or any dangerous drug of that kind, the government reserve the right to cancel that and not grant any license for its disposal, but anything that is returned, which the government think is a medicine that might well be disposed of, the dealer has to put a label on it, which shows they have authority to sell, but only the balance of the stock they have on hand.

Hon. Mr. SULLIVAN—In this list there are the most terrible poisons known to science. We have Prussic Acid, Spanish Fly, Chloroform, and every possible mixture of morphine, conia, Indian Hemp and every poison in materia medica. The man who made this list must have had a terrible opinion of human nature when he placed these frightful agencies on this list. The only way of settling it is this; let each dealer send to the Minister of Inland Revenue a list of the drugs he has in stock. If any of these medicines contain anything noxious or dangerous to life, the stock should be destroyed. There are many patent medicines that are harmless—something to play with, made up of harmless ingredients by people who want to make money fast, but who have a conscience. There are two classes of people making patent medicines, one class having a conscience and the other class no conscience. If the minister permits drugs to be sold which are devoid of noxious substances, let them do so; that is all right. But if the medicine contains drugs that are noxious poisons they should be destroyed.

Hon. Mr. McMULLEN—As the hon. gentleman has given us a list of those medicines which contain poison, he might give us also a list of those out of which no poison can be extracted.

Hon. Mr. SULLIVAN—There are lots of harmless medicines.

Hon. Mr. WATSON—I must admit I am not very well posted on medicine. I never used much of it, and hope I never shall. But it seems to me the hon. leader of the House is extreme; he looks on all these drugs as being poisonous. Some people think that beef, pork or mutton are not good for the system. I know that in prescribing, doctors use a great deal of these proprietary medicines put up by responsible firms, and I am informed that the safest of these medicines are put in tablets. Doctors say that they are all right and prescribe them. We should not interfere with orders that have been placed with manufacturers who have carried on business for years and, we should not bring this provision into force until the Act is proclaimed. If a dealer has ordered a stock of patent medicine and the manufacturer is preparing it, under this clause the order would have to be cancelled. I do not think it is fair.

Hon. Mr. KERR—It seems to me that we are here to deal with this Bill deliberately and in a way to make it a workable law, and at the same time to do justice to all the different interests, or we are here simply to record our approval of Bills without giving them any consideration at all. The fact that the hon. minister, consulting some particular interest, has arrived at an understanding about the particular phraseology of a clause, whilst I might have every respect for his opinion, I think that is hardly a reason why we should unintelligently go into a matter involving large interests, which is a reform of a sweeping character brought down at the last minute of the session, when there is no opportunity to obtain expert advice except that which is in the hands of those promoting the Bill. In view of the whole situation with reference to this matter, the law which has been in force all our lives, giving freedom in dealing with these matters, has been accompanied by an education on the part of the people, and they are generally careful what they do take and take only that which is well recommended—and nearly all these medicines are recommended by some medical men.

Hon. Mr. SULLIVAN.

Hon. Mr. SULLIVAN—Never.

Hon. Mr. KERR—Under the circumstances, I think we can easily afford to let this Bill stand over for one session.

Hon. Mr. SULLIVAN—It would be a good thing.

Hon. Mr. KERR—And deal with it intelligently. If the sale of patent medicines is a crying evil, and if the use of noxious drugs is something that should never have been allowed, then some person has been responsible for not introducing the legislation long ago; if, on the other hand, a little common sense is to be used in making the provisions proposed here protecting the public interest and at the same time not injuring those who have established rights, and if those poisons are properly introduced into the best medicines by medical men——

Hon. Mr. SCOTT—No, no. That is not so. I have given a study to this question for half a century.

Hon. Mr. KERR—Those who give a great deal of study and attention to a subject on one line, sometimes get into a perverted state of mind over it, not that the hon. gentleman's mind is perverted, but I know he has peculiar ideas on this as well as on some other matters, dietary questions as well as medicinal matters. Who is there to say how this thing ought to be dealt with at large? How many of us know absolutely that there is a large number of proprietary medicines doing such harm? How many of us know how far we should go to protect vested interests in this matter? How far should we go in the way of disturbing trade and interfering with merchants and manufacturers who have stocks of goods on hand, who have invested their money, and who not only invested their money, but made a life study of the preparation of proprietary medicines? All these things go to show we should hasten slowly, and, in order that this matter may be fairly tested, I move that the committee rise.

Hon. Mr. DERBYSHIRE—This is a question in which I am vitally interested. The House of Commons passed this Bill with the minister fully charged with the enact-

ment of this legislation, after a consultation with the druggists, the wholesale men and the retail men and all parties concerned in the manufacture and sale of proprietary medicines, and now the measure comes to the Senate and the Senate have commenced to insert amendments that these parties who have spent so much time in the preparation of this Bill, and all interests concerned, have no opportunity of coming here and being heard in connection with. I think it is a very grave injustice to pass these amendments, and I am satisfied the House of Commons will not accept them when they are sent to them if we make any serious changes. We are not particularly concerned about the amendment of the hon. gentleman from Wellington; but we do take decided objection to the amendment proposed by the hon. gentleman from Edmonton. It means that no one except a doctor could prepare any medicine, and a doctor would have to receive his fee in prescribing it. It means that the doctors will have to see every bottle of medicine, and be consulted about making it up. For years, this patent medicine business has gone on, and no one has been seriously hit. These medicines have been a great benefit to the country, and we do not want legislation passed through this House which is not properly matured, especially a Bill of this importance. The next session will be brought on in a few months and no harm would be done if we postponed this measure until then. A Bill that would meet the views of everybody could be prepared. The Senate is responsible if hasty legislation is permitted to pass through this Chamber, and I say that these amendments which are now being put through at the eleventh hour have not been properly considered and matured and the parties concerned have not had the opportunity of being heard in support of the Bill. I support the motion that this committee rise.

Hon. Mr. ROY—My hon. friend from Brockville says that my amendment prevents anybody but doctors preparing medicines. That is not so. Your amendment says that no article containing opium or morphine should be sold without a prescription of a doctor, but all the other articles can be.

Hon. Mr. DERBYSHIRE—Who is to know what is in it, unless you go to a doctor?

Hon. Mr. ROY—We have not had time to discuss this measure properly. It is a serious question, and if it comes up next year I shall certainly urge my amendment and stick to it for ever. I do not think patent medicines containing opium or morphine should be sold without the prescription of a doctor. My hon. friend says when this Bill was presented in the House of Commons, that everybody who belonged to the trade was consulted in the matter, but the public were not consulted. I was looking for a protest by the tradesmen. There is no question about it, that somebody is going to be injured. You cannot pass a Bill relating to patent or proprietary medicines now without putting some amendment in the shape of providing that no patent medicine shall be used if it contains opium. Naturally, when the criminal code was farmed some acquired privileges must have suffered, for instance, thieves and murderers. That was no reason why you should not have passed or amended the criminal code. I maintain that thousands and thousands of children die every year from the use of patent medicines containing opium or morphine.

Hon. Mr. DERBYSHIRE—I would be perfectly satisfied with the Bill as it came from the House of Commons, or I would be satisfied to strike out this amendment proposed by the hon. member, and let the Bill pass; if we cannot have that, I should like to have it laid over and give every interest an opportunity of being heard in perfecting the measure so that we would have a proper law.

Hon. Mr. SCOTT—This is evidently a question of greed for gold against human life. This Bill may be postponed for one, two or three years, and there will be the same opposition. There are millions of money invested in patent medicines, but, in the minds of all advanced medical men, the destruction of human life through patent

medicines is far greater than anybody can picture. I have in my mind within the last two weeks the deaths of two children in different places from eating tablets which were thrown in at the doors of dwellings. The effect was fatal. I say it advisedly that the first medical men of the day disapprove of drugs and patent medicines. One of the leading medical men in England, who had been the official physician of the Queen, addressing a body of medical students, said the experience of the past few years teaches us that those bottles you see on the shelves will in a short time be all swept away, and the duty of the doctor will be to teach the method of preserving life so that it can be maintained in its highest condition without the use of a single drug. That is the utterance of an eminent member of the profession who has had a long experience. Nearly 50 years ago, my attention was directed to this subject by the fact that one of the leading medical men in this country refused to pass my life on an application for a policy of insurance. I immediately took issue not only with that medical man, but with many other members of the profession, and from that date until now, the subject has been engrossing my attention because of that very fact. I have discussed it over and over again with medical men, and a large majority of them have admitted to me that the evil effects of drugs were unlimited, but that the people demanded them. If simple prescriptions or advice were offered it was not accepted. The people were not educated up to the highest standard. A body of legislators well up in life, like this Senate, ought to pause in dealing with this subject. I do not hesitate to say that 10,000 babies are killed every year in the province of Quebec from the use of morphine. I have been tracing it up. Mrs. Winslow's Soothing Syrup, so universally used, is being put up by a medical man in the city of Montreal, and sold everywhere through the province. I have been told by one who has made an inquiry of the chemist and who has taken some interest in the subject, that the people must have the drug. A labouring woman who has not the time to look after her baby, puts it in a cradle and if the baby cries, gives it soothing medicine. The child goes to sleep, and she finds that to be the quickest way of keeping her child quiet, and finally a funeral is held. Any one who inquires into the subject, must come to the conclusion that the use of opium at the present day is doing a vast amount of harm. Other nations have wakened up to the effect of it and are legislating to remedy the evil. It is all very well to say that opium has been used for centuries, but it is none the less an evil. What right minded person could defend the policy of Great Britain, in forcing on China the opium of India in order that the natives of India might make money on the destruction of the Chinese? The world is getting wiser, and Canada ought not to be behind in the race of civilization and enlightenment. Should we put money into the scales as against human life? We cannot escape the responsibility. I do not wholly approve of this Bill, because, as the hon. senator from Kingston says, it is loaded up with poison which may be put in prescriptions. The hon. senator from Edmonton, who is a doctor of large experience, says that he finds opium is doing a vast deal of harm to human life, and when he asks that in any prescriptions where opium or morphine is used, it should appear on the label, I ask is that going too far? Surely when we are giving our children drugs, we should know what drugs we are giving them. Our responsibility is greater than many imagine. The hon. senator from Kingston drew attention to the drugs which, under this Bill, are free to all. Opium is perhaps no worse than many of the other drugs in the list, but it is more generally used. Its influence is so delusive that it is not noticed. It does not throw the patient into a paroxysm of any kind, but is soothing in its effect. The patient goes asleep and sleeps for hours, and the natural conclusion of those who do not understand the drug is that it has done good. Yet this Bill is opposed because all that is asked for is that if a medicine contains opium, the proportion of opium in it shall be stated on the label in order that the public may know what they are getting. Is that a concession that is too much to ask?

Hon. Mr. ROSS (Halifax)—The leader of the government has taken a charitable and humane view of this question, and I am entirely opposed to the postponement of the Bill. The sooner it goes into operation the better. While it may not be up to what we would wish, yet on the principle that half a loaf is better than no bread we should accept it. I have read recently the opinion of a very eminent physician in London, who said that in a very short time there would be very little medicine used, that all that is required to prolong life, is pure air, simple diet, and plenty of exercise. I am of that opinion myself, and have followed the prescription to a large extent, and attribute my present good health and sound condition to having done so. The plea is used that the country merchants may have too much stock on hand. That will not hold water, because in these days of quick transportation you can order your goods and get them on very short notice, and it is unnecessary to keep a large stock on hand. In the old times, when we had to procure sufficient stocks in the fall to last until the following spring, it was different. The object of the Bill is a humane one, and the sooner it goes into operation the better.

Hon. Mr. COX—If I understand the hon. Secretary of State right, this Bill does not go into effect until proclaimed by order in council. Does not that give all necessary protection, both to the dealer and the public? It gives the Governor in Council an opportunity to carefully consider those questions on which few of us are in a position to vote intelligently here. I do not know which way to vote, and the proper thing is to let the Bill pass, and it will only go into effect by proclamation. If matters are in the position stated on both sides, the proclamation might not be issued until next session of parliament, and persons interested in the manufacture and sale of drugs would have an opportunity to make their representations to the Governor in Council. Altogether it would enable us in the meantime to arrive at an intelligent decision as to what is right to do, and I would support that view of it.

Hon. Mr. SULLIVAN—This Bill is a monument of sublime ignorance. As the hon. Secretary of State has said, it puts the most powerful poisons and drugs known, all helter skelter together, and does not say how they are to be used. It makes a doctor, an analyst and a toxicologist of the Minister of Inland Revenue. How is the minister to know what is a dose for a child or for a man, or for a woman, and what would be the effects of it? The minister was never made who would know all that is involved in this Bill. I would suggest that every one of these drugs mentioned in the schedule be thrown out. They are all bad. Here is the way this works: Suppose I want to put strychnine, morphine or cocaine or any other drug into a medicine, and such drugs can only be used in very small quantities, what have I to do? I have to send the name of that medicine and a statement of the ingredients to the minister, and the minister is supposed to look at the formula and recommend what is to be done. He gives permission then for the bottling of that preparation. In administering drugs, the quantities should vary with the age and physical condition of the patient. What would be a perfectly safe dose for a boy or girl would be fatal for an infant. No one possessed of any knowledge of medicine dreams of giving morphine or opium or any drug of the kind, to a child. The man who does that is striking at human life. The medical profession is not, as one might imagine from some of the speeches we have heard here, a body of men banded together for the purpose of using recklessly dangerous agents, regardless of their effect on the people. The physician must be and is a most particular man, by the rules of his profession, and he takes a solemn obligation the day he graduates that he will do everything in his power to uphold the honour of his profession. No one will dare to say that the physician is a man devoid of conscience, or of the qualities which adorn humanity. If you want to find virtues of the highest order, you can find them equally as well in the medical profession—and probably more than in the clerical. I am not trying to make any ad captandum speech. I looked through

this Bill carefully with a view to improving it as much as possible. For my part I would throw out the Bill, and when they introduce another let it be prepared by some one who knows something about the subject. This gives the minister authority to sit in judgment and say what amount of aconite, chloroforme or morphine or prussic acid or strychnine should be mixed with any medicine. Here is a drug at the bottom of the list, veratria. It is given for the purpose of lowering the pulse; aconite is used in the same way. Any one who uses that drug should see the patient before administering it, and visit the patient every time it is used, because no one but an educated physician can tell to what extent it should be employed. If such a drug were left in the house, to be administered by any one who happened to be with the patient, and administered often, it would lower the pulse until it stops altogether. I do not remember ever prescribing aconite. There are two preparations of it, and both are given only in the very smallest doses. In the list, I find corrosive sublimate. Who would think of putting corrosive sublimate in any mixture and handing it out to the public? How much would you put in a bottle to give to anybody? How could it be regulated or how could the effects of it be known? There is another preparation here, cantharides. It is a powder made of Spanish flies, and there are only two preparations of it that I know of. One is a blister and the other is a tincture that is never used internally. I never used it in my life. So there is a tremendous list of terrible drugs which no head of the department could recollect. I am willing to admit that the minister may be the most scholarly man in Canada; but this is imposing on him a duty that is absurd. If they had called in any country physician and asked him about these drugs and the use made of them, it would have relieved him of all difficulty. If the drugs mentioned in this list are put forward as agents used by the medical profession, I say it is a libel and falsehood, and I denounce it as such. Where they got that list from, I do not know; but it is the most ugly list I ever read. If you do what is right with this Bill, you will at all events suspend it for a while. It is a serious measure, by far more important than measures which we have held back for years before passing them. I do not know the minister who got up this Bill?

Hon. Mr. LANDRY—Dr. Borden?

Hon. Mr. SCOTT—No, he had nothing to do with it.

Hon. Mr. DERBYSHIRE—Mr. Templeman, Minister of the Interior.

Hon. Mr. SULLIVAN—Mr. Templeman was a member of the Senate, and a man of the highest respectability, and I am sure he would not do that. If I could have five minutes with Mr. Templeman, I would explain the Bill to him so that he would drop it altogether. I would move that it be rejected.

Hon. Mr. FERGUSON—The Bill or the list?

Hon. Mr. SULLIVAN—The list. There are patent medicines which are harmless, and I would let dealers sell as many of them as they liked, because people want them. I do not know if any patent medicine ever contained one of the drugs mentioned in this list. I do not know what the contents of any patent medicines are. If the hon. senator from Edmonton knows the formula of any particular medicine that is sold, he could inform us about it. The Bill is sufficient to cover the case of a man deliberately exposing for sale what he knows is a dangerous drug. In the list you find carbolic acid; it is never used internally. If you do what is right for your country, and the profession, and the noble army of patent medicine sellers, you will postpone this Bill for another year.

Hon. Mr. WATSON—I should like to move an amendment.

Hon. Mr. LANDRY—An amendment is not in order. The motion is that the committee rise, and that cannot be amended.

Hon. Mr. WATSON—If the hon. senator from Kingston would have a conference with the minister, they might be able to straighten out this Bill. It contains some good things, and I propose to move that the

committee rise and report progress. If the Bill is a good one, we should not take chances in throwing it out. After the discussion this morning, an opportunity should be given to see what can be done with the Bill, and it is much better to rise and report progress than to kill it.

Hon. Mr. ROSS (Middlesex)—There are two questions before the House, the amendment of the hon. senator from Wellington and the motion of the hon. senator from Toronto that the committee rise. This Bill was before us last year for meditation and consideration, and it was withdrawn. It is here before us this year for consideration with a view to legislation. We have discussed it at considerable length. The amendment of the hon. senator from Wellington is one that should pass. Those who have goods on hand should not be prejudiced by the sudden action of parliament. The amendment would correct that evil. Therefore nothing remains except the amendment of the hon. senator from Edmonton, which is debatable. We should not debate that now. The Governor in Council has power to say when this Act shall come into force, and that will give people with goods on their shelves a chance to sell out without loss. For any goods unsold, labels could be furnished, and then they would not be contraband, so the case is perfectly clear. Then why should the committee rise? The House of Commons has given a great deal of time to the Bill, and we have discussed it at some length. Let us dispose of the first amendment, and if the Bill is shipwrecked at all, it will be shipwrecked in the House of Commons and not here. Let us dispose of the amendment of the hon. senator from Wellington first, and then we can deal with the amendment of the hon. senator from Edmonton. This is a vexed question and a serious question. We took a great deal of pains in Ontario trying to dispose of it, and failed. There is no legislation on the statute-book which covers the ground as well as this Bill does. It should protect life and at the same time be reasonable. A man as learned as the hon. senator from Kingston can read us lectures from the Materia Medica and the Pharmacopeia that will make our heads ring, but that is not necessary. Let us show the country that we can legislate even on a different question.

Hon. Sir MACKENZIE BOWELL—I want to repeat what I have frequently said in years gone by, and it is more applicable at the present moment than in any past session, and that is the impropriety of submitting such contentious measures as this in the Senate a few hours before prorogation. There are conflicting opinions which it is difficult to reconcile in considering this question, and if anything would induce me to vote for the motion of the hon. senator from Toronto, it would be a desire to have the measure thoroughly investigated and considered by those affected by it before passing it. Any one who listened to the enthusiastic speech of the hon. Secretary of State to-day must commend him for his laudable desire to place noxious drugs beyond the reach of those who use them indiscriminately, and to the disadvantage, particularly, of younger people. The fact that the Bill, if passed, can only come into operation by proclamation of the Governor in Council, does not affect in the least the objectionable clause, and for this reason: suppose after considering the merits and demerits of the Bill and the effect it would have on the trade, the Governor in Council would have no power to change or amend one single word of it. All they could do would be, if after investigation they find it would be impolitic and improper to bring it into operation in its present state, is to allow it to remain a dead letter on the statute-book. This, with other Bills we are asked to consider, and particularly one of 104 clauses which went through last night in almost as many minutes, deserves more consideration than it has received at the hands of the Senate. We have been represented as being mere echoists of the House of Commons, simply because the government have a majority in the Senate, who will support without proper consideration any measure they may bring forward. If there is anything that will bring the Senate into contempt in the minds of the people, it is the manner in which we are in the last hours of the session dealing with most important questions affecting the country. I shall

vote that the committee rise, not because I am opposed to many provisions of the Bill —for I think it is in the right direction as a whole—but because it is a grave question as to whether it does not go too far.

Hon. Mr. COFFEY—I am in entire accord with the hon. leader of the House, when he says that Canada is behind the rest of the world in legislation of this kind. About a year ago, I visited some large cities in the United States, Detroit, Rochester and Buffalo, and having taken quite an interest in this Bill, I consulted some of the prominent druggists in those cities. I found that while patent medicines containing cocaine, opium and a great many of them a large percentage of very bad whisky are freely sold in Canada that not one of those nostrums could be obtained in the United States except on a doctor's certificate. Surely it is time that Canada made a start to guard our people, especially the young, against the terrible influence exercised by the free sale of those drugs. Not very long ago, the newspapers of the city to which I belong, London, found it necessary to enter on a crusade to prevent young people obtaining cocaine in the drug stores. They were prevented getting the pure article over the counters, but they found other means of getting it. They could find plenty of it in the patent medicines offered for sale. It is about time we made a start to preserve our people from the terribly injurious effects of the free sale and general use of medicines prepared primarily to make money, without consideration for the health and safety of our people.

The committee divided on the motion to rise, which was rejected; contents 17, non-contents 20.

Hon. Mr. WATSON moved that the committee rise and report progress, and ask leave to sit again at the next sitting of the House.

Hon. Mr. FERGUSON—What is the object of this motion? Is it to give further time to the leader of the House to consider the situation and amendments; if so, I feel like supporting the motion, but at this very late period of the session, if that is not the object, we had better get through with it at once.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. McMULLEN—I would suggest that the hon. gentleman allow the amendment to clause 17 to be adopted and then put his motion.

Hon. Mr. WATSON—No, I think that amendment could be improved, and it will be improved by the minister who really has charge of the Bill accepting it with some changes. My object is to harmonize the opinions advanced by members here and get this Bill passed in better form than it is at the present time.

The committee divided on the motion, which was agreed to; contents 21, non-contents 10.

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

MANITOBA GRAIN ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

A message was received from the House of Commons returning Bill (ZZ) An Act to amend the Manitoba Grain Act.

Hon. Sir RICHARD CARTWRIGHT—Although I thought the measure as it left the Senate was quite as good as it could be made, I do not feel disposed at this stage of the session to dispute the amendments made by the Commons, and I move that they be concurred in.

Hon. Mr. PERLEY—What are the amendments?

Hon. Mr. YOUNG—There are only two important amendments. One is making Winnipeg an order point. In the provisions which they made in the House of Commons for making Winnipeg an order point, they went further than was proposed in the Senate, and I think in the proper direction, in providing for the adjustment of freight rates, and also giving a longer time in which a shipper may take advantage of this adjustment of freight rates as between the initial and the terminal points. That was an amendment numbered 99C. The next amendment of importance is a radical departure perhaps, by the House of Commons, in our handling of

grain at terminal points by permitting of special binning under certain conditions. Leave to do so must be obtained from the warehouse commissioner. It is limited in its operation from the 15th December to the 1st September in the following year. That is, no special binning is allowed up to the 15th December.

Hon. Mr. PERLEY—Why is that?

Hon. Sir RICHARD CARTWRIGHT—To prevent congestion.

Hon. Mr. YOUNG—The reason assigned by those who are discussing this matter was that in the event of a congestion because the special binning of grain must have the effet, if indulged in extensively, of limiting our terminal elevators' capacity, the special binning clause gives power to the warehouse commissioner to grant permission to specially bin to the seaboard in our terminal and transfer elevators, and as a consequence the impairment of the usefulness of a terminal would be the result. It would be dangerous to have permission granted during the rush season which must necessarily occur before the close of navigation. Hence the restriction. I cannot say offhand how far the effect of the special binning will reach. It will lessen the usefulness of the terminal elevators, and lessen the average quality of the grain in the standard grades, because if special binning is indulged in to any extent, it must have that effect. And whether that will produce good results or bad results, time only will tell. There is another feature which I desire to point out to the minister; that should it be granted, there are not sufficient bins in our terminal and transfer elevators to furnish every one who applied. You could not treat all applicants alike. There is a danger of that, especially, possibly at West St. John. The opening of the special binning season is December; the first effect would be felt in West St. John, on the all rail cars. I draw the attention of the minister to this fact, in order that he may not find himself in the position of having to refuse the privilege to some after having granted it to others. There is also the danger of lessening the average quality of the grain. However, I am offering no objection to the amendments.

Hon. Mr. DAVIS—We have given this Bill a good deal of consideration, not only here but in the Commons. Conferences have been held and everybody interested in the grain trade, not only the dealers but the railroads, have been represented and we all agreed to this Bill. I advocated the establishing of the order point, but I had to withdraw the motion here. It has been inserted by the Commons, and, practically, everything we want has been put in and I think we had better pass it as it stands.

Hon. Sir MACKENZIE BOWELL—I am not going to object to the adoption of the amendments now, for the reason that those who are more deeply interested and know more about it than I do, are satisfied with the Bill. The amendments proposed and rejected in this House have been adopted in the Commons by a considerable majority, and the hon. Minister of Trade and Commerce stated a few months ago that at this late period of the session he was not going to object, though the Bill was of his own creation and passed by him through this House. The constant reference to the fact that we should not discuss these measures, and that we should not consider them as we otherwise would on account of the lateness of the session, is another strong reason why all such amendments brought in at this late stage of the session should be objected to.

The motion was agreed to.

BILL INTRODUCED.

Bill (212) An Act to amend the Criminal Code, and to repeal section 415 of the Railway Act.—(Hon. Mr. Scott.)

INSPECTION AND SALES ACT AMENDMENT BILL.

A message was received from the House of Commons with Bill (CCC) An Act to amend the Inspection and Sales Act as regards grain, with amendments.

Hon. Mr. YOUNG—The amendments have been made after a conference with the various interests, and there is no serious departure from the Bill as it left this House with the exception of providing aa-

ditional grades in law which have been used in practice.

Hon. Mr. LANDRY—Which were refused here.

Hon. Mr. YOUNG—No. The motions made here did not by any manner of means agree with the amendments of the House of Commons.

Hon. Mr. LOUGHEED—Is my hon. friend from Killarney satisfied with the amendments?

Hon. Mr. YOUNG—I would not like to say that, but I think they are in the right direction.

The motion was agreed to.

DOMINION GUARANTEE COMPANY BILL.

A message was received from the House of Commons with Bill (211) An Act to amend the Act of the present session entitled an Act respecting the Dominion Guarantee Company, Limited.

Hon. Mr. BAKER—I had charge of a Bill of this name which passed the Senate, but was not sanctioned. I understand this is a Bill to amend that Bill.

Hon. Mr. LANDRY—I want to know if the Bill which this purports to amend has become law?

Hon. Sir MACKENZIE BOWELL—The Bill passed this House, and was amended in the lower House. The amendments were sent here. A resolution was moved refusing concurrence in the amendments. The House of Commons, as I understand it, have accepted the Bill as it was sent to them with their amendments not concurred in. They adopted it and now they introduce another Bill to amend that Bill.

Hon. Mr. BAKER—The object is to accomplish in part what was sought to be accomplished by the amendments made in the Commons to which the Senate refused to agree. The promoters of the Bill would be better pleased if they had the Bill as passed by the Senate; but they have agreed to accept it as modified in this unusual way. I believe it would be only an act of good faith, to concur in this.

Hon. Mr. LANDRY—I oppose that. It is asking this House to pronounce itself in a different way, on a question on which it has already given its opinion. We have already settled the question, and the Commons are trying to have us give a different opinion now from the one already given. I think the Bill is out of order.

Hon. Mr. FERGUSON—This is attempting to amend a private Bill by a Bill of which no notice has been given. It is not a public Bill, and there can be no proceedings behind it to warrant its production.

Hon. Mr. POWER—It is altogether irregular. It is a private Bill with no petition. It refers to a Bill of this session which is not yet assented to.

Hon. Mr. BAKER—I am not at all interested in the Bill. The Commons could have made amendments that might have been accepted by us, but instead of doing that they determined, in the profundity of their wisdom, to give us a new Bill. I do not see any precedent for it in the law or practice of parliament; but I said I had no objection to looking after it in the Senate. It is rather an anomalous proceeding to amend a Bill which has not yet received the royal sanction.

The SPEAKER—There are three questions to be determined which I cannot determine at this stage. The first is, is this a private Bill or a public Bill? If it is a private Bill, is it presented under the notices governing such Bills, and could it be? If it is a public Bill can a public Bill be presented to amend a private Bill, and could it be presented when the Bill it seeks to amend has no valid existence, inasmuch as it has not yet received the royal sanction? Under the circumstances, I would ask that the Bill be either laid on the table or that it be put down for second reading at the next sitting of the House.

Hon. Mr. POWER—If the Bill is not properly here, how can it be put down for second reading?

The SPEAKER—I am not asking for a second reading, but merely to let it lie on the table. I do not know if there is a

petition for it. The Commons may have proceeded on the notices for the preceding Bill.

Hon. Mr. LANDRY—There is no report on the standing orders.

BILLS INTRODUCED.

Bill (209) An Act to amend the Canada Shipping Act.—(Hon. Mr. Scott.)

Bill (109) An Act to authorize a bounty to volunteers who served the Crown in South Africa.—(Hon. Mr. Scott.)

The Senate adjourned until 3 o'clock p.m.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DOMINION GUARANTEE COMPANY BILL.

REJECTED.

The SPEAKER—The Senate was without information as to the procedure followed on a Bill which a message from the House of Commons transmitted to us entitled 'An Act respecting the Dominion Guarantee Company, Limited.' The hon. senator from Bedford stated the understanding which had been arrived at, but did not know what had taken place in the Commons. This private Bill was introduced on the demand of the Finance Department, as a private Bill, to amend the private Bill, which though passed by both Houses of parliament has not yet been sanctioned, by suspending all rules in the House of Commons as to notices, petition, deposit, &c., in order to safeguard what the Finance Department thought to be the public interest, after an understanding with the promoters of the original Bill already passed, but which has not yet become an Act of parliament. The question for the Senate to decide is, if they will likewise suspend all rules. If that were done, we would be facing this difficulty: that this Bill undertakes to amend an Act which has not yet been sanctioned by His Excellency the Governor General. Could the case be met by amending it, and changing the word 'Act' into 'Bill,' or passing it as it is with the understanding that it will be only sanctioned after the previous Bill has been sanctioned?

Hon. Mr. LANDRY—There is a danger that it might be sanctioned before. I think this Bill is not in order.

The SPEAKER—It is undoubtedly not in order, unless all the rules be suspended.

Hon. Mr. LANDRY—I object.

Hon. Mr. BAKER—I move that all rules be suspended, so far as they relate to this Bill, and that having been consented to——

Hon. Mr. LANDRY—No, it is not consented to, and I will not consent to it. Let the hon. gentleman give the regular notice.

The SPEAKER—The hon. gentleman can give notice for another session.

Hon. Mr. LANDRY—That will not be in order. Three particular rules have to be suspended in regard to Bills, but there are rules that pertain to this Bill other than those three.

Hon. Mr. POWER—It occurs to me that it would be a very dangerous precedent for us to pass this Bill now, and it also occurs to me that the difficulty could be met by passing an amending Act next session.

Hon. Mr. LANDRY—Yes, we shall not be long away.

Hon. Mr. POWER—There is no precedent for amending a Bill which has not yet become law. Of course, you can suspend all notices, but that is also a dangerous practice. It occurs to me that if this Bill becomes an Act, it may be amended at the next session, which will be only about four months hence, I suppose.

The SPEAKER—I draw attention to the fact that the principal responsibility lies with the branch of parliament that initiated this procedure. Rules have been suspended in the other House with a view to further the public interest; but if the House decides to concur in the course taken by the Commons, it is within its own power.

Hon. Mr. FERGUSON—I would feel like straining a point, as far as it would be possible to go, to meet any view of the hon. gentleman from Bedford; but I really think that this would be asking us to go too far. The rule of parliament has been laid down very often that you cannot amend a private Bill by a public Bill.

The SPEAKER—It is a private Bill now.

Hon. Mr. FERGUSON—If so, it has not been based upon a petition.

The SPEAKER—Because the rules were suspended in the other House.

Hon. Mr. LANDRY—One of our rules says that no rule concerning a petition can be suspended unless it is recommended by the Standing Orders Committee.

Hon. Mr. BAKER—If the Senate is unanimous, it has the power to suspend that rule, and there is this to be said of this Bill: although it is a private Bill it is introduced at the instance of the Department of Insurance. The Bill was drafted by the Superintendent of Insurance himself, and the object of it is to limit the powers of the Guarantee Company in mortgaging its property, for the protection of the insured. The Bill is commendable as coming from the vigilant Superintendent of Insurance, but I suggest that no great evil will probably arise before the next session of parliament. It was intended to get it through this session of parliament, but it is impossible to secure the suspension of the rules. As the promoter of the Bill which has already passed the Senate, I pledge myself, if my life is spared, to introduce a Bill anew, on the exact lines of this measure. In the meantime I ask that all rules of the Senate be suspended and that it be permitted to pass during the present session.

The SPEAKER—There is a rule which says that Bills coming from the House of Commons, when not preceded by petition, go, as a matter of course, to the Standing Committee on Standing Orders, and as this rule is not suspended, it will go to the Committee on Standing Orders.

Hon. Mr. LANDRY—The motion of the hon. Secretary of State was special, that certain rules be suspended in a general way so far as they relate to Bills.

DELAY IN THE PUBLIC PRINTING

INQUIRY.

Hon. Mr. LANDRY inquired :

1. Has the Clerk of the Crown in Chancery, in compliance with section 15 of chapter 6 of the Revised Statutes of Canada, 1906, ordered the immediate printing by the King's Printer of all the copies duly received of the electoral lists for use at Dominion elections ?
2. When were the electoral lists actually in force thus transmitted to the King's Printer ?
3. When were they printed ?
4. Did the King's Printer, immediately after the printing of such lists, transmit 20 copies thereof to the member representing each county of the Dominion, and 20 copies to each candidate defeated at the last elections ?
5. If all these obligations have not been fulfiled, is it because the law has been changed?
6. And if the law has not been changed how can the infraction of it be justified or even explained ?
7. Is it the intention of the government to see immediately that the law which governs the matter shall be observed, and that copies of the electoral lists actually in force shall, without more delay, be sent to the persons who have a right thereto ?

Hon. Mr. SCOTT—In reference to the voters' lists (questions 1 and 2) I have the foffowing from the Clerk of the Crown of Chancery :

1. As soon as the lists of voters are received from the custodians, they are examined and counted and are then forwarded to the King's Printer, in accordance with section 15 of the Dominion Elections Act, and a receipt therefor is taken and filed in this office.

2. Answered by above.

The remaining questions refer to the King's Printer, and can be answered only by him.

In reply to the third question, they are transmitted when they come, and some are coming every month of the year. They are not printed. It costs nearly $50,000 to print the lists, and they are only printed on the occasion of a by-election or on the eve of a general election. Question 4 is answered by the reply to No. 3. The reply to the fifth question is, No, the law is not changed. In reply to the sixth question, there was no election. It would be waste, because the lists are changed monthly. It is very hard to have them printed, even for

a general elections, because, under the law, the lists to be used are the lists in existence provided more than 60 days had elapsed between the nomination and the election. We often have to throw the lists after they are printed into the waste-paper basket because they come in irregularly. When the government controlled the lists, they could do as they liked. The reply to the seventh question is: Not when there is more pressing business. The capacity of the Printing Bureau is not equal to the demands made upon it now. The printing of the departments and that of a long session of parliament render it quite impossible to perform all the work at the Bureau.

In reference to the appendix that the hon. gentleman asked about, I am told that they have the type of appendices No. 1 and No. 2, with seven hundred and fifty pages of volume 2. There are 141 half-tone plates in the report. The work is of a very technical nature. It will be finished in about three weeks.

I also made inquiry about a much more serious charge, that the Bureau was responsible for the omission of furnishing the Manual. I have a memo from the Acting King's Printer which reads as follows:

Ottawa, July 17, 1908.

In the Senate the Hon. Mr. Landry referred to the French translation of documents. Upon looking up the proceedings of the Senate I find that Mr. Landry called attention to the French translation of the following reports:—

The Civil Service Commission.

As before stated, copy came in on the 1st of May and on the 29th of May we had but five signatures of copy of translation out of nineteen. Nothing further came in until July when we received eight more signatures making in all thirteen. There are yet six signatures of the translation to come in in order to complete this work, so we are still waiting for copy of this report.

House of Commons Journals, French.

On the 3rd of July I reported to you with respect to the journals of the House of Commons and my statement was that the Bureau was in receipt of translation of the journals up to December 13th, 1906, making 65 pages out of a total of 676 pages. No further translation has been received at the Bureau since that time.

French Edition of the Senate Manual.

On November 22nd, 1906, we printed one hundred copies of the rules of the Manual for the use of the Senate. The rules make eighty pages and a comparison with the English copy goes to show that there are two hundrd and thirty-two pages of translation of this Manual yet to come to the Bureau, if it is to come.

Hon. Mr. LANDRY—I suppose the one hundred copies he refers to were the English edition.

Hon. Mr. SCOTT—No, the French edition. The rules make up 80, and the balance of the translation has yet to go to the Bureau, so you can see the Bureau is not to blame after all.

Hon. Mr. LANDRY—I suppose the printer did not find the balance, because it was sent.

Hon. Mr. SCOTT—Oh, no. It is not within the bounds of possibility. We had a great deal of trouble, as I explained before, with the translators of the French edition of the Revised Statutes. They took a kink into their heads that the translation made in 1866 was not a good translation, and they persisted in trying to force on the Bureau a new translation of the British North America Act which the Bureau very properly refused to accept. Dr. Dawson said it was perfectly monstrous, after the French copy had been in use nearly 40 years, that it should be all changed, and it was with very great difficulty that the translators gave way.

Hon. Mr. LANDRY—Referring to the electoral lists, the law says that they shall be made every year.

Hon. Mr. SCOTT—As I said before, it is quite impossible to do it. The capacity of the Bureau is not sufficient.

Hon. Mr. LANDRY—The law has not been observed.

Hon. Mr. SCOTT—No, it has not been.

Hon. Mr. LANDRY—Then the law should be amended, because the law provides that those lists should be prepared and the type kept standing, and every year when a new list comes in the only thing they have to do is to correct them. That is what the law says.

Hon. Mr. SCOTT—It is a good deal cheaper and easier to commence anew than to take the former lists, because the changes in nine-tenths of the electoral districts of Canada are so serious every year that the older lists are no longer of use. If the

suggestion of the hon. gentleman were taken, it would simply mean an absolute waste of $50,000 a year, because the lists have to be burned; there is no space to hold them.

Hon. Mr. LANDRY—Then why not change the law? I am not saying it should be done immediately, but under the law as it exists every representative of a county and every defeated candidate should have 20 copies of the list as soon as they are printed. That requirement of the law has not been complied with. I ask why do we not get our lists immediately, and I am told there is too much work in the Bureau. The law has been infringed with the cognizance of the government.

Hon. Mr. SCOTT—The government must exercise common sense. They do not spend $50,000 printing lists to make a bonfire of them.

Hon. Mr. LANDRY—How can we tell that on the eve of an election we shall get the list?

Hon. Mr. SCOTT—Because the whole force is turned on, and an overflow is sent to Toronto and Montreal and officials have to go there to be present at the printing where there is an office that has the capacity.

Hon. Mr. MITCHELL—When did that law come into force?

Hon. Mr. SCOTT—Eleven years ago.

DOMINION LANDS ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr SCOTT moved the third reading of Bill (181) An Act to consolidate and amend the Acts respecting the public lands of the Dominion.

Hon. Mr. LOUGHEED—Can my hon. friend say whether this Bill before us is a reprint of the Bill which the House of Commons had before it last session of parliament?

Hon. Mr. SCOTT—It does not conform altogether, but the whole subject was before the House of Commons.

Hon. Mr. LOUGHEED—I refer to section 42.

Hon. Mr. SCOTT—I could not tell the hon. gentleman whether it was or was not, only in a general way; there was a consolidation last year. They have had another year's experience. I do not know whether that section was in or not.

Hon. Mr. LOUGHEED—Could the hon. gentleman say at whose instance this change was made in section 42 from the original Act and the word 'public' stricken out?

Hon. Mr. SCOTT—I never heard.

Hon. Mr. LOUGHEED—Was it made at the instance of any province or at the instance of this government?

Hon. Mr. SCOTT—I know nothing at all about it. I did not know how the original Act was. Once I took part in the settlement and considered it settled, I thought it was buried forever.

Hon. Mr. LOUGHEED—If my hon. friend thought that the school question was dead and that the obsequies had been performed, it seems to me very undesirable that there should have been a resurrection. I find this Bill when introduced into the Commons at the last session of parliament, had the word 'public' in section 42, and was practically a reprint of the existing law. I find that during the session of that parliament—at least I am informed on very reliable authority—that after the Bill had passed its committee stage the Bills were quietly gathered up, and a reprint was made last session leaving out the word 'public.' We have before us this session what I might term a mutilated section. I take exception to the misleading character of the note attached to section 42, and I would direct the attention of hon. gentlemen to it. Hon. members will have in their possession the Bill with the annotations to each section, and this explanatory note follows section 42:

> This provision is the same as in the present law, except that the words 'or territory' had been struck out, as the territory referred to has been divided into the new provinces of Saskatchewan and Alberta, and there are no school lands beyond.

The word 'public' has been stricken out, and no mention has been made in this explanatory note of that particular and important word having been eliminated. The explanatory note, whether intentionally or otherwise, is certainly misleading, and had the effect of misleading the members of the Commons when this question was up for consideration. Owing to this the omission was not discovered. I take exception to the omission of the words 'public schools' and the insertion in lieu thereof of the word 'schools.' I might point out that as far back as 1872, the government of Canada appropriated for educational purposes the lands referred to in this Bill, namely two sections in each township throughout what was then Manitoba and the Northwest Territories, and provided that the proceeds of the sales should be applied for educational purposes. In 1879 the government of Canada specifically provided that the proceeds should only be used towards the support of 'public schools therein,' and from that day down to the present, this has been the law.

Hon. Mr. ROSS (Middlesex)—Was that a variation of the original Act?

Hon. Mr. LOUGHEED—The original Act of 1872 provided that the funds should be applied according to regulations of the Governor in Council; but in 1879 parliament specifically enacted that these funds should be applied towards the support of public schools. From then down to the present, although there have been several revisions of the Act, and many amendments thereof, the law has remained as it is to-day upon the statute-book. There are three provinces particularly interested in the appropriation and distribution of this fund, namely the provinces of Manitoba, Saskatchewan and Alberta, and it is now proposed to change the character of the terms of the trust, and to divert those moneys from the trust which was then made by the government of Canada and continued from that time down, so as to permit of a very much wider application than, during those 30 years, was intended by parliament. From the passage of the Act until now, in fact public schools have included separate schools throughout these provinces. No matter whether they were Protestant, separate schools or Catholic separate schools, all those schools participated in a proportionate division of the fund. There has never been any dispute upon that question, and I challenge hon. gentlemen to point out wherein there has been any difference of opinion, or any difficulty created by reason of the distribution of these funds among all the classes of schools that were established by law. When the Autonomy Bill came into force, it was provided that all the rights of separate schools under the ordinances which were then in force should be preserved in their entirety.

Hon. Mr. ROSS (Middlesex)—But there were no separate schools.

Hon. Mr. LOUGHEED—Yes, there were separate schools then, and there are separate schools to-day. Parliament in 1905 provided under section 17 of the Autonomy Act—I am referring now to Saskatchewan—that——

> 17. Nothing in any such law (the British North America Act) shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act under the terms of chapters 29 and 30 of the ordinances of the Northwest territories passed in the year 1901 or with respect to religious instruction in any public or separate school as provided for in the said ordinances.
>
> 2. In the appropriation by the legislature or distribution by the government of the province of any money for the support of schools organized and carried on in accordance with the said chapter 49 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

Notwithstanding the authority of those provinces to pass educational ordinances, the ordinance referred to in the Act which I have just read is the ordinance in force to-day, and under which this distribution of money is made; consequently it cannot be said that any discrimination takes place with reference to the distribution of this fund. It is recognized that this fund is distributable amongst the schools which were then established. Consequently the rights of Catholics and Protestants have been guarded by this parliament as to the appropriation and distribution of those moneys. Since 1872 those school lands have been set apart for educational pur-

poses, subject to the specific provisions in the Act of 1879 and have remained so down to the present time.

Hon. Mr. ROSS (Middlesex)—I understood my hon. friend to say that all the schools of the Northwest were public schools.

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. ROSS (Middlesex)—And I see in section 17 which the hon. gentleman quoted the word 'public' for 'public or separate schools.' Am I to understand there are separate schools in the Northwest as well as public schools?

Hon. Mr. LOUGHEED—They are all public schools.

Hon. Mr. TALBOT—No, no.

Hon. Mr. LOUGHEED—I say yes. The ordinance, which has been confirmed by the parliament of Canada, makes provision for separate schools as well as public schools; but that is simply a designation. They are all, in law, and so treated as public schools. It makes provision for a kindergarten school as a public school.

Hon. Mr. ROSS (Middlesex)—What is the difference in practice?

Hon. Mr. LOUGHEED—There is no difference.

Hon. Mr. ROSS (Middlesex)—Or in practice?

Hon. Mr. LOUGHEED—Or in practice. They are all regulated by the Department of Education, and are all established by the same educational statute, and are likewise entitled to a proportionate and equal distribution of the public moneys. Though one school be termed a public school, and another a separate school and another a kindergarten school, yet they are all public schools under the law. That will not be controverted. That has been established in practice, and it has been observed most strictly. We find a Bill before us in which it is proposed, without the wish of the provinces being ascertained or expressed, that this very important fund should be diverted from the channels in which it was first placed, and the door thrown open for the distribution of this fund among other kinds of schools that may hereafter be organized in the provinces. I desire to point out to hon. gentlemen wherein possible mischief may arise under the proposed amendment. It will permit of denominational schools being established by the provinces at the instance of the many denominations that are scattered throughout those three provinces. It will permit of racial schools being established at the instance of the many nationalities which are scattered throughout those provinces. It is not the desire of parliament, nor of the western people, nor of those three provinces, that there should be any machinery placed upon the statute-book, by which pressure and importunity should be brought to bear upon these legislatures to establish schools other than those schools which are at present recognized and authorized by law. Catholics and Protestants have to-day their schools, recognized by law, enjoying all the privileges and advantages which this fund can possibly give them; but it is not desirable that other nationalities should join together within the different electoral districts, say, of a province, and by combined pressure say to a legislature or government, 'In the event of your establishing for us a racial school representing the nationality to which we belong, and distributing this public money amongst our educational institutions, we shall give you our approval and support.' It cannot be contended for a moment that a condition of affairs such as that is desirable. Is it desirable that the many fanatical religious organizations which exist throughout the length and breadth of that western country should exercise this influence and power? Is it desirable that those organizations should, by a combination, say to a government: 'We will give you our support if you distribute this fund amongst our educational institutions.' I say, no. There are two great divisions in this country, Roman Catholics and Protestants, that are recognized and treated alike by law, and it is not desirable that any further division should be made or walls established. I say most emphatically that when those lands were set apart by the government for the educational purposes

of that western country, it was never contemplated that that fund should be subject to any further distribution than the application which was then provided. Let me point this out to hon. gentlemen—and I ask consideration of this proposition—it was intended that those lands should be for the endowment of our common schools including High Schools, but not for the endowment of the higher educational institutions. It is not desirable that this fund should be distributed for any other purposes than for common schools. I would point out to my hon. friend that that is another reason why the term 'public schools' was used in the Act in contradistinction to the higher educational institutions which might demand from the government a distribution of this fund at any future time. Is this parliament justified at this time, after this trust has been upon the statute-books for nearly 30 years, in saying: 'We shall divert that trust from the application to which it should be made towards the support of common schools, to the support of those higher educational institution which are beginning to become numerous.' I am diappointed that my hon. friend representing the government in introducing this Bill, in making such an important departure from the law which, through its being 30 years on the statute-books has crystallized itself into a sacred trust, yet never deemed it of sufficient importance to give to parliament the reasons for this important change. No explanation has been given. No vindication has been sought to be made by the government, of this diversion of a most important fund, and we are left to simply speculate as to the object of this change. I therefore submit to this House that these words 'public schools' should be restored, so that his trust which has remained in its integrity for a generation upon our statute-book, and has been applied with the utmost satisfaction amongst the educational institutions of that western country, to the unity and harmony of all, should not be disturbed. I therefore move that this Bill be not now read a third time, but that it be amended by restoring to section 42 in the sixth line thereof, before the word 'schools' the word 'public' so as to read 'public schools' as now in the present law respecting Dominion lands.

Hon. Mr. SCOTT—I had always been under the impression that the hon. gentleman rose superior to religious prejudices, and represented the people of the Northwest irrespective of the denomination to which they belong, but it is quite evident from the speech made by him this morning, and from the references made last night, that he now desires to introduce in the territories an agitation for the abolition of the separate schools.

Hon. Mr. LOUGHEED—I must take exception to my hon. friend's remark. He has no right to impute motives. I raise the point of order, that my hon. friend has no right to accuse me of this motive. I appeal to hon. gentlemen in this House if any observations I have made were of such an inflammatory character as to warrant the observations of the hon. Secretary of State. He has no right to asperse me with motives of this nature.

Hon. Mr. SCOTT—I decline to withdraw any expression.

Hon. Mr. LOUGHEED—I raise the question of order.

Hon. Mr. SCOTT—I did not interfere with the hon. gentleman.

Hon. Mr. LOUGHEED—Well, I shall so interfere with my hon. friend as to stop him in the making of these remarks regarding my motives.

Hon. Mr. SCOTT—I think I have a right to draw deductions.

The SPEAKER—No hon. member has a right to put on the lips of another hon. gentleman a statement which he disclaims having made, or if he does so erroneously, he must accept the word of the hon. gentleman that he did not use the expression; but it is not within the province of the chair to prevent a speaker from drawing conclusions or deductions from a speech.

Hon. Mr. SCOTT—I may say, in the first place, that I was not aware whether the word 'public' was in the Act or not. I

am aware it has been in the Act before the establishment of separate schools in the Northwest, by the government of which I was a member some 30 odd years ago. It was made very plain then how those lands were to be distributed; whether the word 'public' was or was not there was a matter of perfect indifference. If it was considered that any point could be made of it, it could have been removed many years ago. I was not aware it was there to-day. The effect of the hon. gentleman's proposition would be a declaration by this parliament that the separate schools were not to share in the distribution of moneys arising from the sale of those lands. Wholly apart from the Act passed in the '70's, the constitution of Alberta and the constitution of Saskatchewan was made very plain. Clause 17 reads:

> Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act under the terms of chapter 29 and 30 of the ordinances of the Northwest territories passed in the year 1901 or with respect to religious instruction in any public or separate school as provided for in the said ordinances.

It goes on to provide for the appropriation of money. When this agitation first arose, a compromise was made and the words I have read are the result of that compromise. In that compromise, separate schools are distinctly recognized, and they are recognized by the government of the province because they make a fair distribution between the separate schools and the public schools. There has been no complaint that I am aware of. The money is paid pro rata according to the attendance at the schools, in a very fair and proper way, and the law has been so arranged that they could interchange; Catholics may very often attend Protestant schools, and Protestants attend Catholic schools, because there is no interference with religion and permission is given after school hours for the teaching of religion in the schools. A tolerant spirit prevails there, and there has been no disposition of recent years to disturb it.

Hon. Mr. FERGUSON—All those schools are public schools.

Hon. Mr. SCOTT—If after all those years parliament should make a change and say that the proceeds of those lands shall only be applied to public schools, it would be most unwise. Separate schools do not come under the denomination, because the hon. gentleman himself spoke of them as separate schools. Why on earth should we now seek to raise a question in the Northwest which is sure to create bitter feeling, sure to raise prejudices and animosity. Why should the words in the Bill be interfered with? The lands belong to the Dominion. They are public lands in a sense, but the proceeds of those lands are to be distributed in a certain way. If you now deliberately change the Act and state that in the opinion of this parliament those moneys should only be distributed among public schools, you can easily raise a question whether the separate schools come under that denomination. I have no doubt if an appeal went to the Privy Council they would decide against separate schools, because they made a blunder on the former occasion, as they often do in deciding questions, in their desire to do what they consider best in the interest of the Dominion. If some one were to start proceedings, and the case should go to the Privy Council, I have not the slightest doubt that the Privy Council would give the decision again as to the separate schools. They have done so before and would do it again. It is not in the interest of the country that a question of that kind should be started now for the purpose of making an agitation. There are papers that would be glad to take it up, because there are people who would like to abolish the separate schools. I quite appreciate that. This was a kind of compromise, but compromises are sometimes broken. We made compromises about the school question before, and I have known them to be broken repeatedly.

Hon. Mr. LANDRY—Where?

Hon. Mr. SCOTT—It is too long to go into it now. There never was a clearer law on the statute-book than in the case of Manitoba. My hon. friend knows very well that when he voted on that question he stated his opinion to that effect, and yet the Privy Council swept it all aside.

Hon. Sir MACKENZIE BOWELL—What I am surprised at is that the hon. gentleman, holding the views he professes, assisted in killing the proposition which we made.

Hon. Mr. SCOTT—No, I did not, but I have always recognized in my political life the doctrine of expediency. When you cannot get all you want, do the best you can.

Hon. Mr. LOUGHEED—I do not know a better representative of expediency than my hon. friend.

Hon. Mr. SCOTT—There is the constitution of Alberta, in which they recognize separate schools. If you attempt to put in the word 'public' schools it would be taken as certifying that it is the opinion of this Chamber that the moneys arising from the sale of the school lands shall be divided among the public schools of the country. That is what my hon. friend would like. The next stage would be to challenge the separate schools.

Hon. Mr. LOUGHEED—Are not the separate schools of Ontario and Quebec public schools?

Hon. Mr. SCOTT—No. At the time the constitution was given first to the Northwest Territories, we followed the description as we understood it in those days, and it was passed by the parliament of Canada without a dissenting voice. I should regret therefore that the House would accept the proposition of the hon. gentleman to make it that those lands should be sold and used only for public school purposes.

Hon. Mr. ROSS (Middlesex)—When my hon. friend from Calgary raised his point last night, I must confess I was slightly shocked, as I thought there was some difficulty, that some dangerous issue was raised, and that possibly there was some premeditated purpose in eliminating the word 'public' from this clause. In looking more closely at the clause, and at the constitution of Alberta, I see that the clause in the Bill is perfectly consistent with the constitutions of the two western provinces commonly known as the Autonomy Bill. Let me make this clear if I can, for I have looked into it too hurriedly to be sure that I will be consecutive in my argument. Under section 13 of the Alberta Act, it is provided that nothing in the British North America Act shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act under the terms of the ordinances of the Northwest Territories, or with respect to religious instruction in any public or separate school as provided for in the said ordinances. It would appear to be perfectly clear that that section referred to public and separate schools; but in the distribution of the money what do we find?

In the appropriation of the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on, etc.

The word 'public' or 'separate' is not mentioned, but the general term schools is used, so that going back to the corner stone, to the constitution of Alberta, you have the word 'schools' which you find repeated in clause 42 of this Bill. The clause reads:

42. All moneys from time to time realized from the sale of school lands shall be invested in securities of Canada to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province within which such lands are situate, towards the support of schools organized and carried on in accordance with the law of such province; and the moneys so paid shall be distributed for that purpose by the said government in such manner as it deems expedient.

So the terms for the distribution of money in clause 42 to which exception is taken, are precisely the same as in the constitution of the two provinces. So that if you choose to raise a difficulty over this matter, you cannot succeed, because you fall back on the constitution and find the exact words, and in framing that constitution the term public schools was purposely omitted in order that the question of separate schools might be kept in the background, and if it was done for that purpose, it was done for a meritorious one. It is unfortunate that we in Ontario have fought so long over the question of public and separate schools. A separate school is a public school in a certain sense, not in the sense that a Catholic school is a public school in Alberta; but

it is a public school supported by taxes, and to which pupils are admitted free as distinguished from private schools in which pupils are charged. As I understand, in the Northwest, schools supported by Protestants, are precisely the same as schools supported by Catholics because the taxes are collected and distributed in all respects in the same way to both. If all classes of schools are public schools, then why use the word 'public,' for schools covers the whole ground, and in framing the Constitutional Act of Alberta the parliament of Canada accepted that principle by eliminating from the clause relating to the distribution of the money the word 'public' and called them all schools? My hon. friend raises a difficulty, and the only one which confronts me as to schools existing at the time the Autonomy Bill was passed. There can be no doubt that all classes of schools then established, will share equally in this fund. The distribution, according to the Act and the Land Bill, must be pro rata to all classes of schools, according to attendance. There is no discrimination, but the difficulty my hon. friend raises is this; possibly in the near future the government of that province might move to do away with separate and racial schools. What right have we to interfere with the autonomy of the provinces?

Hon. Mr. LOUGHEED—My answer is this: that 30 years ago a fund was established for the purpose of maintaining those schools and we have no right any more than a trustee would have, to depart from the terms of the trust.

Hon. Mr. BEIQUE—I have the original statute of 1872, under which certain sections in every township to be surveyed should be set aside for the maintenance of schools, and the fund created from the sale of such lands was to be devoted to the maintenance of schools. The words in the section are 'and shall set apart and publish the same school lands by notice in the "Canada Gazette."'

Hon. Mr. LOUGHEED—That was changed in 1879 as I have already pointed out. In the Consolidation Act in 1879, under subsection 3 of section 23, the fund was to be applied and limited towards the support of public schools therein, and that has remained the law down to the present time without amendment.

Hon. Mr. ROSS (Middlesex)—There was a trust established for education, and the quotation to which the hon. senator from De Salaberry has referred speaks of it as a school fund, not as a public school fund. The only difficulty that may arise is the one that I have pointed out. As the law stands now, there is no possibility that separate schools, whether they are for Roman Catholics or for Protestants, or for anybody else, as long as they are conducted in conformity with the laws of the province, will fail to share; they must share, pro rata, in the distribution of this fund. But the difficulty which my hon. friend pointed out is a possible one, namely, that in the future, denominational schools may be established by the legislatures of the provinces. My answer is that the provinces have a right to establish denominational schools. We have that right in the province of Ontario. Are we to sit here as outsiders of these provinces and legislate in regard to education, when the British North America Act places education, with a slight reservation, exclusively under the provinces? Was not the great objection taken to the Autonomy Bill, that the provinces were not entirely free? A good many people in those enlightened provinces thought that the Autonomy Bills were a restraint on the will of the people. If that be the case, the hon. gentleman goes further, and proposes to put a further restraint on them. He says you must not establish schools for Doukhobors nor denominational schools for any denomination you choose, because that would be a diversion of the trust. If the provinces are to be free in dealing with their own educational matters, as I think they ought to be, then they should be at liberty, so far as we are concerned, to establish such schools as they see fit. The hon. gentleman says it is possible that some agitator may arise—I hope he has not arisen already—who will suggest this impropriety with a view to establish himself in the political majority and climb into

power over the ruin of some great educational principle. Can we not trust the people of the west to guard themselves against interlopers, against those who will not enter the door, but climb in at the windows, and lay sacreligious hands on the sacred principle of free and undenominational education? Can we not trust them to be the guardians of their own honour and their own schools? I am willing to trust them, and I hope this House is willing to trust them. My hon. friend has made one other point to which some importance may be attached, and yet it vanishes on a little closer examination. That point was that this grant, under the term 'schools,' may include high schools. Supposing it does, who is hurt? High schools are to be paid for by taxes the same as public schools. The money that maintains high schools in Ontario comes out of the same pockets that maintain the public schools. You may say that public schools are fundamental; but high schools are not.

Hon. Mr. LOUGHEED—I did not refer to high schools; I referred to universities, and institutions of higher education.

Hon. Mr. ROSS (Middlesex)—I do not think this money could go to a university. A university is not called a school in the language of any educational authority I know of. But I had better not drop the other subject quite. In the United States, as in Ontario, the high school is really part of the public school system, and I think the legislature would be perfectly justified in establishing schools the upper department of which would be equivalent to a high school.

Hon. Mr. LOUGHEED—They have them now. They are public schools to-day?

Hon. Mr. ROSS (Middlesex)—Then I am on the right track; that they might establish schools that would give higher education, and, therefore, the diversion of this fund, if it were intended for higher education, apart from universities, would be within the meaning of the Act. I do not think this grant would go to the universities, but that it would go precisely as provided by the constitution of Alberta. It will go, by clause 42, without the word 'public,' where it was intended to go, and the language is identical in both cases—to public and separate schools irrespective of religious denominations and if, in the future, other schools were established by the province, I do not know that this House should dictate to the province exactly how they should distribute their school funds, or what kind of schools they should establish. We in Ontario would not thank them if they said to us: You cannot establish any kind of school of any character in your wisdom you see fit to do; and what we are unwilling should be a charge on the province of Ontario, we are unwilling should be imposed on any other province.

Hon. Mr. WATSON—I want to call attention to what has taken place in the other Chamber when this matter was under discussion. Dr. Schaffner (Souris) moved an amendment to this Bill at the third reading, to refer it back to a Committee of the Whole in order that it might be amended by providing that pending the transfer to Alberta, Saskatchewan and Manitoba of the Dominion lands within their boundaries, the school lands and all funds arising therefrom shall be handed over to those provinces. That was voted on by a straight party vote. The hon. gentleman's friends in the House of Commons were prepared to hand over not only the interest on the fund for educational purpose, but to transfer to the provinces the whole of the funds and lands and I think there ought to be a reconciliation between the hon. gentleman and his friends in the other House, before he takes exception to the provision of this Bill which, as stated by the hon. senator from Middlesex, conforms exactly with the words of the Alberta Autonomy Act.

Hon. Mr. FERGUSON—The course pursued by the Minister of the Interior who has had this Bill in charge with regard to this subject does not appear to me one that any hon. gentleman could commend. The change of the word was done without any attention being called to it in the other branch of parliament, as far as I can learn; and, further, there has been a note in the original Bill

notifying members that the only change was the word 'territories,' and does not make any reference to this other change. It seems as though the government, in dropping this word, had one of two objects in view, either to accomplish something in the way of affecting the status of schools in the west, or to put their opponents in the position of calling attention to the subject, and then being able to charge them with raising a religious furore as the hon. Secretary of State has intimated. If any such trouble as that shall arise, which I do not think is at all likely, the government would be held responsible for it, in making this change in a manner calculated to excite suspicion. Looking at the change in itself, I do not think that it is at all important. If my hon. friend and his colleagues have an object in view to cause some of their opponents by a ruse to object and put themselves in a position of raising a religious furore, they may succeed, but I hope they will not. I do not think that the change makes any material difference from what I can learn of the schools in the west, and furthermore, if there would be any difference made, it would be carrying out the policy of the Conservative party with reference to the autonomy of the provinces in the matter of education. That position was, that the legislatures of the different provinces should have absolute control of their own schools. This is simply applying that principle, and, as I do not think that the dropping of the word will make any material change, and that it will be simply in the direction, if it was not clear before, of giving the provinces control over their schools, I do not feel inclined to change the clause as it stands. I may be wrong about that, but these are my honest opinions on the subject. When the Autonomy Bill was before parliament, the Conservative party look a strong and determined attitude on this question, that the matter of schools should be left altogether to the provinces themselves. Now, I cannot see that anything in this section will have any different effect, and I congratulate my hon. friend, the leader of the government in this House, on coming over to the policy of the Conservative party on that subject.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Secretary of State if he knows of any difficulties that have arisen in the past in reference to the distribution of the school funds in any of the western provinces, outside of Manitoba as to the character of the schools which exist in that country.

Hon. Mr. SCOTT—No, I have heard nothing. I thought everything was running pleasantly and smoothly. I do not think a single member of the government—perhaps the Minister of the Interior might—knew that and change was made by dropping the word 'public.' I never heard of it until it was brought to my notice here.

Hon. Sir MACKENZIE BOWELL—If any difficulty had arisen, that might account for the leaving out of the word 'public.'

Hon. Mr. SCOTT—None has arisen, everything has been running pleasantly and smoothly.

Hon. Sir MACKENZIE BOWELL—In reference to the resolution referred to by the hon. senator from Portage La Prairie, that is simply what has been demanded by Manitoba and the western provinces for many years. They desire to have the school funds from the sale of school lands placed at their disposal, independent altogether of the Dominion. The hon. gentleman knows that when these lands were set apart for school purposes, the Dominion government retained power to control the sale of such lands, and also the investment of the funds derived from the sale of the lands, and that then they were distributed among the provinces. The question arose as to whether the fund would be safer in the hands of the Dominion for the sake of the trust for which it was created, than to allow each of the provinces to deal with and expend it. I know when the demand was made upon the late government, Sir John Macdonald, then premier of the country, declined to hand over the school fund to the provinces, on the ground that he believed it would be much safer and more sacredly kept and managed by the Dominion than by allowing it to be handed over to the provinces. My own view is that it would be better to allow the different provinces to handle and manage all the public

lands than to continue the management of them by the Dominion government. However, in the setting apart of the two new provinces in the west, the present government have not thought that advisable. It is not necessary for me to enter into any reason why they thought so. I regretted exceedingly to hear the speech made by the hon. Secretary of State. There was nothing advanced by the hon. leader of the opposition to justify the remarks which he made, or to justify a portion of the remarks made by the hon. senator from Middlesex. The hon. senator from Calgary never intimated that the provinces in the west might pass a law to establish public schools to be controlled by the Doukhobors and other settlers in that country, whose opinions and views we do not desire to have promulgated or taught in this country.

Hon. Mr. ROSS (Middlesex)—He referred to denominational schools.

Hon. Sir MACKENZIE BOWELL—I understand exactly what he said. I listened very attentively to him. What he stated was this: not that the governments of these provinces might establish these schools, because if they establish the schools they would be entitled to all the rights and privileges given to other public schools; but he stated that if this money was to be distributed to all schools, the Doukhobors and similar classes of people whose doctrines we do not desire to have taught in this country, might establish schools and demand under that clause their proportion of the fund. That has been twisted into a charge that he stated that the provinces of Saskatchewan and Alberta might establish these schools. He knew, and so does every one else know, that if they establish such schools they will become public schools at once, and entitled to all the advantages that would accrue from the fund. Although the hon. Secretary of State only said that he had no knowledge whatever of the word 'public' being left out of the clause which we are now considering, he has given a reason why it was omitted or should have been omitted. His fear was that if the word 'public' was not left out of the Bill, denominational or separate schools which may be established in the future would be deprived of their share of the school fund under whatever regulations might exist. Now, the country can understand why the word 'public' was left out, if the hon. gentleman's interpretation and explanation be accepted as correct. But there is another point; why should the hon. leader of the opposition be charged, as he was directly, by the hon. Secretary of State, and, inferentially, by the hon. gentleman from Middlesex, with having tried to raise a sectarian cry and difficulties of which have had God knows enough in this country in the past? What he stated was this, and the hon. Secretary of State has not said one word to controvert it, that in the distribution of the fund at the present moment, they never ask a question whether a school is organized and controlled by Catholics or Protestants? What he stated was that the money was distributed equally according to the number of pupils attending, and equitably among all schools, no matter whether they were controlled or managed by one denomination or by another or by any particular race. The only question was as to whether they continued to be public schools. That is the position the hon. gentleman took, and the charges made by the hon. Secretary of State came with an ill grace from him when he drew any such deduction from my hon. friend's remarks. The hon. gentleman referred to the Manitoba school question. I shall not enter into that. I had enough to do with it in the past. My own views were strongly in favour of provincial autonomy and of respecting the rights and privileges of a character described by the hon. senator from Middlesex. I go further, and say that the rights and privileges granted to the people of any of the provinces when they were established, whether of a sectarian, a civil or a religious character, should be maintained in their integrity, and not be permitted to be taken from them by any of the provinces. I have taken that position in the past; I am strongly of that idea at the present, and I know of no reason why I should change my views. In the setting apart by the Conservative government of two sections of land in each township in Manitoba and the Northwest

for the purpose of establishing a school fund in aid of popular education for all time to come, it applied to all classes of people whether Roman Catholics or Protestants.

A Roman Catholic being part and parcel of the province had equal rights and privileges in these provinces, and no matter whether it was separate schools or non-denominational, or public schools. the funds were intended to be appropriated and paid in proportion to the population of each portion of each district, no matter of what creed or what race they were. That was really the intention at the time, and in setting apart so much of the land as was set apart at that time it was done for the purpose of perpetuating a fund for educational purposes in the Northwest, and with proper management they will have a school fund for the purposes of the education of present and future generations, unequalled in any part of the world, and every Canadian ought to be proud of the position taken by the government of the day in establishing such a fund. We do not find anywhere in this country any more of the agitations we have had in the past; but if we are to have speeches of the character delivered by the hon. Secretary of State, in the important position he holds as a Minister of the Crown, it is very likely to engender that which he pretends not to desire to exist or to perpetuate.

Hon. Mr. KERR—I wish to state my reason for not desiring to vote for the amendment of the hon. gentleman. These lands which were set apart, as we have heard, in 1872, for the purposes of education and for which provision was made later, in the year 1879, have now become the subject of a trust in connection with the two provinces. The conditions on which that trust is to be held are set forth in the Autonomy Act, and that Act describes beyond any question the manner in which the trust fund was to be distributed, leaving the provinces to make the distribution in accordance with the law. The words of the Autonomy Act are very definite. Subsection 2 of section 17, says:

> 2. In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 49 or any Act passed in amendment thereof, or in substitution thereof, there shall be no discrimination against schools of any class described in the said chapter 49.

There is a definite and well defined statement of the fact that this trust is one which is to be carried out by the province; the autonomy of the province is recognized, and under these circumstances I do not think it should be interfered with. The law, as it is proposed, is in accordance with that law and leaves it in exactly the same shape, because it says the moneys which are now to be realized from the sale of these lands shall be paid annually to the government of the province. They are made the distributing hand for the discharge of the trust within which such lands are situated; and for what purpose? Towards the support of schools. That does not define whether they are to be public or private or anything else. It is schools. If the schools are public schools, then it is schools. If it is schools at large, then we are to have schools at large; but we are not changing the position of schools organized and carried on in accordance with the law of such province, and the money so paid shall be distributed for the purpose of the support of schools organized and carried on in accordance with the law of that province: 'By the said government in such a manner as it deems expedient.' That enable the government to distribute the money as it is required. If it is a large school, and larger expenditure is required, the province can so apportion it, and the same with the smaller ones. They can give it on a fair basis to the schools which are to be maintained under the Autonomy Act. It seems to me that this is practically a transfer to the provinces of the money which is to go to the provinces to be distributed under the law as it is at present. It does not change in one iota, whereas the insertion of the word 'public' may be a change from what was intended either under the original arrangement or by the Autonomy Act. Under these circumstances, it seems to me that what we ought to do is to adhere strictly to the language of the Bill as we have it. The only interpretation we can put upon

it is that the fund shall be distributed to such schools as are by the law entitled to the money.

Hon. Mr. LANDRY—I would ask the hon. leader of the House if we are to understand that the whole fund has been distributed to the provinces?

Hon. Mr. SCOTT—The money is invested by the Finance Department, I presume, in securities of the Dominion, and it is paid out from time to time to the provinces.

Hon. Mr. LANDRY—Capital or interest?

Hon. Mr. SCOTT—Only the interest. On two or three occasions, I do not know whether under this government or the previous government in the last 20 or 30 years, I know a portion of the principal has been given to the province, I presume, at a time when the province was hard up.

Hon. Mr. WATSON—That was to Manitoba.

Hon. Mr. LANDRY—It is the same principal?

Hon. Mr. SCOTT—I think only in one or two instances has the principal been encroached upon, and that was only a small part.

Hon. Mr. LANDRY—By this legislation, is the capital to be paid out, or is it the interest only?

Hon. Mr. SCOTT—No, the capital is invested, and the interest only is paid out.

Hon. Mr. LANDRY—Legislation was introduced into the Senate asking that $300,000 of the capital be given to Manitoba. That was passed in the House of Commons, but was thrown out by this House. That was legislation disposing of a part of the capital. Those school lands being sold created a fund, and that fund amounts to a large sum, perhaps a million now.

Hon. Mr. SCOTT—I do not know; it is increasing largely.

Hon. Mr. LANDRY—The division we had at that time when that legislation came up, was founded on the rights of the minority. At that time we claimed that the minority had a right to a certain share and that Roman Catholics of the territories or the provinces were deprived, by the legislation that was brought in at the time, of their fair share of the public monies, because the legislation of that province prevented their having the schools which, under the Act of 1875, they had a right to have, and which they had not. We were speaking of public and separate schools in relation to the Autonomy Bill. Here is what has been said on that question. We remember that Mr. Sifton, when the Autonomy Bill was carried, had left the ministry some weeks previous. In the House of Commons he said:

> Then, where there is a public school, the minority, Protestant or Roman Catholic, may organize a separate school; but every separate school is subject absolutely to all the foregoing provisions, and is in every sense of the term a public school.

Mr. Fielding was no less explicit in his expression. What did he say:

> From the hour at which these schools open in the morning up to 3.30 in the afternoon they are absolutely alike; there is no difference. The teachers have the same duties, the same qualifications, the same examinations, the same course of study, the same books are prescribed by the government. The regulations are made by the government. I repeat that from the hour of opening in the morning up to 3.30 in the afternoon, there is no shade of difference in all these schools in the Northwest Territories.

What did Sir Wilfrid Laurier say:

> Do you not believe that what you call separate schools in this instance are really national schools?
>
> The great objection to separate schools is that it would divide our people, but if the same education is given to what is called separate schools, as in all other schools, I fail to see what objection there is to such a system.

I think that in the face of those declarations, that were made publicly on the floor of the House, nobody will have the slightest hesitation in admitting that in the Northwest the separate schools are identically the same as the public schools. We are told there is a difference. They are all public schools—all schools sustained by the state. That was my contention yesterday, and I always made that contention. We in Quebec are told 'Oh, but the minority in the territories have their separate schools.' Well, that is the kind of separate schools they have. They have separate

schools that are really public schools. Sir Wilfrid Laurier, Messrs. Fielding, Sifton and Paterson tell us what they are. We must accept their declaration, and we must admit that there is no difference between the public schools in the Northwest and the separate schools. They are exactly the same thing. Those schools were made public or separate schools when the Autonomy Bill was passed. I said then that the Catholic majority or the majority in any school division or any school riding in the province had a right to have the schools of their choice. That was the Act of 1875. Well, if the minority in a school riding happened to be Catholic or French, they could have a French school or a Catholic school. That would be a denominational school. But that was their right. The British North America Act was changed. The legislation of 1905 not only gave an Autonomy Bill to the provinces, but they changed the British North America Act in substituting the word 'separate' in the British North America Act for the word 'denominational.' That was an alternation of the British North America Act for that purpose, let it be constitutional or not. That is not now the question before us, but I want to say that the money that at that time would have been divided between the separate schools and the public schools would have gone to the separate schools. Then the separate schools being wiped out, nobody could claim the money that otherwise would have gone to Roman Catholic schools. I contend that they have a right to share in that money, and this question is not settled; but if it is settled, it is settled in a way by which the minority claim an injustice has been done. It is for these reasons I recall the rights of the minority to a measure of justice of which they are deprived by the legislation of 1905. If that legislation is constitutional, well and good, I have no more to say. If it is not constitutional, I will not bother bringing it before the court; it is none of my business, but the constitution of that Act may be attacked by the interested parties. If they are not interested enough to do that, I shall certainly not do so.

The amendment was declared lost on division.

Hon. Mr. LANDRY.

The Bill was then read a third time and passed.

PROPRIETARY MEDICINES BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (146) An Act respecting Proprietary or Patent Medicines.

(In the Committee.)

Hon. Mr. DERBYSHIRE—I am satisfied to accept the amendment proposed by the hon. gentleman from Wellington, adding the words in clause 17, after the word 'Act' the following: 'In respect of the sale of any patent or proprietary medicine in the hands of the retail merchant at the time of the passing of this Act.'

The CHAIRMAN—The question is on the amendment of the hon. gentleman from Toronto, to substitute the words, 'In stock' for the words 'In the hands.'

Hon. Mr. WATSON—I should like to ask what would be the meaning of that? If goods were ordered, actually purchased, they would not be in the hands, but would they be in stock? I do not think they would, under the reading. It seems to me that an order for goods should not be cancelled by an Act of Parliament.

Hon. Mr. McMULLEN—The Minister of Inland Revenue dictated that amendment, and if he were to make it open to admit goods that were ordered, he would be giving unlimited permission to parties in the retail business to stock themselves up, so that they would be enabled to sell goods for a long period. I do not think we should add a protection to those who have ordered stock.

Hon. Mr. MITCHELL—I think it would be easy to frame the amendment so that it would pass. I do not see why it is confined to retail merchants. I do not think the wholesale man's goods should be confiscated—any goods which the wholesale man has on hand, or which is in a retail store or is in process of manufacture.

Hon. Mr. McMULLEN—The wholesale men can recast and remodel their medi-

cines and come under the provisions of this Act. They can register the composition of each of the patent medicines and comply with the Act; but a retail merchant cannot do that because he does not know what they are.

The sub-amendment was adopted.

The clause, as amended, was adopted.

Hon. Mr. SULLIVAN moved that clause 7 be reconsidered.

Hon. Mr. SCOTT—I object to that. It is far better that we should discuss it with the Speaker in the chair. The hon. gentleman can bring it up at the third reading.

Hon. Mr. LANDRY—The hon. gentleman has a perfect right to move for a reconsideration of the clause.

The committee divided on the motion, which was adopted, contents twenty, non-contents not counted.

Hon. Mr. SULLIVAN—There is a schedule or list appended to this Bill which contains the names of the most potent and virulent poisons known to the world, and provision is made in clause 7, respecting these poisons which I think should be carefully considered. My objection is to the proviso at the end of the clause, under which the minister is authorized to grant a manufacturer of medicine permission to put these poisons into his mixtures. All he has to do is to send to the minister the amount of the dose he gives, and the minister can grant him a certificate and the medicine can be manufactured and all the manufacturer has to do is to put a label on the package showing the quantity of the poison it contains and then put it on the market. There is an Act of the Post Office which provides that every article made up by pharmacists or toxicologists for sale must have the name of any poison it contains on the label. By this clause you are superseding the provincial law and authorizing the Minister of Inland Revenue to permit the sale of the most virulent poisons. If the minister has the right to give permission to sell virulent poisons, it is outrageous, it is damnable unless the minister has supernatural knowledge and I do not think the Minister of Inland Revenue makes any pretensions to that. This is a Bill of the utmost consequence, and I say it should be allowed to stand until next sesson. I therefore move to strike out the proviso at the end of clause 7.

Hon. Mr. McMULLEN—The Department of Inland Revenue has some of the best analysts in the country on its staff. Whenever an application is made to the minister for permission to put up a certain formula, it is immediately referred to the analysts of the department where the formula is carefully analyzed. If it is found to contain any dangerous or injurious ingredients, the minister will carry out the recommendation of those analysts and refuse permission. It does not matter whether the schedule is struck out or not, the department will see that no injurious drug is put in the formula.

Hon. Mr. SULLIVAN—What does the hon. gentleman or the minister know of the qualities of such drugs?

Hon. Mr. McMULLEN—I would rather trust the analysts of the department than the doctors to give a careful well thought-out formula. We are safer in the hands of the analyst than we would be in the hands of the doctors.

Hon. Mr. BEIQUE—The amendment would defeat the very object the hon. gentleman has in view, because it would permit the sale of patent medicines containing the drugs mentioned in the schedule, providing there was a label on the bottle. The proviso is the proper guarantee, because the minister, advised by experts, will be able to prevent the sale of medicines containing drugs injurious to health.

Hon. Mr. DeBOUCHERVILLE—That is if the minister consults the analyst; but he is not required to do so by this clause. He may not always consult the analyst, and it would be better to add the words, 'after consulting the analyst.'

Hon. Mr. SULLIVAN—We do not know whether the analysts are fit to decide

what quantity of any of these drugs in any mixture would be harmless. I contend that this Bill, if passed in its present shape, will be a disgrace to the Senate.

Hon. Mr. LANDRY—I would ask the hon. senator from Middlesex if, in his opinion, the Bill in its present form would conflict with the Ontario law on the subject of poisons?

Hon. Mr. ROSS (Middlesex)—I think the Dominion legislation will supersede the provincial legislation in case they come in conflict.

The amendment was declared lost.

Hon. Mr. DERBYSHIRE—I move that the amendment made to clause 7 be struck out. In other words, I want the Bill to pass as it came from the House of Commons.

Hon. Mr. LANDRY—I raise a point of order. We have no right to go back on that.

Hon. Mr. BEIQUE—The chairman has decided.

Hon. Mr. DANDURAND—The hon. gentleman could move on the third reading.

Hon. Mr. DERBYSHIRE—We passed a motion to re-consider clause 7. We want the amendment proposed by the hon. gentleman from Edmonton struck out, and that is part of 7.

Hon. Mr. POWER—It was moved that clause 7 be reconsidered, and that opened clause 7 for further consideration. The hon. gentleman from Kingston moved an amendment, which was not adopted, and now the hon. gentleman from Brockville is perfectly within his right to move an amendment to clause 7. The hon. gentleman from Stadacona referred to the rule that you can always re-consider a clause.

Hon. Mr. SULLIVAN—The opium clause was passed when the committee defeated my motion.

Hon. Mr. LANDRY—The hon. gentleman has a perfect right to make a motion to reconsider such a clause, because the reconsideration may be on a different subject; but he has no right to ask the committee to strike out an amendment which has been accepted by the committee. He can do that at the third reading.

Hon. Mr. POWER—Rule 65 says: A senator may at any time before a Bill is passed move for the reconsideration of any clause thereof already passed.' The rules which apply in the House apply in committee. It has been the practice at any rate.

Hon. Mr. LANDRY—You have a right to add to a clause, but you have no right to strike out an amendment which has been accepted.

Hon. Mr. MITCHELL—The hon. gentleman from Stadacona just supported a motion of the hon. gentleman from Kingston to strike out clause 7, in which the amendment of the hon. gentleman from Edmonton was included. He supported a motion which would have the effect of wiping out the whole clause.

Hon. Mr. LANDRY—I did not support the amendment at all. I was against it.

The CHAIRMAN—I decide that rule 65 applied to the clause itself before it was amended.

Hon. Mr. LANDRY—I appeal from the decision.

Hon. Mr. POWER—I move that the committee rise for the purpose of empowering the chairman to take the opinion of the Speaker on the question of order.

Hon. Mr. LANDRY—We do not require a motion for that. The chairman has given a ruling, and I appeal from it. This method was followed three weeks ago in the House of Commons; the chairman puts it in writing and hands it to the Speaker.

The CHAIRMAN—Is it the pleasure of the House that I report to the Speaker——

Hon. Mr. LANDRY—It is not a question of pleasure. It is a question of duty.

Hon. Mr. DAVID, from the committee, reported to the Speaker that the hon. gentleman from Stadacona appealed from his ruling in committee that an amendment having been adopted by the committee could not be struck out by the committee.

The SPEAKER—I am not clear as to the appeal being to the Speaker, or through the Speaker to the Senate.

Hon. Mr. BEIQUE—Bourinot, at page 519, says:

An appeal from the ruling of the Chairman of the Committee of the Whole in the House of Commons is to the House.

At page 516 he states that the rules of the Senate are practically to the same effect as those of the Commons.

The House divided on the question, and sustained the ruling of the Chairman by the following division: Contents 28; non-contents 6.

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The committee resumed.

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

The Senate adjourned until 8 o'clock p.m.

THIRD SITTING.

The SPEAKER took the Chair at Eight o'colock.

PROPRIETARY OR PATENT MEDICINES BILL.

THIRD READING.

The House resumed in Committee of the Whole, consideration of Bill (146) 'An Act respecting Proprietary or Patent Medicines.'

(In the Committee.)

Hon. Mr. ROY—I think it is very unfair of my hon. friend (Hon. Mr, Derbyshire) to attempt to kill my amendment. I want to warn the House once more, that if we pass this Bill as it was presented to us, it will kill entirely the effect of the government Bill respecting the use and sale of opium.

Hon. Mr. SCOTT—The object of the amendment which appears in the clause is that any prescription or patent medicine in which opium is an element, it shall appear on the label. That is a very modest request. In view of all the evidence we have of the harm that opium is doing, it will scarcely do for the Senate to say that a person buying a patent medicine or accepting a prescription at the druggists, shall have to take it without knowing whether or not opium forms an element in it. I do not believe that such a proposition would be voted down in any advanced community.

Hon. Mr. KERR—As I understand the matter, if the motion prevailed the clause will stand as it came to us from the House of Commons.

Hon. Mr. DERBYSHIRE—Yes.

Hon. Mr. KERR—And would in that respect be exactly what the hon. Secretary of State has described. It would be a Bill then requiring that if there were any of those ingredients mentioned in the schedule——

Hon. Mr. SCOTT—Opium is specifically defined.

Hon. Mr. KERR—I am stating what the effect of it would be. The effect would be, the clause would require, if any of the poisons mentioned in the schedule are contained in the mixture, that fact must appear on the label.

Hon. Mr. SCOTT—The hon. gentleman is mistating the amendment?

Hon. Mr. KERR—I am not mistating the amendment at all. If the amendment prevails, it will leave the Bill as it came to us from the House of Commons, and would be a Bill requiring that if any of

the ingredients mentioned in the schedule are contained in the mixture, that fact must appear on the label. The effect of the amendment will be to prohibit the sale of anything containing either opium or morphine, except upon the prescription of a licensed physician. I understand the Bill as it came to us was one regulating the sale of the article, not interfering with the sale so long as the purchaser knew what he was buying. That was the scope and aim of the Bill, and to the extent of requiring the poisonous material contained in the medicine to be shown on the label, so that a person would know what he was buying, there was freedom of sale and purchase. The other would be absolutely prohibitive unless it was given on a license, or on physician's prescription. It seems to me those are two entirely different propositions. It may be that would be an admirable thing, but it is an amendment to the Bill which I do not think was contemplated in the legislation here. I think it would entirely change its character, and although the object may be a laudable one, and one that we will in the future have to introduce, yet I do not think the House is prepared and I am sure the country is not prepared for such a drastic measure.

Hon. Mr. SCOTT—Clause 7 reads as follows :

7. No proprietary or patent medicine shall be manufactured, imported, exposed, sold or offered for sale—

(a) if it contains cocaine or any of its salts or preparations;

(b) if it contains alcohol in excess of the amount required as a solvent or preservative, or does not contain sufficient medication to prevent its use as an alcoholic beverage;

(c) if it contains any drug which is included in the schedule to this Act but the name of which is not conspicuously printed on, and an inseparable part of, the label and wrapper of the bottle, box or other container : Provided that every manufacturer or importer of or agent for the sale of any medicine containing any of the drugs mentioned in the schedule may, when applying for a certificate of registration for any medicine, transmit to the minister an affidavit specifying such drug and the proportion of it contained in the mixture and dose, and the minister may thereupon grant a certificate of registration for such medicine without the printing of the name of the said drug upon the label and wrapper if it appears to the minister that the proportion of the drug used is not dangerous to health.

Hon. Mr. KERR.

You vest this power in the minister, and he is not a professional man. You vest power in one man to say, on an affidavit or representation of facts, that any one of the drugs mentioned in this schedule may be used in the prescription and not printed on the label. I say it would be discreditable to this parliament to let that go abroad. This is simply a fight between the patent medicine men and the public. Are the lives of the public to be compared with value of the money invested in the drug business ? If we are prepared to say it shall be in the power of any minister to permit any of these drugs to be put in a prescription without its being on the label——

Hon. Mr. KERR—But it must be shown to be not dangerous, but healthful.

Hon. Mr. SCOTT—The whole list is dangerous to health.

Hon. Mr. KERR—The minister has advisers and experts and that is the way the Bill comes to us.

Hon. Mr. POWER—If the hon. Secretary of State wishes to be consistent, he will strike out the whole proviso in clause 7, so that opium will be treated in the same way as the other deadly substances mentioned in the schedule. Opium, while deleterious when taken in quantities, is still an essential ingredient of a good many valuable remedies, and I think we are sufficiently protected under paragraph C. So that under ordinary circumstances any proprietary medicine which contains opium must have its name conspicuously printed on the label and a statement of the percentage of opium which it contains. If the hon. gentleman moves to strike out the proviso I shall vote with him.

Hon. Mr. ROY—That was the motion of the hon. gentleman from Kingston.

Hon. Mr. POWER—He moved to strike out the clause altogether. The proviso is a different thing. But it is assumed that the minister at whose instance this measure has been introduced would not do anything to render his own measure useless, and that he must be thoroughly satisfied that no harm will be done before he will grant the certificate which is referred to in paragraph C. The Hon. Secretary of State

gives us a counsel of a perfection to which we cannot attain at once. Here we have been going on ever since Canada was Canada, at least since the union, and these drugs have been sold with practically no restriction. Now we are very much restricting the sale of them, and I think the better way would be is to be satisfied with a reasonable measure of protection for the public; and if this Bill becomes law and operates satisfactorily, there is nothing to hinder the minister the year after, introducing more drastic provisions with respect to opium. I do not see any reason why opium should be treated differently from the other deadly drugs. We have another measure before us intended to prevent the sale of opium in large quantities. The amendment is so worded that you cannot sell any proprietory medicine of which opium is a component part without a doctor's prescription. I do not know whether that was the intention of the hon. gentleman who moved the amendment or not; but that is the effect of it. First you have to have a doctor's prescription. If there is a well known proprietary medicine and the bottle which contains that medicine has on the label a statement of the percentage of opium which it contains, is that not sufficient? If you wish to use some simple remedy of that kind, why should you be obliged to obtain a druggist's certificate? I think that is going really too far. I shall be very happy to have the Bill pass and the use of opium altogether discontinued, but we should not be too hasty or drastic and should have a little compassion on erring human nature.

Hon. Mr. FERGUSON—I infer from the remarks of the hon. Secretary of State, that his own individual opinion is that the proviso in section 7 should all come out of the Bill. His speech indicates that that is his opinion. His argument was against the proviso. I have not compared the Bill, but, if I am rightly informed that the proviso was not in the Bill as originally produced in the House of Commons but was placed in there as a compromise, I think it was a very unfortunate compromise. The principle of the Bill is in section 7 without that proviso, and I think it would do a great deal of good if it were passed in that form, but that proviso weakens the Bill to an extraordinary extent.

Hon. Mr. POWER—The hon. gentleman may move to strike out that proviso.

Hon. Mr. FERGUSON—I will certainly vote to strike that proviso out if that motion is submitted to the committee. I cannot understand what is meant by that proviso that the importer or manufacturer or agent may make an affidavit, and that the minister may then, on the strength of that affidavit, permit the sale of the mixture without the contents being marked upon the label. It does not prescribe any particular contents of any medicine, but requires that there shall be publicity, that every bottle shall show, not all its ingredients, but these dangerous, poisonous ingredients which form part of most medicines, and which are perfectly safe when prescribed by a physician, but which are by no means safe in patent medicines used by people completely ignorant of what they contain and without any information on the label that they contain those ingredients. If the amendment of my hon. friend from Edmonton is carried, it will, of course, minimize the evil so far as morphine and opium are concerned. I know they are very dangerous drugs in the hands of people who do not know what they are using, and produce very bad results, that lives are lost and mental and even moral wrecks occur in consequence of the use of these drugs. However, I am not at all clear that there is not almost as much danger with regard to a great many of the other drugs mentioned in the list, and the true remedy would be to strike out the proviso, and if we are to have a Bill get one of some value. To retain the proviso would leave us very little better than we are without a measure at all.

Hon. Mr. SULLIVAN—All I can say is it will be a disgrace to the Senate to leave that in. At the third reading, I shall adduce circumstances that would make the most hardened criminal vote for my amendment.

Hon. Mr. FERGUSON—I shall vote to retain the amendment in the Bill as a measure of benefit, but at a later stage, when the motion to strike out the proviso altogether is before us I shall vote for that

motion, and with the proviso this amendment would also go.

The committee divided on the amendment which was adopted.

Contents, 20; non-contents, 7.

Hon. Mr. SCOTT—Money over human life.

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

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Mr. SULLIVAN—I protest against the third reading of the Bill this evening. I want it postponed until to-morrow. I have a good many facts which I want to collate, and to make statements which concern the dignity of this Senate. I have new arguments to put forth that I did not touch on to-day.

Hon. Mr. POWER—The hon. gentleman can move his amendment now.

Hon. Mr. SULLIVAN—No, I cannot move it now. When you hear what I have to say on the subject, you will admit that it was worth while postponing the third reading.

Hon. Mr. POWER—There is some talk of prorogation to-morrow, and we must send this Bill back to the House of Commons with amendments. Unless the object is to kill the Bill, it should be read the third time now.

Hon. Mr. SULLIVAN—If the Bill is read the third time now, I shall consider it an attempt to choke off discussion. I think I can show, when I adduce the facts I am collecting, that I was justified in asking that the third reading be postponed until to-morrow.

Hon. Mr. SCOTT—Could the hon. gentleman be ready in an hour or two hours?

Hon. Mr. SULLIVAN—No, I could not be ready before to-morrow.

Hon. Mr. SCOTT—I cannot take the responsibility of postponing it until to-morrow at this stage of the session.

Hon. Mr. SULLIVAN—I think it is a most important matter.

Hon. Mr. SCOTT—I am quite of the hon. gentleman's opinion, but the House thought otherwise.

Hon. Mr. SULLIVAN—It should be discussed at full length. I speak nothing here but the truth when I say it is a great shame and disgrace to the Senate. I would like to have an opportunity to tell hon. gentlemen the reasons I have for saying so.

Hon. Mr. SCOTT—In view of the vote taken just now, it is just as well to let the Bill go through.

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

OPIUM PROHIBITION BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (205) An Act to prohibit the importation, manufacture and sale of opium for other than medicinal purposes.

(In the Committee.)

Hon. Mr. SCOTT—The dealers in opium, who are chiefly if not altogether Chinese, have an industry in Vancouver and Victoria where they are manufacturing the crude into the refined article. Within the last nine months no less than 66,000 pounds of the crude article had been imported into British Columbia. There was of the refined material about 300 pounds imported. Speaking from recollection I think the value was placed at $275,000.

Hon. Mr. LOUGHEED—What duty is levied on that?

Hon. Mr. SCOTT—I think the amount paid in duty was about $60,000. I got a number of telegrams from British Columbia, and they sent on an agent here, Mr. McInnes. When the Bill came to us from the House of Commons, it contained just one clause, and this opium would of course have been confiscated at once. The object should be to get it out of the country with-

out any desire to absolutely ruin people. At the same time, I never would consent for a moment to the opium being sold here. They first asked for a year or two years to be allowed to get rid of it. That certainly would not be in the public interest. I suggested to the agent here that they undertake to export it to some other country where it is permitted to be used. Of course, in my view, it ought to go into the ocean. Finally, to-day, I got the consent of the Privy Council to make a compromise, by the owners undertaking to bond the quantity now in Victoria and Vancouver to manufacture no more, and to give security that the stock would be exported and not sold in this country; that it should be put in bond and released from bond whenever they made a sale abroad, and they should give security to carry out that arrangement. To carry out that provision I suggest a second clause to the Bill. I presume that is the fairest way. The owners are satisfied with it. At first, the time was limited to three months. They said that was too short, that they would have to communicate with their agents in parts of Asia, and if they got six months they could accomplish it, though they would make a loss.

Hon. Mr. FERGUSON—It is practically giving them time to look around and make the best bargain they can.

Hon. Mr. SCOTT—Yes, so long as it goes out of Canada.

Hon. Mr. FERGUSON—It gives them an opportunity to smuggle it into the United States.

Hon. Mr. SCOTT—If it was not placed in bond, it is probable that is where it would go.

Hon. Sir MACKENZIE BOWELL—I do not rise for the purpose of opposing the proposition made by the government upon it moral aspects. It is quite commendable for any country to stop to the fullest possible extent the use of this drug, but there is a point connected with it that I think ought to receive the consideration of the government and of the Senate, and of the people of the Dominion. The Senate has been informed by the Secretary of State that no less than 66,000 pounds of opium has been imported into Canada for the purpose of being refined, and then, of course, put upon the market. Upon this amount of opium the government has received, under the law, the Customs and Tariff Act, $66,000. If parliament has permitted this industry to be carried on for a number of years, and those carrying on the business to import to the extent indicated, and the customs has collected the amount of money stated, is it equitable or just to pass a law depriving these people of the privilege of continuing their business and at the same time keep the $66,000 paid in duties into the coffers of the country? Does it not strike every one, that living in a country where vested rights are respected, compensation should be made in some way to the importer of this article that has paid duty and is now being practically confiscated. If it were in England, it would be different. I do not mean compensation for the loss of money invested in the erection of their refineries, but should not the government at least refund to the importers the $66,000 which they have taken from their pockets? Look at this thing reasonably, apart from the desire we all have to stop the use of opium in all forms. Let us look at it from an honest, business standpoint. If the government permits a business to be carried on as we have done for years and years ever since confederation, until it has attained the large proportion that it has, and have received these Chinamen's money, should we keep the money and destroy the article upon which the money was collected without compensation. It does strike me that this Bill, laudable, I admit, in its character and in the intention of the government, is a confiscation of property, not only a confiscation of property, but it fines the owners to the extent of $66,000 that they paid as duty. During the last six months the probabilities are that they have refined a quantity of opium and put it on the market. If I understand the trade, the crude opium when imported into the country, is put in what the Chinamen call bickee for four or five days before it is fit to take into the refinery and be refined for use by the people. They have imported a large quantity of the

crude article on which they have paid the duty. Is it right to take a man's money under the circumstances and at the same time deprive him of the benefit arising from the trade which he has been carrying on?

Hon. Mr. SCOTT—If I were not a Privy Councillor, I would say it would be a dishonest thing for any government to do.

Hon. Mr. LOUGHEED—Being a Privy Councillor will scarcely warrant dishonesty.

Hon. Mr. SCOTT—I am only one.

Hon. Sir MACKENZIE BOWELL—My hon. friend says that if he gave his opinion, he would say it was a dishonest thing to do. If it would be dishonest in an individual to do it, it is equally dishonest in a government, and much more so because the government is able to refund the money to these people. I do not think it follows that because we object to the Mongolian race becoming numerous in this country, or simply because they are Chinamen, that there should be any different law applied to them in the management of their business. If there is, I frankly confess I am unable to see it. I agree with all the hon. minister has said with reference to the deleterious effects of the use of this article, but would the hon. gentleman or the government have introduced a bill of confiscation such as this if this business had been carried on by white people? I doubt it very much.

Hon. Mr. SCOTT—Yes, most certainly. When the attention of the government was called to it. If the hon. gentleman were educated up to it he would come to a different conclusion. Any government, after knowing the facts, and having had an investigation and getting a report, would certainly feel it their duty to take action.

Hon. Sr MACKENZIE BOWELL—I am discussing the question from what I consider a fair equitable dealing in a business transaction. I am not arguing in favour of the Chinese. I would use the same argument precisely with regard to negroes or white people. How long have we been permitting the carrying on of this trade? When I was Minister of Customs, I had a good deal to do with the question of the importation of opium. At that time, about twenty years ago, the duty imposed upon the crude opium was $1 per pound and on refined opium $5 per pound. In the United States, a duty of $5 was imposed on the crude opium and $10 on the refined. The result was that in Victoria and Vancouver no less than thirteen refineries were established and they found a market for their product. I do not hesitate to say, not so much in British Columbia or in Canada as in the United States. The United States, learning that large amounts were being smuggled into that country of the refined article manufactured in Canada, lowered the duties upon the crude opium and increased it upon the refined; the result was that the United States, being a much larger market for the consumption of this article, the refineries in Canada were reduced to about three, and they increased in the United States on account of the lowering of the duty upon the crude material. The revenues fell off upon this article, and the crude opium went to the United States where it was manufactured. The United States, finding the extent of the business in that country and the ill effects arising from the use of it, passed laws prohibiting the importation of opium altogether. Our government is now following in the same line. I find no fault with that, but I do find fault with taking their money and confiscating it. Looking at the history of this question as intimated by the Hon. Secretary of State when he made his first statement, we know that war arose on this question between England and China a great many years ago. England recognized the fact that in the interests of humanity the suppression of that trade would be to the benefit of the human race. What have they done? In India, the great poppy producing country where the opium is manufactured, England, India, Hong Kong and China have entered into an agreement by which, at a certain date, the prevention of the importation or exportation or growth of the poppy will cease, and it is based upon equitable principles. India and Hong Kong, with the consent of England, have come to the conclusion that they shall pass a law preventing the exportation in ten years; that is ten per cent of the exportation from the time at which the law was passed should cease every year, so that at the end of ten years no further exportation of the article could

be made. How has China met that? They have met it very fairly. In China, the article is grown to a very large extent. China has acted upon the same principle. They say, if there is 100,000 acres of land growing the article out of which the opium is made, ten per cent of that land shall cease to be grown every year. In this way the whole production and sale must cease, and the importation of the article into China must also cease. When one looks at it, one must come to the conclusion that it is a principle which recognizes the vested rights which the landowner and grower and manufacturer of this article have. We are not acting upon that principle, although my hon. friend has given notice of an amendment recognizing it to a certain extent—that is six months is to be given within which to get the opium out of the country.

Hon. Mr. DOMVILLE—Who is going to take it out?

Hon. Sir MACKENZIE BOWELL—I do not know who is going to take it out, more particularly as the United States, which used to be the great consumer of this article, resents its importation altogether. Where they will take it to, I cannot say. They may take it to Great Britain, because that is a free trade country and all kinds of poisons may be taken there, and that is one of the advantages of the system. That is really the position of the opium trade to-day so far as we know. The difference is this. England recognizes vested rights. When the slave trade was abolished they appropriated some twenty million pounds sterling to compensate, to a certain extent, the owners of slaves. It may be answered that they did not do that in the United States. It is very true they did not, but the abolition of slavery in the United States was under circumstances altogether different from that of England. The southerners, who owned the slaves, were in a state of rebellion, and treason brings with it the rope or the gallows upon many occasions, particularly in former times, and they were punished, instead of being hanged, by their property being taken from them in the persons of the slaves, and there was a good reason for the policy which was adopted. The United States never would have abolished slavery without compensation had the slave owners not been in a state of rebellion, nor would they have abolished slavery at the time they did had the southerners consented to lay down arms and remain without further fighting or further rebellion, within the union. Every one who has any knowledge of the history of that event knows that President Lincoln, although a great abolitionist, made the proposition that if the rebels laid down their arms they would not interfere with slavery, but when the southerners would not do that, he said: 'We must take the extreme view, and issue a proclamation abolishing slavery'; and under these circumstances no one blamed him. I draw the distinction between the action of the English government and the action of the United States in order to point out the difference of the circumstances which induced the one to compensate and the other not to compensate. While I am fully in accord with the sentiments uttered by the Hon. Secretary of State as to the necessity for putting a stop to the use of opium, particularly in the manner in which it is used, those who have been in British Columbia or San Francisco and have visited the opium dens will recognize the force of the representations made by Mr. King and would render aid to any extent almost in stopping the whole trade. But I come back to the main question again, is it fair and honest to prevent these people continuing their business without compensation? If the Hon. Secretary of State would impress upon his colleagues the views he has expressed here to-night, I think they would see some reason in it. The government should at least refund the money which they have taken from them. The loss on those engaged in the trade will be sufficiently severe by destroying their business and to a great extent the refineries which have been erected to carry on the business. There are at the present moment five refineries in British Columbia, two large refineries and three small ones. I have been informed that the Chinamen are making all sorts of propositions to take over the smaller ones. I am not advocat-

ing that; I did not advance it as a reason why they should be permitted to continue in business. One point escaped my mind; in dealing with this question in China—and I am not sure whether it is so in the United States—they concentrated the business in the hands of one or two people, and that, as I have already pointed out, will cease at the end of ten years in the manner I have pointed out. Chinese may be an uncivilized race in the minds of some people, and there may be objections to having Chinese in this country, and to a certain extent I agree with the policy of the government on that question, but the point is whether it is fair to take their money, keep it in our pockets and destroy the article on which they pay the money.

Hon. Mr. DOMVILLE—I was very glad to hear the hon. gentleman from Hastings make such a manly speech. I had an open mind up to a little while ago, but when I heard the Secretary of State say that he considered this a dishonest mode of dealing with the question, I certainly accept his view. This has been rather a surprise. We have been a long time finding this out. We have come at the end of the session to a great moral standpoint. The other day it was stated we were not to be allowed even to have cider in our cellars. This Bill is too sudden a reform. I do think it is a surprise to the people which they never could have contemplated when they were going into a legitimate business, fostered by the government and paying duty, to be pulled up so suddenly in this way. I hope the Hon. Secretary of State will give these unfortunate people sufficient time to get out of the dilemma and not be crucified.

Hon. Mr. KERR—There is a provision in the Customs Act under which the Governor in Council has authority to refund duties on goods under certain conditions, and the language of that section appears to me to give the government ample authority to do so in such a case as this. It is as follows:

The Governor in Council may, under regulations made for that purpose, allow on the exportation of goods which have been imported into Canada and on which a duty of customs has been paid a drawback equal to the duty so paid, with such deduction therefrom as is provided in such regulation.

In cases mentioned in such regulations and subject to such provisions as are therein made such drawback or a sufficient in lieu thereof may be allowed on duty paid goods manufactured or wrought in Canada into goods exported therefrom.

The first provision of the section covers the case in question, of goods imported into Canada on which duty has been paid, and, therefore, the Governor in Council is clothed with authority under that section of the Customs Act to provide for a return of the duty by way of a rebate equal to the amount of duty or such part thereof as they may deem proper; but I apprehend from the expression of opinion of the hon. Secretary of State on this question as to the moral obligation, and the strong expression of opinion of the ex-leader, or rather active leader in this matter, it is a case in which we might expect the Governor in Council would exercise that power and return the duty.

Hon. Sir MACKENZIE BOWELL—That drawback section never was intended to apply to a case of this kind. This refers to duty paid on material which has entered into the manufacture of an article in its construction and is exported. I admit the full force of that clause, and if the government will permit these Chinamen to manufacture the 66,000 pounds of crude opium that they have now in store into refined opium, and they export that refined article they could get their money back; but the section would not justify the payment of drawback under any other conditions. Or if they re-export the crude opium under this clause I take it for granted, as a matter of justice and equity, that they would give the duty back to them; but this section does not cover the point unless the article is manufactured. I understood from a remark made by the hon. Secretary of State, that the intention is to so construe this section that has just been read as to enable the government to pay back the duties when the owners export the article either in the crude or in the manufactured state. I do not wish to be understood as defending the Chinamen's opium trade or that I want the manufacture of opium continued in this country, but there should be at least a refund of the duty, even if no compensation is allowed for other losses.

Hon. Mr. SULLIVAN—I am glad the Senate has got into a medicinal mood this evening, and is prepared to discuss medicine to an extent I never heard of before. I did not rise this evening to make a speech or do anything except to tell the Senate what I thought I knew, perhaps to an equal extent as any other member here, and as there is no other physician here but myself, what I knew perhaps better than any one of them. I said the drugs in the list were the most powerful known to science. My object was to guard the honour and purity of the Senate when I asked the favour of having the Bill postponed until to-morrow morning, when I could have my facts collected for the benefit of the Senate more than my own. I say there are agents here for no other purpose but for the purpose of procuring abortion. Take the first drug on the list, and ergot and cantharides; they cannot be used for any other object.

Hon. Mr. POWER—I rise to a question of order. There is nothing about cantharides in this Bill.

Hon. Mr. SULLIVAN—I am talking about drugs, and the Bill deals with a drug.

Hon. Mr. POWER—The Bill deals with the manufacture and sale of opium.

Hon. Mr. SULLIVAN—Hon. gentlemen have voted for an Act of impurity. I was concerned in sustaining the public morals and they ruthlessly voted for the Bill. They may have the benefit of their ungodly work, and I do not wish them any harm about it. Opium is a drug which, like everything else, there is a good deal of prejudice about. I fail to find in statistics anything about the injurious effect of opium upon the Chinese. They seem to use it with more regularity and caution than any of us would if we indulged in the habit. Many persons have described the effects of the use of opium in those opium dens, but I do not think that can be regarded as satisfactory. Above all things, the Chinese having this habit ought to be treated with a great deal of consideration. I am afraid to say anything for fear it would be looked upon as political, but any expense they have been put to in regard to the payment of duty should be refunded to them. I confess I did not rise so much to speak about opium, as another matter upon which I feel greatly agrieved. I hope you will look into this question and see whether I was treated right or not.

Hon. Mr. LOUGHEED—I suppose my hon. friend can state what the export trade of opium from Vancouver and Victoria is ?

Hon. Mr. SCOTT—No, I have no knowledge of it.

Hon. Mr. LOUGHEED—The only question in my mind is, if those dealers in opium have not imported the drug for export purposes. Of course if they have done so, the question of damages might not be so serious a matter as has been indicated.

Hon. Mr. FERGUSON—I am quite in accord with this Bill. We should put a stop to the opium trade, at the same time I agree with hon. gentlemen who think we should treat those who have invested their money in the industry, fairly. I am not sure but the amount they paid in customs duty should be refunded to them. Although I am not decided in my opinion on the subject, I think it would pay Canada to have this opium destroyed and paid for, instead of letting it go out to other countries. It would be most to our credit, instead of letting it be exported to some other country, because it would do injury wherever it goes.

The amendment was adopted.

Hon. Mr. McKAY (Alma) from the committee, reported the Bill with an amendment which was concurred in.

Hon. Mr. SCOTT, moved the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—It seems to me that the penalties imposed if they sell it means selling it in Canada for consumption in this country ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—I thought from the manner in which the clause is worded that that might prevent them selling it even for exportation.

Hon. Mr. SCOTT—I explained to the Minister of Justice the arrangement I had made, and the clause was drafted in the Department of Justice on the understanding that the intention was to allow the owners to export their stock, and they must export it within six months.

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

SECOND AND THIRD READINGS.

Bill (212) An Act to amend the Criminal Code and to repeal section 450 of the Railway Act.—(Hon. Mr. Scott.)

CANADA SHIPPING ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (209) 'An Act to amend the Canadian Shipping Act.' He said: This Bill is to enable ships from the maritime provinces engaged in the coasting trade to make voyages in charge of captains having certificates for coasting purposes. The coasting voyages are always to a point south of the present line, Cape Hatteras, and the vessels require a captain with a seaging certificate. Prior to 1903, the limits ran much further south. The present amendment is to restore the privileges which these vessels formerly had, and to remove the restriction. There are two classes of certicates issued, one, only a coasting certificate, and the other an unrestricted one. The first only goes to Cape Hatteras.

Hon. Mr. LOUGHEED—I think the hon. minister has the wrong Bill.

Hon. Sir MACKENZIE BOWELL—If I understand this amendment, it is extending the privileges of commanders of coasting vessels or foreigners to do coasting other than between eastern ports in Canada, and to go as far as Mexico, St. Pierre, Miquelon, and Central Mexico.

Hon. Mr. SCOTT—The section of the Act which is repealed reads as follows:

The Governor in Council may from time to time declare that the forgoing provisions of this part shall not apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers from one port or place, to another in such country.

Hon. Sir MACKENZIE BOWELL.

The reason for the amendment is this; Some months ago the Privy Council passed an order in council which declared that after January 1 next the coasting privileges granted to a number of vessels that had been in existence for more than half a century, should be repealed. The attention of the British government was called to this, and they made some sort of remonstrance, calling attention to the fact that it was rather hasty, the privilege had prevailed for considerably more than half a century. Before confederation, the practice had existed of including Canada in the treaties Great Britain made in reference to international affairs, and there were existing treaties between Great Britain and Norway and Spain and a number of other countries, and naturally, they prevailed in Canada. They were applied in Canada nearly 50 years ago, when an order in council was passed approving of them, but this year it was thought the time had come for discontinuing that practice, so another order in council was passed repealing that which had been in existence for nearly half a centrury and stating that after January 1 next the privilege should cease. Representatives then came to the government, chiefly from Nova Scotia, stating that it would be a serious injury to the coal trade if the vessels of Norway, which had been specially fitted for the bringing of coal to the port of Montreal, should be discriminated against and taken out of the trade; that there were no vessels ready to take their places, and it would be a serious matter. So that this legislation is the result.

Hon. Mr. LOUGHEED—Is the purport of the Bill not to permit of greater elasticity with reference to the admission of Norwegian or foreign ships than at present exists? I understand, if you admit certain ships to the coasting trade, you have to admit the whole of the ships of that nation; but under this Bill it is proposed to give greater power to the Governor in Council to permit of a particular class of ships of this particular nation, namely Norwegian ships. I understand it is ships of 1,000 tons and upwards, and it is not for the purpose of admiting smaller ships which might come into competition with our own small ships.

Hon. Mr. SCOTT—Yes, it arose from representations made by the coal industry

in Nova Scotia, who complained that, if we prohibited these Norwegian ships from carrying our coals, it would be a serious injury to the trade, as there were no Canadian vessels then built that were so well adapted to carry coal to Montreal.

Hon. Mr. LOUGHEED—It is going to operate as a restriction upon Norwegian ships coming into Canadian ports, because I understand we are taking power to limit the coasting trade to any particular waters in Canada, whereas we cannot exercise that restriction now; but assuming we exercise the resetriction, permitting only a limited number of Norwegian vessels to do business within limited coast, how will that operate upon the reciprocal trade which we at present enjoy with Norway? I understand that Canadian vessels do very little coasting trade with Norway; at the same time there is that element about it, whether reprisals will take place in the limitation of our rights to do coasting trade on the coast of Norway.

Hon. Mr. SCOTT—There is very little coasting trade done by our vessels abroad.

Hon. Sir MACKENZIE BOWELL—I was under the impression that the coasting trade had already been granted to Norway by Canada.

Hon. Mr. SCOTT—It was in existence a great many years, but we passed an order in council in the earlier part of the present year in which we revoked all privileges heretofore granted in the coasting trade to all vessels, including a large number of countries. Then the remonstrance came that we were going to injure the coal trade of Nova Scotia unless some modification was made of that order; consequently this authority was taken.

Hon. Mr. FERGUSON—The object is to give more elasticity to the law. The order in council will operate hard against the coal trade, while the object is to conserve our coasting trade to our own vessels to as large an extent as possible without materially injuring the coal trade.

Hon. Sir MACKENZIE BOWELL—The present proposition is not confined to Norwegian vessels, it says 'foreign vessels.' It seems to me the difficulty has arisen in this way; in looking for an authority that they had not for repealing the former orders in council granting coasting privileges to foreign vessels, the government, in a moment of, whether it was weakness or pity, I do not know what it was, against other nations, assumed a power that they did not possess. There is no authority given in the section we are repealing for revoking any order in council which had been passed. Under the authority of that clause, the coasting trade is granted to Norway and to other countries, that extends the same privileges to British vessels. Then the government took upon themselves the responsibility of repealing those orders. In looking at the Shipping Act I cannot find that they had any authority for doing it. It has been found that in the operation the privilege that was given to Norway in particular, whose vessels engaged the coasting trade under the order in council passed, were thereby injuring the coal carrying trade, and now the government are recanting and repealing the clause which I have just read giving them the right to extend the coasting trade to foreign countries that have extended the same rights to Canada. Then they take further power to revoke or vary such order in council when they think proper. I think the provision is a very good one, only it seems to me that that clause restricts the privilege to certain waters in Canada, while under the first order in council it permitted them to go into any waters in Canada. Am I not right in that interpretation of it?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—It gives the power throughout Canada or to certain waters that may be indicated in the order in council.

Hon. Mr. SCOTT—The intention was to limit the vessels to the carrying of coal from points in Nova Scotia to Montreal.

Hon. Mr. FERGUSON—It will be possible to make that provision by order in council. There has been no harm done by the order in council as passed. It was not to come into effect until a certain date, and another point is that although Norway is not named,

I presume Norwegian ships are the only ones that are likely to trouble us.

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

SOUTH AFRICAN VOLUNTEERS BOUNTY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (109) 'An Act to authorize a bounty to volunteers who served the Crown in South Africa.' He said the object is to grant to all the volunteers who were enlisted in Canada during the South African war the right to two quarter sections of land up in the territories, or to the descendants of those who have died, with this privilege, that instead of accepting the land, scrip to the amount of 160 acres may be granted. There are conditions attached to the grant. Where the land is taken up, the recipient must either by himself or by some representative, comply with the ordinary settlement duties. That is, by living on the land for the requisite time and making improvements. It applies also to the nurses who went out with the military forces, and is limited to British subjects or naturalized British subjects.

Hon. Mr. SULLIVAN—Naturalized after the war or before?

Hon. Mr. SCOTT—I do not know particularly; before they get their patents. Applications must be made before December 31st, 1910.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman inform the House the probable number of volunteers who would come under the operation of this Act. The proposition made by the government is a very laudable one, to recognize the services of those who volunteered to assist the army in South Africa. Has the department any knowledge of the number who would be likely to apply, and the quantity of land likely to be aquired?

Hon. Mr. SCOTT—I am told it runs over 5,000 possibly 7,000.

Hon. Sir MACKENZIE BOWELL—I know that when the Ontario government passed a Bill granting land to the veterans engaged in the Fenian raids, they had not the remotest idea of the quantity it was going to cover, and after a number of townships had been absorbed, the Minister of Crown Lands told me they would have to survey three or more townships before the claims could be all satisfied. A great many in my district never made application, myself among the number. I had the documents ready but never took the trouble to apply, because I thought 160 acres two or three hundred miles back in the country would not compensate for the trouble taken to secure it.

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

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

(In the Committee.)

Hon. Mr. LOUGHEED—Will the hon. Secretary of State explain what is meant by 'nursing sisters'? It seems to me it would be better to say nursing females. Sisters would imply that they belonged to some sort of order, and I understand the nurses were not confined to any particular class.

Hon. Mr. SCOTT—They were supposed to be all certificated. That is, they held diplomas from institutions either in Canada or the United States.

Hon. Mr. LOUGHEED—That would be no reason for designating them sisters.

Hon. Mr. SCOTT moved to substitute 'female nurses' for 'nursing sisters,' in the second clause.

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

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

The Bill was then read the third time and passed.

CANADA SHIPPING ACT AMENDMENT BILL.

COMMONS AMENDMENTS CONCURRED IN.

A message was received from the House of Commons returning Bill (NN) An Act to amend the Canada Shipping Act, with amendments.

Hon. Mr. SCOTT moved that the amendments be concurred in. He said: This Bill originated in the Senate, and when it went down to the House of Commons some of the gentlemen there who are familiar with the coasting trade, more particularly on the Atlantic coast, called attention to the fact that a change had been made in the law in 1903 by which the coasting trade was limited to Cape Hatteras in Virginia. Formerly it extended all along the eastern side of the continent, including the West Indies. It made this difference, that certificates were granted to some men for coasting and to others for seagoing, and it worked a great hardship, because the mates and captains who had been in the habit of running to the tropics were prohibited during the last two or three years as they only held certificates as coasting masters, and not as seagoing masters. The amendment simply widens the limit. Instead of Cape Hatteras, it goes to the end of the continent and the West Indies. Other amendments increased the tonnage limit of vessels which may go on a coasting voyage without carrying a certificated master.

The motion was agreed to.

DOMINION ELECTIONS ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (115) An Act to amend the Dominion Elections Act.

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill for to-morrow. He said; the Bill sets out first, that it becomes necessary to have a revision of the lists for certain electoral districts north and west of Lake Superior. Under the Franchise Act the Governor in Council is authorized, where there is no regular list, to prepare one. Since 1897, when an election took place in those districts, the Governor in Council appointed parties to prepare a list. This list was revised in the ordinary way before judges. Now, a list cannot be prepared by the Governor in Council if the provincial government have already made any. In the elections which took place recently in Ontario, the government of that province had made a rather hasty list. As the time was short, they were obliged to cut down to a very short period the time allowed for making the list and also for appeals to the judge. I am not going to discuss the controversy in the other House, but it was alleged that names had been added without the parties really being seen and that there was no time whatever to appeal to the judge, because the period was so short between the preparing of the lists and election day. This Bill authorizes the Governor in Council to name the judge who will be associated with two other judges in the adjoining counties to name persons who shall prepare a list in those unorganized districts and after they have prepared the list, it will be for those judges sitting in court to hold a revision, ample time being given for persons to apply to strike off or add names. That is the principal part. There are other clauses that it would take too long to explain to-night.

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

SALE OF ORDNANCE LANDS AUTHORIZATION BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (218) An Act to authorize the sale or other disposition of certain ordnance lands in the cities of Toronto and Montreal.

The Bill was read the first, second and third time and passed.

SATURDAY SITTINGS.

Hon. Mr. SCOTT moved that the House do now adjourn until 11 a.m. to-morrow.

Hon. Sir MACKENZIE BOWELL—Under the rules, we cannot meet to-morrow

unless a motion is made with the unanimous consent of the House that when the House adjourns to-day it stand adjourned until to-morrow, and that there be three sittings.

Hon. Mr. SCOTT—I move that the Senate adjourn until to-morrow morning at eleven o'clock, for a special sitting, and to-morrow afternoon for a special sitting from three o'clock till six, and to-morrow evening from eight o'clock till eleven, unless sooner adjourned.

Hon. Sir MACKENZIE BOWELL—The rule provides that, when the House adjourns on Friday, it shall stand adjourned until Monday, at a certain hour. That is the standing rule. That has not been interfered with, further than the motion made by the hon. Secretary of State, declaring that, until otherwise ordered, after the adjournment on Friday, we should meet on Tuesday at 8 o'clock. That is the only order upon the record. No order has been made by the Senate to change that order. The motion made by the hon. gentleman and carried, did not change the rule, except in regard to adjourning from Friday until Tuesday, until he made the motion to hold three sessions a day; but there is no motion, nor is there anything to justify the contention that when we adjourn to-night we shall meet to-morrow.

Hon. Mr. SCOTT—I think we can give a liberal interpretation to the motion I made that, when the House met on Tuesday it would sit every day till the close of the session. We can narrow that motion by interpretation, or enlarge it.

Mr. LOUGHEED—I do not think there can be any doubt about it.

Hon. Sir MACKENZIE BOWELL—I do not desire to object to prevent business proceeding; but I wish to point out that this is one of the irregularities we are constantly committing, from the manner in which we are conducting business in the Senate.

Hon. Mr .SCOTT—I have before me the Journals for 1904. On Friday, 20th July, there was a motion by Hon. Sir Mackenzie Bowell, seconded by the Hon. Mr. Angers, and it was ordered, 'that when the Senate adjourns to-day, at the second sitting thereof, it do stand adjourned till to-morrow at eleven o'clock in the morning, such sitting to continue till one o'clock, unless such sitting sooner adjourn.' And the motion provides for sittings at three o'clock and at eight. I do not find any notice of it. It was simply a motion made at the sitting on Friday.

Hon. Mr. LANDRY—The notice would not appear in the Journals. It might appear in the proceedings.

The motion was agreed to.

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

THE SENATE.

OTTAWA, Saturday, July 18, 1908.

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

Prayers and routine proceedings.

POSITION OF COLONELS AT TERCENTENARY.

INQUIRY.

Hon. Mr. LANDRY (in the absence of Hon. Mr. Domville) inquired:

Of the government if honorary colonels and honorary lieutenant colonels of regiments will have the right to turn out mounted at the military ceremonials in the rear of the staff at the tercentenary at Quebec?

Hon. Mr. SCOTT—The number of the officers permitted to appear mounted and to accompany the staff at a review held by His Majesty or a member of the Royal Family is always a matter of arrangement between the military authorities in command of the troops and the royal personage in whose honour the review is held. It is regretted, therefore, that as His Royal Highness the Prince of Wales has not yet arrived at Quebec, it is not possible to give an answer to the question.

EXPENDITURE ON DESCHAMBAULT WHARF.

INQUIRY.

Hon. Mr. LANDRY inquired :

When does the government think it will be able to lay on the table of this House the following documents, the production of which was ordered during the present session, at the dates mentioned:

(a) The statement indicating the amounts spent on the Deschambault wharf—February 4?

(b) The correspondence exchanged between the Department of Militia and Lieutenant Colonel Davidson re the latter's dismissal and the promotion of Sir Henry Pellatt to the rank of colonel—February 14?

(c) The statement showing what was the daily pay of the soldiers of the company No. 2 of the Ottawa Field Battery in 1865 and 1866 —March 17?

Hon. Mr. SCOTT—The answers are :

Deschambault, Quebec—Statement of expenditure of this department since May 1, 1904.

Amount of contract for construction of wharf..	$15,840 00	
Amount of extras..	159 75	
		$15,999 75
Inspector's wages, advertising, &c..	729 53	
Total construction of wharf..		$16,729 28
Fenders added by department..		175 14
Legal services re purchase of site..		25 00
Placing trestle roadway..		495 22
Removal of rocks from approach by water..		2,314 23
Building approach by land..	$4,393 64	
Purchase of right of way.. ..	326 17	
		4,719 81
Building waiting room, &c..		1,030 25
		$25,489 93

PROROGATION.

Hon. Mr. LOUGHEED—Before the orders of the day are proceeded with, may I ask if prorogation is about to take place to-day? I notice by the morning press that it will be inconvenient for His Excellency or the deputy to attend.

Hon. Mr. SCOTT—I was asked by my hon. friend from Wolseley last night as to the prorogation. At that time I understood His Excellency intended to be here this morning, and that if we could close matters we could have him prorogue. But it appears afterwards he sent a further telegram to the premier that he would be unable to be here. The deputy governor had been communicated with on Friday, requesting that in the event of anything happening to prevent His Excellency attending, he should attend to prorogue parliament, but as he had an important engagement, he was unable to leave Quebec in time to reach Ottawa for prorogation to-day.

Hon. Mr. LOUGHEED—It must have been a very serious engagement indeed that would prevent the deputy of His Excellency from attending to prorogue parliament. I am glad to have the assurance that the deputy will be here Monday.

Hon. Mr. LANDRY—Is there anything paid to the deputy for his attendance?

Hon. Mr. SCOTT—No. Except when His Excellency is absent. Under the rule, when His Excellency was abroad in former years the representative was entitled to one-third, I think it was, or one-fourth of the salary. That was the rule up till, I suppose, three years ago, when some remonstrance was made that that sum seemed unreasonable to deduct from the salary of the Governor General of Canada, and a correspondence took place with the colonial office, which resulted in the allowance to the deputy being cut down, but I do not know to what figure. But it allowed a wide margin to the Governor General, I think thirty days, without the representative or deputy being entitled to anything. Hon. Mr. Fitzpatrick had, on that occasion, however rendered very efficient service, and receive a certain amount as compensation.

Hon. Mr. LANDRY—Besides the $1,000 paid two years ago, last year he received payment again——

'Unforeseen expenses, Hon. Charles Fitzpatrick, expenses when acting Governor General, $500.'

Hon. Mr. SCOTT—I thought the last payment was $1,000.

Hon. Mr. LANDRY—I suppose the date of prorogation of parliament was unforeseen by him. Will he be paid for that?

Hon. Mr. SCOTT—Those payments are not made as a matter of right. Sometimes where he has been inconvenienced and has

been obliged to attend, and avoid courts, a sum of $500 or $1,000 has been paid.

Hon. Mr. LANDRY—On account of that engagement he has for to-night, he is going to lose $500?

Hon. Sir MACKENZIE BOWELL—Did the hon. gentleman's remarks not refer to the acting Governor General while the Governor General was out of the country, and not visiting other portions of the Dominion? That is my recollection. Perhaps I may be in error.

Hon. Mr. SCOTT—The hon. gentleman is quite right. The honorarium, whatever it was, under the original regulation was only payable when the Governor General was outside of Canada.

Hon. Sir MACKENZIE BOWELL—Has any honorarium been given to the acting Governor when he comes down for the day to sanction Bills?

Hon. Mr. SCOTT—No, there has been no agreement to compensate the chief justice for his services on those occasions.

Hon. Mr. LANDRY—It is only a lump sum.

Sir MACKENZIE BOWELL—Are we to understand that prorogation cannot take place to-day on account of the Chief Justice having a dinner party to-night?

Hon. Mr. SCOTT—Oh, no.

Sir MACKENZIE BOWELL—I have been informed that the absence of the Governor General is on account of the dinner party that is to be given by the Chief Justice of the Supreme Court, and parliament is to be kept in session for a day or two in order to accommodate the Chief Justice. It seems to me that is pretty—well, I won't say it.

Hon Mr. SCOTT—Perhaps in my answer I am a little too frank and not diplomatic. We are not ready for the Governor General. There are several bills yet to come up. The Subsidy Bill has not yet come up, nor the Railway Bill.

Sir MACKENZIE BOWELL—There is enough business for all of next week.

Hon Mr. FERGUSON—Are there any other bills but these the hon. gentleman has named coming from the Commons?

Hon. Mr. SCOTT—None that I am aware of, except the Election Bill now on our list. The Boundary Bill, Subsidy Bill and the Supply Bill are still in the House of Commons.

Hon Mr. WATSON—I think it is a great pity that members of parliament, who have been here for some eight months, should be inconvenienced to the extent of having to remain here probably 48 hours or more for the simple convenience of a gentleman who ought to be present for the purpose of closing parliament, and I hope the little discussion which has taken place here may be communicated to the people who are responsible for delaying prorogation.

Hon. Mr. POWER—I am sorry the hon. gentleman has felt called upon to make the statement which he has made, because if any officer whose duty it is to prorogue parliament were to come here to-day we are not ready for him, and I quite agree with the hon. gentleman from Hastings who has insisted that there shall be plenty of time to discuss the measures which come up at the end of the session. I was glad to hear the hon. gentleman say he proposed to devote considerable time to the Supply Bill, and what sense would there be in asking His Excellency to come here to-day? He will be here as soon as we are ready for him. If it can be shown that any harm or wrong has been done to parliament by the action or inaction of anyone outside, I should be quite ready to endorse the condemnation, but we have not suffered.

The SPEAKER—It will all depend upon the way this House expedites business.

Hon. Mr. WATSON—What I wish to say is this: that the official whose duty it is to prorogue parliament ought to be ready here when parliament is ready to prorogue, and parliament should not have to wait for him two or three days.

THE SENATE DEBATES.

REPORT OF COMMITTEE ADOPTED.

Hon Mr. BEIQUE—Moved the adoption of the report of the Standing Committee on Debates and Reporting.

He said: The question was asked on the presentation of the report as to whether the

amounts were properly mentioned. I am in a position to answer affirmatively that the amounts are correctly mentioned in the report. Mr. Hannay is paid at the rate of $40 a week during the session, and the French reporter is paid at the rate of $15 per week during the sitting of the House only.

Hon. Mr. LANDRY—I would ask why the French reporter is paid only $15 when the English reporter receives $40 ? I want them to be on the same footing, or, if I cannot get them on the same footing I will move to strike the clause out.

Hon. Mr. BEIQUE—It is because he is not called upon to do the same work at all.

Hon. Mr. LANDRY—If he has no work to do we do not want him at all.

Hon. Mr. BEIQUE—The English reporter is making a synoptical report for the press, and follows the debate in the House. The other officer merely takes a copy of that synosis and prepares a translation. He has not to be here at all, and there is a great difference between the work of the two.

Hon. Sir MACKENZIE BOWELL—I am not going to discuss the question further than to say that I will vote against the report altogether containing that clause because I think the expenditure for the service rendered—that is as far as the outside is concerned, I am not complaining of the reporter—is useless. It is so much money thrown away.

Hon. Mr. FERGUSON—Before the question is put, as a member of the committee, I am not challenging the action of the committee, but I desire that the attention of the House should be directed to a matter that was before the committee which has been laid over until the next session of parliament. It is with reference to the distribution of the revised debates. We arranged last year for the first time to get out an unrevised issue. We had previous to that some way of getting proofs which were corrected, and it was days and days after before the unrevised came out. Last year we were permitted to bring out an unrevised issue and I think hon. gentlemen will admit we have got out a very good unrevised report this year and with the exception of occasions when there are late sittings at night, it has come to us just about the same time as the unrevised of the House of Commons. I have a very strong opinion that this unrevised issue which we are now getting and which is so satisfactory, should go to the members of the House of Commons the same as theirs comes to us, and that it should go to the Press Gallery in order that any newspaper man or member of the House of Commons can look it over and see what we had been doing the day before. My view has not prevailed at the present time, but the matter has been laid over by the committee to be considered at the beginning of next session. I think that hon. gentlemen when they come to look at it and consider the satisfactory character of that unrevised report, will agree with me that it is desirable that it should go to the other House and to the members of the gallery in order that they may make use of it in their discussions, as well as in the gallery correspondence of the newspapers.

Hon. Mr. ROSS (Middlesex)—I think it is very important that our debates, while they are fresh, should go to the members of the House of Commons, and to the Press Gallery. A common expression with newspaper men is that they want 'hot stuff.' I do not know whether our debates are hot enough for the press or not, but certainly if they do not reach the gallery until they are three days old, they are far too cold for distribution.

Hon. Mr. ELLIS—It is a serious matter to put in circulation the observations of hon. gentlemen who have not had an opportunity to revise their remarks. Originally in the Senate, the first sheets were slips of paper, galley proofs. We decided it would be more convenient to make them in the form of an unrevised 'Hansard,' as they are now. But the committee shrinks from ordering them to go into general circulation. However, the suggestion that they should go to the Press Gallery is a good one. The matter will be taken up next session.

The motion was agreed to.

The Senate adjourned until Three o'clock.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

ELECTION LAW AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (115) An Act to amend the Dominion Elections Act.'

He said: The first and the more important clauses of this Bill relate to the preparation of a list in what are known as the unorganized districts of Ontario. Under the Franchise Act, as it stood in 1897, the Governor in Council was authorized to appoint enumerators to prepare a list in those districts where the lists were not prepared annually. The lists all over the Dominion, wherever they were prepared by the municipal authorities, were always accepted. They were transmitted to the Clerk of the Crown in Chancery and printed at Ottawa, and were the lists used in the general election. There were, however, certain districts the number of which is diminishing but it so happened a number of districts north and west of Lake Superior are not organized. There were no voters' lists, and, consequently, in the elections that have been held for many years before the change of government took place, lists had to be prepared in those unorganized districts and the ordinary procedure was, after the lists were prepared, provision was made that a judge should hold court and the lists were revised by the judge. Applications to strike off or add names were admitted. The Act contained a clause, however, that if there was a list that list should be taken. Hon. gentlemen who followed the history of events in Ontario in May, June and July last, will have noticed that at the end of the session held in the local legislature at Toronto an Act was passed authorizing the lieutenant governor to have lists prepared. The time was short, because the elections were to be held on the same day all over Ontario, and, consequently, a time that was considered not long enough for the preparation of those lists was given, and also the time was shortened within which the judge must revise the lists. It was represented that this had acted very unfairly. Naturally when the federal government appointed enumerators, they appointed friends. When the government of Ontario appointed enumerators in those districts they naturally appointed their own friends. We know very well how easy it is to influence even the most honourable men where politics enter and it was alleged, and pretty strongly supported by proof, that those lists were not fairly made up, that they were partial, that the Liberal party had not an opportunity to be represented, that the revision by the judge was hastily carried on, and various accusations of that kind. I am not going to say whether those accusations were true or not, because I would not be safe in making any statement. The lists may have been fairly and justly framed and submitted to the judge, and he may have carried out his mission; but where lists are prepared by one political party if any friendly aid can be given in the preparation and in the revision of the list, it is pretty well recognized the party in power take advantage of those opportunities.

It was alleged in the House of Commons, as I have said, that the lists were unfairly prepared, and a battle royal has been going on for several months in the other House on that question. I will admit that the provisions for the preparation of the lists as laid down in the Bill as first introduced in the House of Commons may have been considered unfair to a certain extent; consequently complaint was entered that the existing lists were prepared by a government adverse to the present government—by the Conservative party. If the opposite side, the Liberal party, were to prepare a list in which their own supporters were to have a prominent interest, then it would be only fair to say they might be considered partial, also. To avoid that, the government decided that they would depart from the principle that had so long prevailed, and they enacted this clause:

2. For the purpose of preparing, revising and giving effect to such voters' lists there shall be a board of registration for each electoral district which is composed wholly or partly of such territory not municipally organized.

3. The judge of the district court having jurisdiction in such electoral district or some portion thereof, or, where there is more than one such judge, the senior of such judges, together with two other judges to be selected by him from the judges of district courts next adjacent to his own, shall in each case form such board of registration.

4. Such board of registration shall appoint for its electoral district as many enumerators as are necessary, and it shall be the duty of such enumerators, under the supervision and in accordance with the directions of such board of registration, to prepare the voters' lists for those parts of the province, &c.

This takes the matter entirely out of the hands even of the local authorities. The judges have the appointment of the enumerators. This Bill carries out the principle throughout. The Board of Registration shall define and establish the polling divisions. The federal list used must be no more than one year old when the writ was issued, and provision is made for the revision of the lists after the enumeration has been made, so that this provision is not open really to any serious political criticism as giving undue advantage. Were an election to take place during the coming year, under the law, the government of to-day would be obliged to take any lists that happen to be prepared, provided they were not more than one year old, and these lists were prepared in the months of June and July, so that they would stand until the middle of next year. Then provision is made for the better preparation of the lists in the District of the Yukon. The plan adopted in the past, I think, by both governments, in fact I do not know that there was an election there until the present government came in power—however the plan existing there was the plan which had prevailed for years in that district of appointing enumerators. Provision is made in this measure for the appointment of enumerators. If the judge of the court is, by reason of absence or illness, unable to act, the judge next in seniority shall forthwith appoint a number of enumerators. The notices shall be posted, and it describes how they are to be posted. The Bill also contains some more stringent provisions in respect to the marking of ballots. It will be remembered that in the county of Wentworth, at the last general election, the candidate who received the larger number of votes could not be declared elected because the deputy returning officer had inadvertently placed his initials on certain of the ballots, and these ballots, under the law, had to be thrown out. It makes provision for the punishment of the deputy returning officer who is so unguarded, because under the Election Act it is made perfectly plain that he must not put his initials on the ballot; he must put them on the counterfoil. There is a counterfoil attached to the ballot on which he puts his initials in order to identify the ballot after the voter has made his mark upon it. Then there are a number of clauses to prevent corrupt practices. Contributions for political purposes by companies are made unlawful and there are a number of other clauses in the same direction. The details can be further considered in committee.

Hon Mr LOUGHEED—Owing to the peculiar conditions which surround us at the present moment, chiefly the impatience to terminate the business of the session it would be very unwise and inexpedient for me to enter upon anything like a review of this Bill It is one which peculiarly affects the members of the Commons and does not of course so directly affect the members of this Chamber Yet there are certain principles embodied in the measure that are worthy of some attention In looking over the Bill as presented to this Chamber today, and comparing it with the Bill which was introduced in the House of Commons in the month of March last, it is a case, apparently, of the base metal having gone through the refining fires, and having emerged from the struggle in such a way as to find it difficult to identify the original matter. I need not remind this House that no Bill of the present session received the measure of public attention, and in fact acrimonious discussion which this Bill received, owing to the insertion therein of certain very objectionable principles, and which practically threatened an upheaval at the time in parliament. I need not refer hon. gentlemen to the fact that one of the cardinal planks of the Liberal party during the last twenty odd years has been the abolition of the dual franchise, and the adoption of the provincial franchise for federal elections. Hon. gentlemen on the opposite side, during the many years they were in opposition, thundered forth their condemn-

ation and indignation at the federal government adopting a franchise in contradistinction to the franchises of the provinces. And I would give credit to the present government to say, that upon their accession to power they did not hesitate to put into practical shape and form that plank of the platform which they had adopted, by wiping out the provisions of the Federal Eelection Act, respecting franchises and adopting the provincial principle; but, strange to say, no sooner had the provincial governments changed their political complexion in the provinces of British Columbia, Manitoba and Ontario, than my hon. friends on the opposite side at once conceived the idea that this provincial lists policy possibly might work to their disadvantage, hence we find this Bill introduced. I venture to say—and it may be said without any exaggeration—and I think the attitude taken by the Prime Minister himself after the introduction of the Bill will warrant the statement that I make—that never was a Bill introduced into parliament containing so objectionable a principle as that which was embodied in the first clause of this Bill when it was introduced into the Commons in March last. In fact, when one for a moment considers that it was the deliberate intention of the government to practically legislate themselves into power by an election Bill in the province of British Columbia, Manitoba and the northern parts of Ontario, one is astounded at that measure I hesitate to use the term of colossal impudence, which would seek to thrust to one side all the safeguards which had heretofore surrounded the carrying on of elections in the Dominion of Canada. Hon. gentlemen representing the government, at least ministers representing the government, have been promising for the last three or four sessions in the address from the Throne to introduce legislation to stop the fraudulent practices which had been prevailing for many years in the elections which were carried on from time to time. It would be difficult to take up a Speech from the Throne presented by His Excellency during the last three or four years, without finding expressions deprecating the corrupt practices which were being followed at elections, and the frauds which were from time to time being perpetrated, and the expression of the intention of this government to at once introduce legislation to purify our public elections.

This never assumed practical shape until the present year. I am not using too strong an expression when I say that public opinion was staggered when it was discovered that the view which this government held as to stamping out corrupt practices was to introduce a Bill practically legislating themselves into power without the electorate having anything to say about it in the provinces to which I refer. I say first, that clause 1 of the Bill as introduced permitting the government to appoint their own officers after the issuance of the writ, and empowering them to prepare the electoral lists, was calculated to strike the severest blow at the electoral liberties of our people that has ever been attempted in the Dominion of Canada. All the safeguards which had been erected, which had been the result of the legislation that from time to time had been passed from confederation down to the present day in those provinces, were swept away by one fell swoop. It was the intention of the government to deliberately hand the electorate over to their own party and officers appointed after the writs had been issued, and authorize and empower those officers to prepare a list of their own manufacturing without any of the safeguards, which heretofore had guaranteed a fair measure of security to the electors of the Dominion. I am aware that the language of that Bill did provide, that so far as possible, the safeguards then existing should be invoked, but any hon. gentleman familar as we are all no doubt, with the practical carrying out of the preparation of the lists, will know very well that the provisions to which I refer offered no safeguard. The government are to be congratulated that after the agitation which was carried on from the Atlantic to the Pacific, they bowed to the storm of public indignation, and have consented, simply through the force of public opinion, to drop this clause containing the enormity to which I have referred. There was no ground whatsoever for the government assuming that the difficulties to which my hon. friend referred would confront the preparation of the lists at the coming elections, when we consider

that in the two provinces to which this Act was particularly directed, namely Manitoba and British Columbia, there were 17 members elected on the permanent list 14 of whom were Liberals. The practical results of the elections did not in any way demonstrate that an injustice had been done to the supporters of the government. If fourteen-seventeenths of the representation of those two provinces is not enough to satisfy hon. gentlemen, it seems to me they are the very quintessence of selfishness.

Hon. M. WATSON—If we had had good lists, we would have had them all.

Hon. Mr. LOUGHEED—That was the design of this Bill. My hon. friend understands the end that was in view. The government conceived the hope that by brute force they would have the power to appoint partisans to prepare lists, and thus insure without any doubt whatever their success in every constituency in those two provinces. But I am very pleased to observe from the Bill as it is introduced here, that the very objectionable feature has been dropped. I suppose the government considered it necessary to do something to supersede the thin red line iniquity which had been perpetrated previous to the last election in Manitoba, and I quite concur in the proposition which has been made to the government by some of my western Liberal friends, that if a clause similar to that were passed by this parliament, it would do equally good work to that which was done by what is known as the thin red line. So far as the provisions concerning northern Ontario are concerned, my hon. friend grew pathetic when he referred to what he called the partisan action of the Ontario government in the preparation of the lists for that part of the province. This Bill was not only drafted but introduced into parliament purporting to confiscate, so to speak, the rights of the provincial government and assume them by this government before the difficulty referred to in the lists ever occurred, so that this government could not have then anticipated that those difficulties would arise; consequently the statement made that this Bill, which has been made to encroach upon the rights of the province, is simply a pretext to justify what must be termed a most iniquitous act. My hon. friends who have been struggling in this chamber for the rights of the provinces, would have acted an excellent part when this Bill was introduced by the government had they protested against any such encroachment. The adoption of the provincial franchise by the federal government for Dominion elections in that province should have been observed in all its integrity. The Liberal party for years struggled, as I have said, to introduce that policy, and they no sooner introduced it than finding the affairs of the province administered by a Conservative government, they at once are willing to sacrifice all principles of fair play and consistency and seek the advantages which are sought under the provisions of this Bill. It would be unwise for me to say anything at this stage of the session as to the merits of the different systems which prevail in these provinces. That would involve a discussion which would be very undesirable at this late stage to enter upon; but it is a matter of satisfaction, after comparing the Bill now before us with that which was introduced in March last, to find that the government have bowed to the force of public opinion and dropped the more objectionable features, and objectionable as the features still are with reference to northern Ontario, have safeguarded them very much more fairly than in the original Bill.

Hon. Mr. WATSON—The hon. leader of the opposition has said that at this late stage of the session it would be out of place to take up much time discussing this Bill, as it more particularly pertains to the House of Commons; but I want to occupy a very few minutes in making a statement. The franchise and the preparation of voters' lists have been very controversial questions for a number of years. Reference has been made to the action of the Liberal party in 1885. At that time, the Conservative party did not hesitate to take away the powers of the provinces, by assuming control of the preparation of the lists for Dominion elections. The hon. gentleman has forgotten that his party at that time were clearly of the opinion that the federal parliament ought to make their own lists, and I have no doubt the hon. senator from Hastings is of that opinion still. When the Liberals at that time were

protesting against some of the provisions of that Act, they claimed that the local lists should be used, not lists prepared by the provincial governments but lists prepared by the municipal authorities, and I am still of the opinion that that is the proper list to have. It should not be made inconvenient for any elector to have his name put on the voters' list. That is what was advocated at that time by the Liberal party, and in Manitoba. It was necessary that a change should be made in the preparation of the list. The hon. gentleman has not touched on the election law of Manitoba. It is a personal registration, and you can quite appreciate the difficulties the people have in getting their names recorded. The municipal lists are entirely ignored, and the lists are prepared by political partisans for the purpose of returning their friends to power and they do it very effectively. The hon. gentleman says that Manitoba and the Territories returned a large majority of representatives to support this government under those lists. They had to work very hard to get those lists properly prepared. I know something of it, because I worked hard at it myself. As I have said, the election law of Manitoba requires personal registration however long one may have lived in the province or how much property he may own, and he may have to go ten or twenty miles to make that registration in order to have a vote in an election. We claim that is unfair. An argument was made in another place that when the Act of 1903 was passed in Manitoba there was not much fault found with it, and that it was as fair to one party as to the other. That was true, because, at that time, the judges appointed the registration clerks and had in their control the making up of the lists. But in 1904 the Act was amended and it provided that registration clerks should be appointed by order in council, taking them entirely out of the control of the judges, and those men so appointed can sit at times and in places proclaimed by the Lieutenant Governor in Council. In the revision of the lists that have been revised within the last few weeks in Manitoba there were different places where registration clerks were advertised to sit and receive personal applications that they never showed up in at all, and no possible chance was given the electors to be registered where those registration clerks neglected to appear. The registration clerks are appointed and sit probably at one or two places in a constituency, and in some cases in the sparsely settled districts of Manitoba electors have to go fifty, sixty or seventy miles to have their votes registered. I know one locality east of Winnipeg, at White Mouth River, where the registration clerk was supposed to sit at St. Anne's, about 15 miles from that place; but there is an impassable swamp there and you cannot possibly get from Ste. Anne's to that settlement without going 35 miles to White Mouth, take the train there, go to Winnipeg and take another train to Ste. Anne's. To do that it would cost $15 or $20 and take four or five days time. That is the condition we have in Manitoba under the local law. These are facts, there is no getting away from them. Evidence can be produced, on declaration if necessary, that this state of things has existed within the last few weeks in Manitoba. The hon. gentleman opposite has referred to the 'thin red line.' If he had read the debates in another place, I should think he would never have mentioned that subject again. A great outcry was made about it. Several names were struck off the list in Manitoba—why? Simply because the Dominion constituencies do not co-incide with the provincial districts, and when a list had to be made up for federal purposes, having to take the provincial lists, part of the local constituencies would be in one Dominion constituency and part in another. Take the case of Macdonald and Portage La Prairie. The returning officer had to make a list for both, and what did he have to make it of? He had to take the lists as he found them there, and in making the list for Portage La Prairie he would strike out all the names on that list that were in Macdonald, and use only the names that ought to be on the Portage side of the line. The returning officer of Macdonald took the same list, and he erased the names that belonged to the Portage constituency. The provincial government has done the same thing,

only instead of using red ink they used black ink. That had to be done by the returning officer.

Hon. Mr. LANDRY—When ?

Hon. Mr. WATSON—At the last election.

Hon. Mr. LANDRY—By whom ?

Hon. Mr. WATSON—By the returning officer. As soon as he is appointed he has to make up a certified list to be used at the polls.

Hon. Mr. LANDRY—The thin red line was made on the eve of the election.

Hon. Mr. WATSON—It is always done on the eve of an election ; the returning officer is not a standing officer or one who is appointed for months or years.

Hon. Mr. LANDRY—He has no standing?

Hon. Mr. WATSON—None except as a returning officer.

Hon. Mr. FERGUSON—What notice was given the voters whose names were struck off one list and who were supposed to be allowed to vote in another constituency ?

Hon. Mr. WATSON—There was no more notice than the fact that every elector knows where he should vote, and if an elector knew he had to vote in a certain polling division——

Hon. Mr. FERGUSON—He knew that, and when he came to vote he found a red line drawn through his name.

Hon. Mr. WATSON—Not at all. The hon. gentleman has been reading Tory campaign literature again. I venture to say that in the whole province of Manitoba where probably seven or eight thousand names were erased from the list, though very few persons were disfranchised, and if you take the number disfranchised and inquire into each case you will probably find that there were as many of one political complexion as of the other. There was but one way to make the list, and that plan was adopted in the local as well as in the Dominion elections.

Hon. Mr. FERGUSON—Was not that work done under the direction of Mr. Leitch, the party organizer of the Liberal party in Manitoba ?

Hon. Mr. WATSON—It was done by the returning officer.

Hon. Mr. FERGUSON. Under the direction of Mr. Leitch—is not that correct ?

Hon. Mr. WATSON—No, I do not know that it is correct. I do not think it is correct. The returning officer could not possibly do it all himself, because the hon. gentleman quite appreciates that one must have a personal knowledge of the elector to know whether he voted in one constituency or the other. Another objection we have to the form of the lists there is this : in a great many instances the post office address of the elector is given, but not the location of his residence, and it was necessary in each case to find the location because every elector must vote in the district where he lives under the one man one vote system. I could produce lists made by the returning officers in the local election where one-third of the names were struck out in black ink. No doubt mistakes occur sometimes for the reason that it would be impossible for the returning officer in all cases to know whether a man lives on one side of the line or the other where only his post office address was given.

The SPEAKER—I would draw the hon. gentleman's attention to the fact that he is wandering away from the Bill which is before the House.

Hon. Mr. WATSON—The gentleman who preceded me took exactly the same line. Moreover, this is an election Bill affecting the province of Manitoba, and I am giving some reasons why legislation should be passed here to ensure the rights of the electors in Manitoba in elections. The hon. leader of the opposition did not confine himself to the Bill before us. He took up the Bill as it was introduced in the House of Commons, and pointed out that it was a most iniquitous measure—I think he said colossal impertinence—on the part of the government to interfere with the making up of the lists in Manitoba. The Election Act as originally introduced in Manitoba by the Conservative government, provided for the judge preparing the lists. They appointed the registration clerks, but the government saw fit to take that right away

from the judges, and the registration clerks to-day are appointed by the Lieutenant Governor in Council and the places at which they sit are fixed by proclamation. They can only sit at those places and for certain hours on certain days. It does not make any difference how many people are waiting to be registered, when the time is up, the booth is closed, and these people have only one opportunity then to get on the list and that is by applying to the Court of Registration. If there is a fair Court of Revision, we probably would not complain, but if you look up the Manitoba election law, you will find that the Court of Revision is controlled by the Governor in Council again, exactly as in the appointment of the registration clerks. While the judges are to revise the lists, the districts in which they are to revise them are proclaimed by the Lieutenant Governor in Council and the hours at which the judges shall hold court are fixed, and no judge has the right to change the place or extend the time for that revision. I know one particular case where the proclamation stated the registration should take place between the hours of one o'clock and six on a certain day, but the Official Gazette said that the hours should be from one to four in the afternoon, and the judge was guided by the official gazette rather than by the proclamation. People went there between four and six o'clock and found the place was closed. These are things we complain of, not the Act particularly. We object to the manner in which it is carried out. A judge goes to revise a list. He has to be at a certain place in the constituency between the hours of one and six at a certain date, one Court of Revision for the whole electoral district. Take an electoral division say 24 miles east and west and 48 miles north and south—I speak of one now that I know about, one place for a court of revision in that large district. I have spoken of the difficulty there was in personal registration. At the court of revision a man would have to go thirty, forty or fifty miles in that district to appear before a judge. The hours for that revision were fixed between one o'clock and six in the afternoon. It makes no difference if there were fifty applicants waiting to be heard before the court, at six o'clock the court closes and the judge has no power to extend the time for the hearing of applications to be placed on the list. Is that right or just ?

Hon. Mr. FERGUSON—In all registrations there is a time for closing.

Hon. Mr. WATSON—Yes, but if you are going to close at a given time, you should allow ample time for registration. There is no court in the land where a judge has not the right to extend the time, or adjourn the court to complete the trial of a case.

Hon. Mr. LANDRY—In the city of Quebec, they have only three days to make a revision of the list, and at the end of the third day if it is not completed, the revision is closed.

Hon. Mr. WATSON—The case I have referred to is in a rural district where it is inconvenient for people to go to the court of revision, perhaps 50 or 100 hundred miles away.

Hon. Mr. LANDRY—Your principle is the same.

Hon. Mr WATSON—On account of the arbitrary carrying out of that provision, a revising officer in Manitoba saw fit, because he was not through with his work at the time allowed him by proclamation, to continue his court of revision, the following day, to complete his work. He put 38 names on the list, and although those names were certified to by the revising officer, the Attorney General's Department erased them from the list.

Hon. Mr. FERGUSON—If they were put on after the time required by law, they should be erased.

Hon. Mr. WATSON—The hon. gentleman approves of the method adopted.

Hon. Mr. FERGUSON—If it were admissable to place them on the list the next day, it would be admissable the next week, and so on. There must be a time when the revision shall stop.

Hon. Mr. WATSON—If there is going to be a time limit, make it long enough for the revising officer to complete his work.

Hon. Mr. FERGUSON—Yes.

Hon. Mr. WATSON—The hours allowed for that particular work are not sufficient for its completion, and I have given a con-

crete case where the judge felt in duty bound to revise that list and adjourn his court and completed the revision next day, but the 38 names then added were struck off by the Manitoba government, and those people were deprived of the right to vote, although the registration clerk and returning officer declared that they were entitled to vote. Surely the hon. gentleman will not tell me that is fair. I regret very much that the government saw fit to abandon the provision they asked for in the province of Manitoba. What did they ask for? They asked that the lists should be prepared in Manitoba under a board of judges. That is the grievance the hon. gentleman refers to. Has he no confidence in the judges? The government did not ask to have partisans appointed to do this work. They said the judges should do the work.

Hon. Mr. LOUGHEED—I only discussed the original clause as prepared, where it was utterly impossible for the lists to be revised by the judges. It was owing to that unreasonable provision that the government should appoint their own officers to revise the lists.

Hon. Mr. WATSON—No, the judges had to revise the list. Does the hon. gentleman contend there would not be time? Then he must condemn the election law of Manitoba, because I will give the House evidence they had not time under their law to revise the list. I know it was suggested by the Manitoba government, when this particular clause in the Bill was dropped, that the government would give ample time to revise the lists. Gentlemen in the House of Commons were not trying to defeat that Bill, but were obstructing supplies, and they would not allow $100 worth of supplies to go through unless the Bill were amended.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. WATSON—I thought the opposition would have occupied a better position if they had obstructed the Bill instead of obstructing Supply.

Hon. Mr. LANDRY—The Bill was kept back by the government.

Hon. Mr. WATSON—No. In 1888, the Liberal opposition did not attempt to hold up supplies.

Hon. Mr. LANDRY—They did in 1896.

Hon. Mr. WATSON—I beg pardon, they did not in 1885 or 1895; they said that the Bill should not go through in its then condition, when the Premier said that the Indians of the Northwest, who were actually in rebellion at the time, would be entitled to vote if they qualified. They did not hold up the supply, but they held up the Bill. I took part in it, and for eight weeks the opposition held up the government upon the Franchise Bill of 1885. In 1896 the opposition did not hold up supplies.

Hon. Mr. LANDRY—Yes.

Hon. Mr. WATSON—They did not. They held up the Remedial Bill, but not supplies.

Hon. Mr. LANDRY—Both.

Hon. Mr. WATSON—No, they held the House on the Remedial Bill.

Hon. Mr. FERGUSON—They obstructed supply.

Hon. Mr. WATSON—The hon. gentleman must know—and it is the best possible evidence that I can give any hon. gentleman in this House—that some time in April when the life of parliament expired, the opposition having talked them out, about the 20th of April, supply had been voted. They gave the government supply that carried them until July. Parliament went out in April. This session, the supplies were obstructed to such an extent that the mails were very nearly closed, and public work stopped until the Premier saw fit to comporomise on this Bill. I think it was a mistake to do so, but in his judgment it was the best thing to do, but with the understanding that ample time should be given to revise the lists in Manitoba. You cannot by order in council or by any regulation, interfere with an Act of Parliament, and the Act of the province provided that all the lists should be closed up and completed by the 1st day of July, so that it was impossible to extend the time for a Court of Revision and give ample time. Conservatives as well as Reformers have been left off the lists in Manitoba on account of the fact that there was not ample time to revise the lists. No persons

should have to travel 40 or 50 miles at an expense of $10, and the loss of four or five days to have their names placed on the lists at a court of revision. I think the electors should have every opportunity to have their names placed on the lists. I am not asking any advantage for any political party in this matter, but the manner in which the lists have been made up in Manitoba is as I have stated. My hon. friend referred to the majority the Liberals have in the west. I believe they will come back stronger after the election.

Hon. Mr. LOUGHEED—Leave that question until next session.

Hon. Mr. WATSON—I have no hesitation in saying that it has cost thousands of dollars where it should not have cost hundreds of dollars, to have these lists prepared, and a great deal of inconvenience to the people. I believe in a fair list, and that the judges should have the entire control of them. If they had, we should not find fault; but under the system adopted at the present time in Manitoba the government have controlled the preparation and have even controlled the revision of the lists, because the time is fixed by proclamation and the judges cannot extend the time if the work is not done. There are two or three other features of the Bill to which the Secretary of State has referred. There is one thing which I think will have to be changed and that is subclause 9 of clause 1, which reads:

9. In the province of Manitoba the several judges of the county courts shall constitute a board, of which a majority shall be a quorum, which board shall during the month of July in each year meet in the city of Winnipeg on a day to be named by the senior county court judge resident in Winnipeg and appoint for each Dominion electoral district in the said province a committee of one or of three of such judges, and such committee shall thereupon proceed to define and establish the polling divisions into which, for the purposes of the next following Dominion election, the electoral district for which it is appointed shall be divided, and shall distribute among such different polling divisions the names of the voters entitled to vote in such electoral district as such names appear on the last revised lists of electors for the several provincial electoral districts in said province, so that each voter shall be assigned to his proper poll as established for the purposes of such Dominion election, and such distribution shall be completed before the first day of October in each year.

Hon. Mr. WATSON.

It seems to me that it would be practically impossible, and I cannot give you any better evidence than at the present day the judges that have to do that work may be tied up in court work .

Hon. Mr. LOUGHEED — They may be dead. Other judges will take their places.

Hon. Mr. WATSON—I do not think the time is sufficient. I think you should extend it, say during the month of July, and not later than August 15. Give them a little more time. I do not think any person would desire to see the judges tied in this way, and it seems to me that some slight change should be made.

Hon. Mr. PERLEY—I do not intend to discuss the wickedness of the past, but to confine my remarks to the Bill before the House. After listening to the remarks made by the hon. Secretary of State—which were a rehearsal of the villany, the rascality and wickedness of the election laws in the past—I was pleased that he expressed a desire to make the law as perfect as possible, and I am sure nothing can be more commendable in a public man, particularly a man who has to do with an election, than to make that law as good as it can be made. Under the best of circumstances, there will be some wrong committed in elections. That is the history of the country in the past, particularly if you judge by the speech of the hon. gentleman who has just resumed his seat. This is a late period in the session to bring down such a Bill. Every one must acknowledge that an election Bill is probably the most important measure that can possibly come before a legislature. It has to do with the representation in parliament, the making of the laws, and the government of the country. Therefore, it is beyond question or doubt that the election law is one of the most important laws that possibly could be made, and one that should receive the most careful attention of every man having a seat in the House of Commons or the Senate of Canada, where we have a right to revise legislation if we see fit. I am prepared to show hon. gentlemen—and I have mentioned the matter to one or two members of the House of Commons, that although they have a similar law in Ontario, they have not taken that cogniz-

ance of it that I think they should have. One clause of this Bill is very faulty. I am not going to blame the government and say that they purposely inserted it, but if it is allowed to pass as it stands, it is possible that not one Conservative or member of the opposition can be elected at the next Dominion election. I may say that I happened to be at a certain polling place at a recent election in New Brunswick where I discovered that they had made a mistake in the law. The election law of the province of New Brunswick was made by the hon. Minister of Public Works. He was attorney general in the New Brunswick government, and had the framing of the law. He is a clever and able lawyer—none more so than Mr. Pugsley. Mr. Hazen is a clever lawyer, and there are other clever and able lawyers in the New Brunswick assembly; still they enacted a law the effect of which not one of them knew. If they had known, and had been so disposed, and if there had been enough government supporters, and enough voters that could have been bought, there would not have been one member of the opposition elected in New Brunswick.

Hon. Mr. McSWEENEY—How is that?

Hon. Mr. PERLEY—I will tell the House. This Bill has a clause in it which can be operated in the same way, and parliament should know how to do it. I am not reflecting upon the law because the Hon. Mr. Pugsley framed it, and did not know what he had made. The hon. leader of the opposition was in the same position, but two fellows in a backwoods settlement found out how they could successfully manipulate the ballot, and the result was that in two ridings in my old county—I was down there to see some of my friends and saw how the law worked—where Mr. Hazen expected to have from 35 to 40 of a majority, he had 10 of a minority. In another portion, where he expected to have quite a majority, he was in a minority, showing that the law was capable of the construction these men put upon it, and if the legislature had known the effect of it they would not have passed it. They did not take advantage of the law to carry out an extensive system of bribery, because they did not know about it, except in one or two places. This Bill is open to the same objection as the New Brunswick law. Mr. Hazen said he would certainly repeal that section, and change the provision. The section which is faulty is section 21, which reads as follows:

21. Section 173 of the said Act is amended by adding at the end of paragraph (c) the following proviso:

Provided, however, that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

In one respect that is a commendable clause. I hold that no elector should be deprived of his ballot, if he is honest and has not been bribed, he should not be deprived of his vote by the action of some returning officer. If that clause passes, a man canvassing for the votes can bribe people and nobody will know a thing about it, and it will be conducted as the nicest and pleasantest election you ever saw, and it is for me to show you how it can be done.

Hon. Mr. LANDRY—Does the hon. gentleman charge for this?

Hon. Mr. PERLEY—No, but it is a patent. In order to illustrate my case correctly, I will take my own riding, and I will not get the names confused.

Hon. Mr. WATSON—I do not think that any hon. gentleman who believes he has a scheme on hand whereby he is able to defraud the electors or to carry an election by corrupt methods, should be permitted, even with the consent of the House, to divulge the secret.

Hon. Mr. PERLEY—I am giving it away to my hon. friends opposite.

Hon. Mr. FERGUSON—The hon. gentleman from Portage la Prairie is afraid that his own virtue will be affected.

Hon. Mr. PERLEY—I will not use the word 'unfortunate' because no man should use that word in a wrong transaction, but perhaps it is unfortunate that there is only one party can use this device and that is the government party. It is loading the dice, so to speak, because the government have the appointment of the returning officer. And it was argued that these returning officers were strong party men, who would do most anything in election times, and they did do it.

Hon. Mr. McSWEENEY—The government were defeated.

Hon. Mr. PERLEY—I am not going to accuse the government of having done anything wilfully wrong. I will show you that the New Brunswick government made a mistake and did not know it and there is the same mistake in this Bill. Take my own riding, the electoral division of Qu'Appelle, and take Wolseley, which is a subdivision in that electoral district. Already there is nominated Mr. Brown, a very creditable and worthy man, as the candidate for next election. Mr. Lake, the present member, is the Conservative. At the last election they had for returning officer a Mr. Roach. I know nothing about him, but he is a strong party man and a good many have not a high opinion of his political experience. Supposing they appoint him; I will take the bogus name Tom Johnston, a strong friend of Mr. Brown. He goes to a man, Bill Smith, or any man who is a friend of Mr. Lake's and he says. 'Bill, I want you to vote for Brown.' He says: 'Well I am a Lake man.' He says to him: 'I will make it worth your while to vote for Brown,' and they finally agree upon a price which he is to receive for his vote. Hon. gentlemen opposite know that that is a general thing in Manitoba. That bargain is made a week or ten days before the election, before any election work is going on. Nobody knows about it. Johnston comes in to Bill Smith and they make their arrangement. The moment he makes that arrangement the agent will take out his pocket book and write the name of Bill Smith and the price, however it may be, and he will make a dot in front of the name. He will say to Bill Smith 'Do you see that mark? Now there is your mark below. I will be inside by the returning officer. You will come and get your ballot and go behind the screen and mark it. I will show my book to the returning officer, who is our friend and knows our business and show him the dot in front of your name, and the returning officer will put that mark on your ballot when you bring it back.' The man will see he is going to be discovered which way he votes.

Hon. Mr. BEIQUE—There is a penalty of five years imprisonment for that.

Hon. Mr. PERLEY—I see the hon. gentleman from DeSalaberry does not understand this matter. The agent says: 'When the ballot comes out I will see the dot and see if you voted for Brown. That is all right: 'You deliver your goods and get your pay.'

Now the returning officer would not have marked the ballot at all; but by virtue of this clause I make the elector believe that he will mark it, and I take out my book and show him where I have marked it, and he will understand that the returning officer will mark the ballot and he will know how he voted. A man may be curious to see what the returning officer does, but most of the electors are in a hurry to get away. The penalty for placing any improper mark on the ballot is a heavy fine. The returning officer will never mark the ballot, but I have this clause to show the voter how it can be done and make him believe it. I do not hesitate to say that the result would be under that system of voting, a large number of men can be bribed in every subdivision in the whole of Canada, and if there are enough dishonest men among the electors who will sell their votes to carry the election they can succeed in every riding. While it is very commendable that a returning officer shall not be allowed to spoil a ballot, still the clause is open to abuse in the way I have mentioned. In committee I shall suggest an amendment. I think it is the duty of the government to make some amendment to that clause, which will prevent that class of bribery. I do not hesitate to say that the government have plenty of honest men whom they could appoint to a position of that kind who would be above suspicion, but the great majority of men that are appointed for these positions are men who are known to have been guilty of wrong doing.

What do you find in the district of Prince Albert? A man held an election there in a place where there was no subdivision at all and put down 150 names, though there was not a vote polled. He returned a man who was in the minority in the hundred real votes polled and kept the man who should have been returned out of his seat for two

years, and the men who did this were rewarded by the government for their rascality. I am sure when I point out this fact, the government will feel it incumbent on them to make it right. I take it that this government is willing to do what is fair and right, and in the matter of elections there is nothing so important as that they should be pure and honest and the voice of the people should freely be expressed. Under this law I am permitted to go to a man and say: 'Vote for us and I will show you how to vote safely and the returning officer will see to it, and you will get your money.' In the election in New Brunswick there were four candidates running, each party using their own ballots, and these were the official ballots. You went to the returning officer as a voter and he gave you an envelope, initialled it, and you went behind the screen and put in that envelope whatever ballot you pleased. That was the secret ballot. The way it was managed was this: A voter would be handed a ballot and told that there was no other ballot like it, and if he put it in, properly marked, he would get ten dollars. Each ballot was different and they had forty combinations of that ballot, no two of which were alike. Every man was on the agent's books with the price agreed upon for his vote, and when the returning officer, on counting the ballots, found that he had delivered the goods the voter got his money. I learned how it was done from the man who did the trick. When I saw that the man who should have been elected was declared defeated, I inquired and found out how it was done. I know that that was done in two ridings and that if they had not done it, Mr. Hazen would not have been elected himself, because in a place where he was a very strong man, instead of having a majority of thirty-five he was defeated by ten. This will work just as well in the unorganized districts, in fact very much easier, and it cannot be worked on the opposition side. You have to make the elector believe that you are in league with the returning officer.

Hon. Mr. LANDRY—If the hon. gentleman is trying to convince the government, he is losing time.

Hon. Mr. PERLEY—It is the duty of the government, when I point out where wrong can be done under this clause, to amend it and prevent wrong-doing. I do not think they realize how the fraud can be accomplished. I would not if I had not seen it worked in New Brunswick and had not learned from the man who did it how it was done. I shall move an amendment to this clause, in the Committee of the Whole.

Hon. Sir MACKENZIE BOWELL—It is only wasting time I know to address the House on this subject. When an hon. gentleman was pointing out in a very practical manner how elections could be stolen under the provisions of this Bill, the members of the government thought proper to absent themselves, thereby treating with contempt the remarks of those who have opinions on the subject of a pure and fair election law. For that reason, I do not know that there is any use in speaking, unless it is to use an expression which fell a few days ago from the hon. senator from Middlesex, when he was advocating the continuance of the official reports of our debates; one wants to embalm his opinions and views. For that reason I shall express my views in committee on the clauses as they are taken up. The hon. leader of the opposition congratulated the government on having receded from their first position on the Bill as introduced, because they felt compelled to do so by public opinion. There is no credit for their retreat, because they only receded when they could not help themselves. From the attitude of the opposition, they saw that the Bill could not pass until its iniquitous provisions were abandoned. Why is Quebec omitted from the provisions of this Bill, so far as the unorganized territories of that province are concerned? It may be said that most of them are under municipal institutions, and the voters' lists are provided for; but the National Transcontinental Railway passes through a very sparsely settled or wholly unsettled portion of the province of Quebec and a large body of men are working on the railway. Is it not just as important that those who are employed in the unorgnized districts of Quebec should be looked after as that a similar population in northern Ontario should be looked after, as provided for by this Bill. I can only come to the conclusion that the province of Quebec being under the

control of the Liberal party, the Dominion government had sufficient confidence in having their sympathy and support.

Hon. Mr. SCOTT—I am not aware, nor have I been advised, that any inconvenience has arisen in the province of Quebec. I know in former elections I have not been advised that any inconvenience arose in consequence of our making no provision for electors in unorganized districts.

Hon. Mr. FERGUSON—Then why was Quebec mentioned in the original Bill?

Hon. Mr. SCOTT—I do not think there was any occasion for it. I am speaking so far as my own knowledge is concerned, and that, of course, is pretty general; because I have had charge of the elections for the last three occasions. I think there are only a couple of such divisions, but no inconvenience seems to have arisen, because the people in the districts managed the lists themselves. Since the last election, I quite recognize that there may be parts of Quebec where considerable population has gone in, owing to railway building, but my attention has never been called to any serious inconvenience likely to arise in Quebec.

Hon. Sir MACKENZIE BOWELL—The explanation is very lucid, and we may accept it as correct from the fact the hon. gentleman says he does not know anything about it—that he did not even know that the province of Quebec was included in the original Bill.

Hon. Mr. SCOTT—I knew that, I said I knew of no reason for it.

Hon. Sir MACKENZIE BOWELL—There was no reason for it, because they could control it, I do not say improperly, by their own party organization. It is very strange that it is only the provinces that are now ruled by the Conservative party that were included in the original Bill. British Columbia they were obliged to abandon. The clauses relating to Manitoba were so altered and amended as to render the Bill to a very great unobjectionable. Originally it was intended in Manitoba that partisans appointed by this government should perform the duty which the opposition in the House of Commons compelled them to relegate to the judges. That proposition was made by the hon. member for Algoma, when the Bill was first introduced six months ago; but it was rejected by the majority. Afterwards, they changed the provisions of the Bill so as to relegate that duty to the judges of the land, thereby restoring, to a very great extent, the confidence which the people have in the judges of the country. As soon as the clause relating to Manitoba came under the notice of the Manitoba government, the premier and Mr. Rogers at once came to Ottawa and had an interview with Sir Wilfrid Laurier. After the interview, Mr. Roblin returned to Manitoba with an assurance from the premier here that the clause relating to Manitoba would be changed, so as to leave the arrangement and changing of the voters' list with the judges, who would so perform the duty that the red line iniquity could not be repeated in the future. I give them credit for that. They left Quebec in a position to perform those iniquities, if they thought proper, that they charged against the Conservatives of Ontario. What has occurred in the province of Ontario since the Whitney government came into power that would justify them in suspecting that the local government would be guilty of any of the acts which have disgraced some portions of this country in the past in reference to the voters' lists? The only complaint against Ontario is that in one of the unorganized districts sufficient time was not given for a proper registration; but does any one suppose for a moment that if the same courtesy had been extended to the premier of Ontario that was shown to the premiers of the other provinces, and he had been consulted, that he would not have assured the premier of Canada that changes would be made in the law to prevent a recurrence of the difficulty that arose at the last election? These unorganized districts are of very recent existence. It is only since the discovery of silver at Cobalt and the construction of the Toronto and Northern Ontario Railway through northern Ontario that that portion of the country has been

populated at all. Some little irregularities or difficulties may have arisen such as might have been expected to occur in a new and unorganized district, and they shall be remedied in the future. The fact is clear that Ontario has been treated with contempt, simply because the province is under a Conservative administration. I shall not dwell on what might have been done in the unorganized territories of Ontario if the original proposition had been carried out, and the preparation of the voters' list had been left in the hands of partisans appointed by this government. I was a little amused at the remarks of the hon. senator from Portage La Prairie in reference to the lists in the west, and the frauds that had been committed, as he alleges, by the Conservative party. I could occupy the attention of the Senate for hours, if it would do any good, in pointing out how some elections in Ontario were carried.

Hon. Mr. ROSS (Middlesex)—Order, order.

Hon. SIR MACKENZIE BOWELL—I am not at all surprised that the ex-premier of Ontario calls order, order. He is sitting with fear and trembling, I have no doubt, that I should relate a few instances with which he has been so familiar, and which I have no doubt, considering the result of the last election, he deeply deplores, because the probabilities are if those things had not taken place he would still be ruling the province instead of seeking the calm repose of the Senate and placing himself among those he once called 'old women.' However, I congratulate the government on having appointed him, because it has removed him from the temptations that surrounded him in the associations and in the atmosphere he was breathing in Ontario. We can deal with the question of marked ballots, when we come to discuss the clause of the Bill in committee. I do not imagine that any suggestion we may make to perfect this law will be accepted by the government, especially at this late stage of the session. I content myself with having stated my views, in order that they may be embalmed in the 'Debates,' for the benefit of the future generations, if they care to waste time in reading them. They will do no good here, I am convinced, and I am sure they will be no benefit to posterity.

Hon. Mr. FERGUSON—This Bill does not concern the Senate, and it has been very fully discussed elsewhere. The speech made by the hon. Senator from Portage la Prairie was rather surprising to me. The reverend editor of the Toronto 'Globe' said some weeks ago that with due regard for truth it should be stated that the Conservatives had gained nothing with regard to the Election Bill by their long and tedious obstruction, because Sir Wilfrid Laurier in his first speech on the subject had intimated that he was ready to do exactly what has been done. All the Liberal press in the maritime provinces have had telegrams declaring how complete and perfect the back down of the opposition had been, and how completely the government had triumphed on this question, but the hon. Senator from Portage la Prairie does not appear to be of that opinion. His speech has been a complaint of the terrible state of things in Manitoba and that there was nothing in this Bill to furnish a remedy. There was another point he made to which I wish to direct attention. I heard it elsewhere, and read it in the press, that the opposition in the Commons were very blamable for holding up Supply in order to bring about an amelioration of this Bill, and it has been stated very freely that the Liberals in 1896 when they fought the Remedial Bill gave all the Supplies needed but fought the Remedial Bill. I happened to be a member of the government at that time, and I know that they did not give us one dollar of Supply for the incoming year. They voted the supplementaries for the current year up to the first of July, but although parliament was closing near the end of April they absolutely refused to grant further supplies and every time an attempt was made to go into Supply they talked us down. In proof of this I quote from the 2nd volume of the 'Hansard' of 1896, page 7146:

Mr. FOSTER. In the main estimates there are two items that I would like to have passed. What I want to ask hon. gentlemen opposite is to make it unnecessary that the House should assemble here in July and have a summer session, which is inconvenient and expensive as well. The proposition I would

make to them is, if they cannot see their way clear to give us our working estimates for next year, to give us at least two or three months' estimates in order that parliament may find it unnecessary to meet so soon. I think there is nothing unreasonable in that.

Sir RICHARD CARTWRIGHT. It is utterly impossible.

That was the attitude of the oppostion all that time. Not a dollar of Supply was allowed to be voted. Parliament would expire by an efflux of time, and they took advantage of that and would not let a dollar be voted for the following year. Ever since the Liberal party have been in power wherever I have had occasion to meet their representatives on the platform, I have asked them to point out one single plank in their platforms of 1887 and 1893 which they had carried out. On one or two occasions I was answered 'We repealed the Franchise Act.' We promised to repeal the Franchise Act and revert to the provincial frranchises and we have carried that out. There was some point in that, but here we have in the Bill before us a reversal of that principle. The hon. member from Portage la Prairie said it was not the policy of the Liberal party to take up the provincial franchises, that it was the municipal lists. I can turn up the clause which entirely contradicts the statement that the intention of the Liberal party was to take the municipal lists and not the provincial lists. The very opposite of that statement would be correct. It was the provincial lists that were resorted to.

Hon. Mr. ROSS (Middlesex)—The proposal was that we should follow the municipal lists as the basis of the Dominion lists, and not a list prepared by the provincial government.

Hon. Mr. FERGUSON—I will read section six of the Dominion Franchise Act, which will make it very clear :

'For the purpose of any Dominion election held within the limits of the province the voters' list.

Shall except as herein otherwise provided by those prepared for the several polling divisions established and which on the sixtieth day next preceding the day fixed for the nomination of candidates for such Dominion election, were in force, or were last in force under the laws of that province for the purposes of provincial elections.

Hon. Mr. FERGUSON.

In some of the provinces the provincial lists were based on the municipal lists, but the federal parliament did not concern itself with how they were got ; it was the lists used in the last provincial election that were made legal by the Dominion Elections Act. That one solitary claim put up by the friends of this government that they carried out one of their promises vanishes in thin air when we take up this Bill.

It is provided in clause No. 1 that the provincial lists are set aside in parts of the province of Ontario entirely, and that the lists are to be prepared under this federal law, therefore, the claim which the party made that they carried out their pledges disappears in view of the Bill which we have before us. There is a great deal of danger in clause 21 with regard to the allowance of ballots containing marks. It is true some wrongs have arisen in connection with this question where judges at recounts have been obliged to throw out ballots where the voter has done no wrong, but that some other person committed a wrong. I am afraid this clause will lead to wrongs and evils immensely greater than that which it is proposed to remove. The hon. gentleman from Wolesley gave an illustration of that, and gentlemen seemed to be amused when he was leading up to the final point which he was trying to make ; but every hon. gentleman who listened to him throughout will see at once that there is a possible chance of a great deal of wrong-doing in connection with that clause. You may have the most honest returning officers in the world, who would not put a mark on a ballot that would interfere with the right to vote, but you could get agents outside, without any collusion with the returning officer, persuading the voters that they would put marks on a ballot and thus make the elector believe they could identify his ballot. This question was fully argued elsewhere, and no reasons were offered for its adoption. I regret to find any voter losing his vote through an error, whether done intentionally or fraudulently by the returning officer, but I am afraid the wrong that may arise to the voter under that will be slight compared to the wrongs done under 21. There has been

a great deal of attention drawn to this election law since it was introduced in the House of Commons. I am glad it has been ameliorated. The difficulties under the first Bill would have been immense if it had been allowed to pass in that form, but they have been greatly minimized. There are some other provisions in the Bill which will help the fair conduct of elections.

Hon. Mr. BEIQUE—The hon. gentleman form Hastings inquires why the Bill deals with the unorganized portion of Ontario when it does not deal with the unorganized portion of Quebec? There is a very good reason—because in Ontario there are electoral lists for unorganized districts, whereas there are no electoral lists made for the unorganized portions of Quebec because it is not worth while. Those who are there are there temporarily, and they are qualified to vote in unorganized portions of Ontario. The elections of the province of Quebec took place a few months ago and there were no election lists, because they were not called for and there was no necessity for it. When the state of things was ascertained the government dropped the unorganized portion of Quebec. In connection with the criticism of clause 21, which provides that the ballot shall not be rejected because of marks made by the returning officer or poll clerk, I merely call attention to section 173 of the Ontario Act, which is to the same effect as that adopted last year. By the Act passed in 1907 it is provided that the returning officer shall reject any ballot which contains any mark by which the voters can be identified, other than the number placed on the ballot stub by the returning officer. If the returning officer puts the number on the ballot instead of on the stub of the ballot, as is often done, then it will not invalidate the ballot, and this clause follows that principle and makes it a penal offence for which the party guilty may be imprisoned for a term of five years.

Hon. Mr. LANDRY—I have not read the law of Ontario, but I know that in Quebec when a ballot is objected to at the end of the poll, a number is placed on it by the returning officer, and the objected ballot is accepted or refused by the returning officer, and afterwards they are counted or not counted when the matter comes before the judge.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman from De Salaberry to say there are no electoral lists in the unorganized districts of Quebec, and, consequently, there is no provision in the law of Quebec for giving to the people who are in the unorganized districts the franchise unless they return to their homes where they are upon the lists.

Hon. Mr. BEIQUE—The law does not provide for the making of a list in an unorganized portion of the province.

Hon. Sir MACKENZIE BOWELL—It is an evidence of the greater liberality or democracy of the Conservative party in Ontario than of the Liberal party in Quebec, because they provide a list for those who are away from home.

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

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

(In the Committee.)

On subclause 4,

4. Such board of registration shall appoint for its electoral district as many enumerators as are necessary, and it shall be the duty of such contractors, under the supervision and in accordance with the directions of such board of registration, to prepare the voters' lists for those parts of the province without municipal organization in such electoral district, and the Governor in Council may confer upon each enumerator so appointed any powers necessary for the discharge of his duties.

Hon. Mr. FERGUSON—Why should the Governor in Council intervene in this case? Why should we not give the board of registration power to appoint these enumerators? I think the object is to bring in the political element. It will have that effect.

Hon. Mr. SCOTT—The Governor in Council has no discretion as to the names of the parties.

Hon. Mr. FERGUSON—Will you give me any good reason why their action should come in at all? You appoint a board of registration of judges, and the provisions seem to be all well guarded. Why not allow them to give that authority?

Hon. Mr. SCOTT—You cannot; you would have to recast it all. There are specific instructions prepared. It would take some time to do it. The judge may not be familiar with the election law.

Hon. Mr. FERGUSON—The Governor in Council would find it very easy to intervene, and it would be quite an easy matter for them to exercise an opinion as to the choice of men.

Hon. Mr. SCOTT—There is a great deal of detail in the machinery; it requires to be guided from Ottawa.

Hon. Sir MACKENZIE BOWELL—What power is it contemplated under this clause shall be conferred upon the board of registration ?

Hon. Mr. SCOTT—The board of registration appoints the enumerators.

Hon. Sir MACKENZIE BOWELL—Then the Governor in Council takes authority to invest them with certain powers. What would they be likely to be ?

Hon. Mr. SCOTT—He would give instructions to conform to the law. For instance, the Election Act and qualification of voters and all details of that kind.

Hon. Mr. FERGUSON—That would not be conferring any power.

Hon. Mr. SCOTT—And instructions as to the time within which the work should be done. That would be in view of the possibility of an election coming on. Once the enumerators are appointed by the board of registration, there is no further political interference, because they would be all opponents of the government——

Hon. Sir MACKENZIE BOWELL—That is what struck me; but what power is it necessary to invest in the enumerators ?

Hon. Mr. SCOTT—To carry out the law.

Hon. Mr. LANDRY—I suppose it would be like the instructions to the Governor General when he comes here ?

Hon. Mr. FERGUSON—There is nothing plainer to my mind than that it can be done through a board of registration which could be furnished with the necessary document.

Hon. Mr. SCOTT—Do you not think the Governor in Council would have a right to say when the work would be done ? They might otherwise take two or three months.

Hon. Mr. LOUGHEED—The only power I can think of that the government would confer on the commissioner would be to enable him to exact information from electors and things of that kind.

Hon. Mr. SCOTT—No. All the instructions would be laid before parliament.

The subclause was adopted.

On subclause 6,

6. The board of registration shall define and establish the polling divisions into which, for the purposes of the next following Dominion election, the electoral district or portion thereof for which the board is constituted shall be divided, and the names of the voters on the lists prepared and revised as aforesaid shall be distributed among such different polling divisions so that each voter shall be assigned to his proper poll.

Hon. Mr. WATSON—I desire to let the House know what these gentlemen are up against in trying to make the list. Of course it is known that a person is supposed to reside three months prior to the election in the district in which he votes when he is named on the list. I am sure the gentlemen engaged in this work will find names on the list, and of course they will naturally ask the enumerators where they are, the post office address. They will find, for instance, John Smith on the list. Well, where shall he vote ? His location is not on the list, simply his post office. Ask the enumerator. The enumerator says 'I do not know. I asked the registry clerk when the list was made up last and he said that name was on the list before it came into my hands, it was not added, and I do not know anything about it. The court will say : 'I know that man, he lived here three years. 'Well,' says the judge,' He should not be on the list at all.' Still you have got to put him somewhere. You will find many have lost their votes under such circumstances.

Hon. Mr. PERLEY—He would probably be on the list somewhere else ?

Hon. Mr. WATSON. He might be out of the country.

Hon. Sir MACKENZIE BOWELL. And the result would be personation, and that would be punishable under the law.

Hon. Mr. WATSON—There would be the difficulty of bringing that man back to vote when his vote would be off the list.

Hon. Sir MACKENZIE BOWELL. This registration is different; it is what the gentleman did with the red lie business. They will select a person who may be a resident of a provincial district, and would not be a resident of the electoral district for the Dominion. Is that the case?

Hon. Mr. WATSON—Yes that is the case.

The clause was adopted.

On clause 8.

8. It shall be the duty of the board of registration forthwith after the completion of the revision of the said lists to transmit to the Clerk of the Crown in Chancery, the sheriff of the district, the member elect, and the defeated candidate, by registered mail, a statement and description showing the limits of the polling divisions so defined and established, together with a copy of the voters' lists so finally revised certified under the hands of the members of the said board, and the provisions of sections 13 and 14 of the Dominion Elections Act shall apply to such certified copy.

Hon. Mr. KERR—I move that the words in the nineteenth and twentieth lines, 'The sheriff of the district, the member elect and the defeated candidate.' be struck out. In point of fact, there will not be a member elect in those ridings, because there will be no member before the election, and the whole policy of the law is that there should be one list only, as will be seen by reference to clause 12. That list shall be transmitted to the Clerk of the Crown in Chancery, and printed and furnished to these parties. In making out the duplicate copies there might be confusion as to which was the true list.

Hon. Mr. LANDRY—In Quebec we have the same thing.

Hon. Mr. KERR—They are sent to Ottawa, printed here and sent from here.

Hon. Mr. LANDRY—What they receive here is only a copy of what is sent to the registrar.

Hon. Mr. SCOTT—There is plenty of time in Quebec to make the lists. This refers to lists made on the eve of an election, when there is no time to make them up.

Hon. Mr. LANDRY—Does the government accept the amendment?

Hon. Mr. SCOTT—Yes, because there will not be time.

Hon. Mr. LANDRY—How will they get it?

Hon. Mr. SCOTT—The lists are only in manuscript. There is no object in printing a long list of 2,000 or 3,000 names because in the meantime the list comes down here and they are printed from it. Errors may creep in.

Hon. Mr. LANDRY—The list in Quebec is written. If a list is made on the eve of the election and sent to Ottawa, you will not get it sooner than if the copy is sent to where you are living.

Hon. Mr. ROSS—It is merely a triplication of work, and quite unnecessary.

Hon. Mr. SCOTT—Where lists have been heretofore made in all the unorganized districts, there has been only one list made; but to make lists where there are no typewriters would be difficult.

Hon. Mr. FERGUSON—The country is not beyond the bounds of civilization even there; they will have a typewriter.

Hon. Mr. ROSS—In the case of provincial lists, they are prepared and printed by the municipal council, and that printed list is sent down to the Clerk of the Crown in Chancery to be reprinted, and from that reprint the deputy returning officers are furnished with authentic voters' lists and they have ample time to do it. In this case you want one copy. Supposing you typewrite a copy, what use is it? You cannot make any use of it. Supposing you sent it to the defeated candidate, what use could he make of it and there would be no defeated candidate where there never had been a previous election. You send a copy here to the chairman of the board where it is printed and is available for the election. It is the only copy you can swear by or swear

at as the case may be, by which the elections may be governed. I think one copy would be sufficient.

Hon. Sir MACKENZIE BOWELL—The object of placing this provision in the law is the same, I suppose, as that which exists under the law. That is, particularly in Ontario, in order that the parties interested—that is the candidate or the defeated candidate who may be the candidate for the future, should have certain information. Now, by striking this out, you deprive those who are equally interested, if not most interested, of the privilege of knowing what the list really contains of that information.

Hon. Mr. KERR—No, because by the general law, under section 12, within ten days after the preparation of the list, it shall be the duty of the custodian thereof to transmit to the Clerk of the Crown in Chancery, by registered mail, a copy of the certified list.

Hon. Mr. LANDRY—A copy?

Hon. Mr. KERR—A copy signed.

Hon. Sir MACKENZIE BOWELL—That is for the purpose of having the voters' list registered here and printed for distribution, but this provision is in order to convey information to those most interested. That is now, and has been for a great number of years, the law in Ontario. If this is struck out, then the defeated candidate will be deprived of information until the list has been printed in Ottawa and sent to a returning officer when an election is to take place. Is it not advisable that the parties most interested should have all the information possible before an election takes place? There may be irregularities to which those parties who are interested will call the attention of the government or this board of registration and have them amended. I am surprised that the government accept that proposition, unless they desire to withhold from those most interested in the election information that they should have.

Hon. Mr. LANDRY—In the provinces, the list is made by the municipal authority. A copy is sent to Ottawa to the Clerk of the Crown in Chancery, who orders the publication of that list, and twenty copies are sent to each of the candidates. By this law the new list is made on the eve of an election, and you cannot send a copy here and have it printed in time to be sent out to the officers. It is for that reason you provide for copies being sent to both candidates.

Hon. Mr. SCOTT—The law requires that so soon as the list is printed a copy has to be sent to each candidate.

Hon. Mr. FERGUSON—That would be too late.

Hon. Mr. ROSS (Middlesex)—I think the hon. gentleman had better not press that amendment.

Hon. Mr. SCOTT—It is quite impossible to have it done.

Hon. Mr. KERR—If by any chance the copy is not the same, if some of the names are spelled differently in the different copies, then the one is not the same as the printed copy, and all kinds of confusion may creep in. The plan in the Dominion Act now is to furnish the one and only copy to the printer, and that is signed by the officer. It is printed, from that and you have accurate copies for everybody.

Hon. Mr. ROSS (Middlesex)—I may appear to be arguing against what I said before. Each candidate, and as many of his committee men as choosen, can get copies of the printed lists before a copy is sent to the Clerk of the Crown in Chancery. The revision is in open court, and all they have to do is to add to the printed lists. So many copies are sent to each candidate and to others in each constituency, and you can procure any number of copies. If I were a member of the House of Commons I would strongly oppose this amendment. You are working up a campaign and you have no copy of the electoral list in your district, because the only copy went to the Clerk of the Crown in Chancery. In my first election, in 1872, when there were no printed lists, I sent some one to the clerk of the peace, who had the only certified copy of these lists, and had copies made of all the voters in my constituency and had them printed at my own expense

Hon. Mr. ROSS

for the benefit of the electors. If you had to do that in this case you would have to go to the Clerk of the Crown in Chancery and get a copy.

Hon. Mr. SCOTT—They are printed instantly.

Hon. Mr. ROSS (Middlesex)—The copy which is final and conclusive is the copy sent to the Clerk of the Crown in Chancery. It may be open to this reflection, that if the names are omitted by the King's Printer from the list supplied, the charge may be made that they were omitted purposely.

Hon. Mr. KERR—There is not any trouble about each party having its own copy of the list. There should be but one copy of the official list, and that is the one sent to the King's Printer.

Hon. Mr. ROSS (Middlesex)—But there are any number of copies in the constituency other than the ones sent to the King's Printer. In this case there are only three; but in the case of the lists printed for other constituencies, there may be forty or fifty. It has happened in previous elections, and it may happen again, that names certified to by the clerk of the peace were sometimes dropped in printing the list in Ottawa here. These mistakes have occurred in connection with the old constituencies, and they may occur in connection with the unorganized districts.

Hon. Mr. SCOTT—The lists in those unorganized districts could only be made on the eve of an election. Hereafter, the elections are to be held if possible on the same day, and, therefore, there is really no time to do it. I am quite sure it has not been done in Ontario.

Hon. Mr. ROSS (Middlesex)—To do what?

Hon. Mr. SCOTT—In Ontario they made a special law for the preparation of the lists in the districts we are talking of now. I am quite sure that in that law no provision was made for supplying three copies of the lists.

Hon. Mr. LOUGHEED—How are the candidates to know who their electors are? Arbitrary dates are fixed for the revision of the list, and power is given the Governor in Council to change those periods, and the candidates may be on the eve of an election without any knowledge of the lists.

Hon. Mr. SCOTT—Those lists have never been printed heretofore. Now the intention is to print them.

Hon. Mr. LOUGHEED—This is new legislation. There is nothing parallel to it in the statutes, and the very fact of its being in an unorganized territory seems to me the greater reason why information so necessary should be facilitated in every way, so far as the candidates are concerned.

Hon. Mr. FERGUSON—My hon. friend will see that from the standpoint of the opposition, this is a very serious thing.

Hon. Mr. SCOTT—It is precisely the same with the government.

Hon. Mr. FERGUSON—We have reason very strongly to suspect that the friends of the government would get a copy from the Clerk of the Crown in Chancery, whether the opposition candidate would get it or not.

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—A provision of this kind at once suggests that something is wrong. Why is there any difficulty in getting these lists? Could they not be typewritten and manifolded? They would all be the same then. The reason set up by the hon. gentleman from Toronto, that there might be contradictions and discrepancies, does not apply to manifolded typewritten copies. They would be uniform. But now you shut down on that, and send the list to the Clerk of the Crown in Chancery and there is a possibility that the government would furnish facilities for forwarding copies to their friends which they would deny to their opponents. Is that fair or right? In view of what we have known to happen in Canada with regard to ballot boxes, we have good reason to object. It is only the other day something happened with the ballots in the Clerk of the Crown in Chan-

cery's care. I do not say it was anything but by accident, but it creates some degree of unrest in the public mind. An election was being contested, and it was found that the ballots had been destroyed. In view of that, the opposition can see nothing but some possible disadvantage for them in this clause.

Hon. Mr. SCOTT—I can understand how my hon. friends, who are not familiar with the practice, can conjure up difficulties. Neither side will get copies.

Hon. Mr. FERGUSON—Oh, yes, the government candidate will.

Hon. Mr. SCOTT—The hon. gentleman can put Dr. Dawson on his oath and let him say whether copies have been sent to the government candidates.

Hon. Mr. FERGUSON—The government candidate may by some means get a copy of the list earlier than the opposition candidate, and have it printed.

Hon. Mr. SCOTT—To meet the hon. gentleman's view would involve a delay of ten days and, now that the elections are to be held on the same day, that would make a great difference. Neither candidate has an advantage over the other. Both are on an equal plane. It is provided that this official list is to be sent forthwith to Ottawa to be printed and when it is printed, copies are to be sent to all parties interested at once. If you are going to wait to have it copied after it is revised, it will involve delay. In many cases, it has been impossible to print or even make copies of the list in the elections held in the Northwest, before the recent changes. They are now, I understand, preparing a list, and I could see that it gives rise to very serious fraud where the list was prepared immediately after the enumerators had done their work and before anybody had an opportunity of examining it before it is printed. Whereas, in the course now intended, it is certified by the officials, by the King's printer, and the candidates get a copy just as soon as it can be of any value to them. The objection I see to it is the delay that may arise. You cannot name the nomination day until the lists are ready.

Hon. Mr. FERGUSON

Hon. Mr. LOUGHEED—There are no lists for the Northwest until the writ is issued, and about four weeks time is given to appoint the enumerators and organize, and consequently only about two weeks are permitted for the preparation of lists, and copies are invariably furnished by the enumerators, but where we have a provision under clause 9 that the lists shall be prepared between the first day of August and the fifteenth of October in each year—the whole of August, September, and the whole of October—and yet in the Northwest to which my hon. friend alludes as an illustration of the impossibility of doing this, the whole thing is done after the returning officer organizes his district. Where a month and a half is given for the preparation and revision of the list, and that time can be changed to any other month of the year, it is idle to say that lists cannot be furnished.

Hon. Mr. WATSON—The hon. gentleman is aware that he cannot compare the lists in the unorganized districts with the lists of the Northwest Territories. In the unorganized districts, any elector whose name does not appear on the lists, and who is qualified and prepared to take the oath can go and vote. The list is got up for convenience, but it does not necessarily follow that only those whose names appear on the list have a right to vote.

Hon. Mr. LOUGHEED—Is there anything to preclude this machinery from being set in motion sufficiently early before an election to permit of those lists being furnished? Every hon. gentleman must freely admit that the first essential to a candidate in conducting an election is to have the list, and to say that you wish to send that candidate through the barren wilderness of an unorganized territory without a list, is to impose upon him hardships of a serious character. There is no question the government candidate, whether Conservative or Liberal, will be furnished with the list and the opposition candidate will not.

Hon. Mr. SCOTT—If there is any suspicion that this is being done for a purpose, I should not for a moment consent to its being struck out. I cannot myself conjure

up any fraud or favouritism that can take place; but if there is an impression of that kind I would rather yield. So long as there is a suspicion that the government are trying to do something that is unfair I will not proceed with it. At least let it stand until I have an opportunity to make inquiry as to the reason for making the change. The Bill affects the other Chamber, and I want to consult somebody belonging to the other Chamber.

Hon. Sir MACKENZIE BOWELL—Then I shall not discuss it any further.

The clause was allowed to stand.

On subclause 12,

12. Each enumerator for preparing, and each judge for revising the said lists or doing any of the work above described, shall be entitled to be paid for the time during which he is actually engaged therein the sum of five dollars a day, together with his necessary disbursements for travelling. The expenses of preparing and revising the voters' lists and distributing the names thereon as herein described shall be paid out of any moneys appropriated by parliament for that purpose.

Hon. Mr. FERGUSON—It is very doubtful whether we should vote $5 a day to a judge while he is doing this work. We impose this upon him as a judicial duty. The County Court judges have the softest job of any people I know.

Hon. Mr. KERR—They are not very highly paid.

Hon. Mr. FERGUSON—They are not, but I think the principle involved in this clause is a bad one.

Hon. Mr. FROST, from the committee, reported progress and asked leave to sit again at the evening sitting.

The Senate adjourned until 8 p.m.

Third Sitting.

The SPEAKER took the Chair at eight p.m.

Routine proceedings.

NATIONAL BATTLEFIELDS BILL

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (219) 'An Act respecting the National Battlefields at Quebec.'

The Bill was read the first time.

Hon. Mr. POWER moved the second reading of the Bill. He said: This Bill is intended to enable the National Battlefields Commission, subject to the approval of the Governor in Council, to purchase, acquire and hold certain lands at Quebec, including the site of the battle of St. Foye and part of the Plains of Abraham. It is a matter, I suppose, about which there can be no difference of opinion.

Hon. Mr. LANDRY—I suppose this Bill is the result of the entente cordiale, and I think we should have it in French.

Hon. Mr. POWER—I think great care will be taken that the Clerk of the Crown in Chancery shall read the title of this Bill in French.

Hon. Mr. LANDRY—I suppose the hon. member will be in a position to tell us that the Governor General has given his sanction, as it is a money Bill?

Hon. Mr. POWER—Yes.

Hon. Mr. LANDRY—The Auditor General is authorized to make known to this House that the Governor General has given his sanction.

Hon. Mr. POWER—I think there is reason to assume that, because there is a very vigilant opposition in the House of Commons and if the proper sanction had not been given the Bill would not have been presented.

Hon. Mr. FERGUSON—We have known that to happen before, and the leader of the government must be able to speak positively on the point or we cannot proceed with the Bill. Rule 70 is very clear on the subject.

Hon. Mr. LANDRY—The money is already voted and parliament is giving authority to apply the money in such a way.

Hon. Sir MACKENZIE BOWELL—This Bill involves the expenditure of a large amount of money, and I think we should have a lucid explanation. For my part I desire some information before I permit this to pass.

Hon. Mr. LANDRY—The preamble reads:

Whereas the National Battlefields Commission has requested that it be empowered to purchase, acquire and to hold the land or immovable property herein referred to and it is expedient to comply with its request, therefore His Majesty, &c.,

Now comes the first and last clause:

The National Battlefields Commission may, subject to the approval of the Governor in Council purchase, acquire and hold the lands and immovable property set forth and described in the schedule in this Act.

Hon. Sir MACKENZIE BOWELL—What property are we purchasing and what are we paying for it? Is it the property held by the Ross Rifle Company?

Hon. Mr. LANDRY—No.

Hon. Mr. FERGUSON—The question has been raised whether this was a Bill involving an expenditure of money, and whether it had received the sanction of the Governor General.

Hon. Mr. SCOTT—I can say it has. In the first days of the session, a commission was appointed known as the Commission of the National Battlefields of Quebec, and parliament voted $300,000. At first it was assumed that part of that money would be spent in acquiring the property necessary; but it soon became apparent that the whole of the money would probably go in fireworks and celebration in Quebec. That Bill contained a clause that no property should be bought without the authority of parliament. That seems to have been overlooked, and some months ago when the subscriptions commenced to pour in for the purchase of the grounds that were considered sacred in connection with the landing of Champlain and the battle of the Plains of Abraham, it was decided that no part of that money should be appropriated for any other purpose than the purchase of the battlefield, and it was announced that the deeds were to be in shape for the Prince of Wales to hand over the title on his arrival. However, this statute stared them in the face and they were unable to make any purchase, and that is the necessity for this Bill. This measure authorizes the commission which has been appointed, to acquire the lands which are considered necessary to commemorate the important event, and I understand that it contains no more than the areas that are really required for the purpose named.

Hon. Mr. FERGUSON—Is there a power of expropriation?

Hon. Sir MACKENZIE BOWELL—Is it to be paid out of the appropriation voted?

Hon. Mr. SCOTT—No, paid out of the contributions received. Of course if there is any balance of the $300,000 it will be used.

Hon. Mr. LOUGHEED—How can this parliament give authority to the Battlefields Commission to make an application of that fund? That fund is not within the control of this parliament, and it was not intended that application should be made to parliament to authorize the commissioners to expend that fund. Quite the contrary. When the Bill was before this chamber for the vote of $300,000, we were then given to understand by my right hon. friend that parliament would be put in possession of the fullest possible information respecting the purchase of all lands by the commission.

Hon. Sir RICHARD CARTWRIGHT—Undoubtedly that is so.

Hon. Mr. LOUGHEED—We are asked now to give authority to the commission to buy a number of parcels of land without having any information before us as to what these lands will cost, without any information as to whether it will complete the contemplated purchase to be made by the commission. There is such a paucity of information in the Bill that I think the government should not ask the chamber, particularly at this late hour of the session, to pass upon the Bill. In fact there is not only a paucity of information, but to use a paradoxical expression, there is no information as to what it is going to cost the country from time to time.

Hon. Mr. SCOTT—It is not possible to foreshadow, because the moment you talk about it the price goes up, and then the commissioners feel themselves bound up. The statute that we passed absolutely deprived them of any power to acquire lands except with the authority of parliament, a very foolish thing to do.

Hon. Mr. LOUGHEED—They have power under the Act which we passed a few months ago, to expropriate land.

Hon. Mr. SCOTT—They have no powers of expropriation whatever.

Hon. Mr. LOUGHEED—Oh, yes. It was made subject to the submission to parliament of whatever action might be taken by the commission.

Hon. Mr. LANDRY—They have certainly power to expropriate and spend the money without showing for what purpose, and this Bill is evidently to show where the money is going. I think we should have a plan. The government are not in possession of any information on the subject.

Hon. Mr. LOUGHEED—They have a right to ask the commission for it.

Hon. Mr. SCOTT—No, because the purchases will be limited by the amount of money they receive. This parliament is not giving any more money. The money is coming from the public.

Hon. Mr. LOUGHEED—This Bill asks for authority to expropriate lands. Immediately they are expropriated and the amount of money is agreed upon, another Bill will be brought before parliament to vote that amount.

Hon. Mr. SCOTT—Then it will just cost double the amount. We had no right to tie it up in the way we did. Options should have been taken three or four years ago when property was at a low price.

Hon. Mr. LANDRY—I think that was done. I think options were asked from each of the proprietors, and most of the proprietors had given options.

Hon. Mr. SULLIVAN—Was this $300,000 voted by parliament to go to any specific purpose or to the general fund ?

Hon. Mr. SCOTT—No it was to be spent on the celebrations coming on at Quebec. All parties subscribing were given an assurance that no part of that fund was to go for the purchase of land. We are not granting them money. We are simply allowing them to use the money they had on hand for the purchase of the land, and the longer it drags on the more it will cost.

Hon. Mr. LOUGHEED—Surely my hon. friend has some information about it.

Hon. Mr. SCOTT—Oh no.

Hon. Mr. LOUGHEED—The government must have asked the price of the lands ?

Hon. Mr. SCOTT—No. My hon. friend is mistaken. The government has nothing to do with it. We are authorizing the commission to spend that money in the purchase of lands.

Hon. Mr. FERGUSON—What have we to do with them?

Hon. Mr. SCOTT—You took from them the right to buy the land. It was a stupid thing to do.

Hon. Sir RICHARD CARTWRIGHT—It was done by the government.

Hon. Sir MACKENZIE BOWELL—The statement is clear enough. There is no question that if the contributions are not sufficient to meet the amounts required to pay off the parties from whom the property was purchased, it will have to be voted by parliament, and we will be asked to vote whatever balance may be required. It is all very well to say you are not asking any money at the present moment; we understand that, but it involves the expenditure of money, and in case the amount is not sufficient, parliament will be asked to meet the deficit.

Hon. Mr. SCOTT—There is no promise of that kind.

Hon. Sir MACKENZIE BOWELL—I understand that, neither was there any promise with the Quebec bridge.

Hon. Mr. SCOTT—There is no parallel.

Hon. Sir MACKENZIE BOWELL—The country is asked to assume the whole responsibility; but whether they intend to pay the parties who subscribed for the stock of the Bridge Company is not known yet, and it is just the same with the Bill before us.

Hon. Mr. SCOTT—I have the former Bill before me now. 'An Act respecting the National Battlefields at Quebec, Clause 1 says :

No land or immovable property shall be purchased or acquired by the commission except with the previous authority of parlia-

ment and no expenditure shall be made by the commission until it has been approved of by parliament.

Hon. Mr. FERGUSON—That will be out of the $300,000 we voted ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—Is it possible the commission is in the hands of the land owners of Quebec, when the hon. gentleman says the prices are going up ? An arrangement is being made to purchase these battlefields next week, and if no option has been secured, as my hon. friend from Stadacona seems to think there has——

Hon. Mr. SCOTT—The hon. gentleman knows more than I do about it.

Hon. Mr. FERGUSON—The government should know.

Hon. Mr. SCOTT—How should they know ?

Hon. Mr. FERGUSON—I am afraid the government will be far more responsible in the end.

Hon. Mr. SCOTT—I cannot understand how they can be held responsible. They do not ask for any more money. If any more money is wanted, they will have to come to parliament for it. I say that to my knowledge at all events, unless the hon. Senator from Quebec says they have actually obtained options, that we are only making it more difficult for the commission to buy the land the longer it is put off.

The motion was agreed to and the Bill was read the 2nd and 3rd times and passed.

DOMINION ELECTIONS ACT AMENDMENT BILL.

THIRD READING.

The House resumed in Committee of the Whole consideration of Bill (115) 'An Act to amend the Dominion Elections Act.'

(In the committee.)

On subsection 8 of clause 1.

Hon. Mr. SCOTT—I was going to suggest a fair compromise, that in addition to sending a list to the Clerk of the Crown in Chancery, a list should be filed with the sheriff and the candidates can get their copies there.

Hon. Mr. LANDRY—If the sheriff loses that list, what shall happen ?

Hon. Mr. SCOTT—A duplicate will be printed in Ottawa.

Hon. Sir MACKENZIE BOWELL—I cannot understand why, on a question of this kind, it should be termed a compromise. There was no compromise asked for. The objection taken to procuring these copies was that it would take up too much time, and it was impossible to prepare three copies, one for the sheriff and one for each of the candidates. Now the hon. gentleman proposes a compromise to have a copy made for the sheriff. In making that copy, with the use of the typewriter, you can make three copies just as easy as you can make one. It seems to me there must be some hidden reason.

Hon. Mr. SCOTT—I will make no more attempt.

Hon. Sir MACKENZIE BOWELL—I do not accuse the government, but there seems to be some hidden reason for depriving candidates of this information. Why should we take so much time and trouble in connection with a matter of this kind, when three copies can be made as well as one, if there is not some ulterior reason for the course suggested ?

Hon. Mr. LOUGHEED—Does not my hon. friend think it rather unseemly that we should attempt to amend the provisions of this Bill which can affect only the members of the Commons, and which has been carefully thought out and lengthly discussed in that House ? It seems to me it is presumption for us to do so. True we have a right to do so, but that observation applies much more strongly in this case than to other Bills. If a list is withheld from a candidate and sent to the Clerk of the Crown in Chancery, and then to the Printing Bureau, what guarantee has the opposition candidate that the printed list is a copy of the revised list ? I know of an instance in northern Ontario, in one of those same constituencies where this same thing happened last session, where the printed list omitted as many as a dozen names of the supporters of the Conservative candidate in one poll, and it happened that this

thing was repeated. He had not the opportunity of comparing the printed list with the revised list, and only discovered it when it was too late to have it mended. I do not for a moment say that my hon. friend has any such object as this in view, but we are fighting practically the coming election. The hon. gentleman who moved this amendment has evidently had in view an undue advantage which could be taken by the government candidate.

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—I am not referring to my hon. friend. I am referring to the hon. gentleman who proposed the amendment. No one can doubt that if this amendment should pass, the government candidate would be furnished with a copy of this list and the limits of the polling division, and would go into that constituency thoroughly prepared with all the information the government could give him, while the opposition candidate would be entirely deprived of the elementary information which every candidate should have. Under the circumstances, it cannot be said that it is unreasonable that we should insist upon those lists being furnished to the candidates.

Hon. Mr. SCOTT—I should be very sorry to hold the opinions of my political opponents that my hon. friend holds of the Liberal party. He states what is an absolute impossibility to happen. He must know that a dozen names could not be struck off, because the provisions of the Northwest Act——

Hon. Mr. LOUGHEED—I did not refer to the Northwest; I referred to Northern Ontario.

Hon. Mr. SCOTT—I hastily saw Mr. Aylesworth; I had not time to discuss it with him; I asked if it was important, and he said it was, that time might be lost and there might be a difference in the copies. Supposing a duplicate is left in the sheriff's office and both parties have an equal chance, what harm can be done there?

Hon. Mr. FERGUSON—I am told that this provision now attempted to be struck out was put in at the instance of the opposition of the other House and accepted by the government, and it is practically a breach of faith to try and strike it out here.

Hon. Mr. SCOTT—If the hon. gentleman states that on honour, I would not hesitate for a moment, but I cannot conceive what possible injury can accrue to any one from the suggestion. However, if there is a suspicion that there is any concealed wrong, I will let it go. I should be sorry to entertain the feeling the opposition seem to entertain of the Liberal party.

The subclause was adopted.

On subclause 12,

Hon. Mr. FERGUSON—This clause deals with Manitoba, and as there are no new names to be put on in Manitoba why should there be enumerators?

Hon. Mr. SCOTT—It must take time to distribute the names. I venture to say that in the electoral district of Macdonald four thousand names have to be transferred, and it is only a man with local knowledge who can transfer those. I have a plan in my room which shows that there are eight of the provincial districts with a half or one-fourth or one-eighth in the electoral district of Macdonald, and those names have to be changed according to the locality in which the voter lives, and that can only be done by a man with local knowledge.

The subclause was adopted.

Hon. Mr. LANDRY—I wish to move an amendment to section 69 of the Act. That section is as follows:

Except as in this Act otherwise provided, any British subject may be a candidate for election for a seat in the House of Commons.

I propose to amend that by adding the following words:

But only for one seat in the House of Commons.

Hon. Mr. SCOTT—That is a matter for the House of Commons altogether. I think we had better not interfere.

Hon. Mr. LANDRY—If that is only for the House of Commons, I do not see why the hon. gentleman was so anxious to accept an amendment this afternoon.

Hon. Mr. SCOTT—You see I did not accept it.

Hon. Mr. LANDRY—Well, I propose my amendment.

The amendment was declared lost on a division.

On clause 21,

21. Section 173 of the said Act is amended by adding at the end of paragraph (c) the following proviso:

. Provided however, that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

Hon. Sir MACKENZIE BOWELL—This clause is open to a great deal of objection. Difficulties have arisen in the past on account of blunders made by returning officers in adopting the former provision of the Ontario law at a Dominion election. Under the old Ontario law, as it existed some years ago, you had to put a number upon the ballot similar to that which was upon the voters' list in order to ascertain, in case of a protest, whether the party whose vote had been objected to really had a right to vote.

Hon. Mr. ROSS—A scrutiny of the ballot.

Hon. Sir MACKENZIE BOWELL—But in a number of cases the returning officers acted upon the provisions of the Ontario law at the Dominion elections, and by that means disqualified the man in some case who had the majority of votes cast for him. I noticed on this question in the House of Commons the leader of the opposition asked this question: 'Supposing a returning officer should write the name of the voter upon the ballot paper, would that ballot be counted for the party for whom it was cast?' And the answer was: 'Yes.' In a case of that kind, it would clearly show how the man voted, and it would lead to any amount of corruption. Why should not something similar to this be added: 'Provided, however, that no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any returning officer, unless such mark is of a character to identify or indicate who the voter is.' In that case it would only apply to a mark which would indicate the party who gave the vote. Of course, the vote itself would show for whom it was cast. What objection would there be to adding these words, because our object is to prevent bribery and corruption as far as possible. I move that the following words be added to this clause.

Unless such mark is of a character to identify or indicate who the voter is.

Hon. Mr. ROSS (Middlesex)—Any mark might be used as an identification mark if there is collusion. There is the danger. It might be the figure 6, or X, or any cypher. For instance, I have paid a man for his vote, and I have instructed that man to make a mark on his ballot so that when the ballot is counted a certain mark will appear on it. I have my ballot, and the scrutineer sees that mark and knows it is the ballot of John Smith, who received $5 to vote for Sir Mackenzie or your humble servant. That is a mark of identification.

Hon. Mr. FERGUSON—Not by the returning officer.

Hon. Mr. ROSS—It is on the ballot. The Ontario Act, VI. Edward, 1906, says:

But no word, letter or mark, written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall void the same or warrant its rejection.

The clause as it stood before the Act of 1906 read:

In counting the votes, the deputy returning officer shall object to all ballot papers here in called rejected ballot papers:

(a) which have not been supplied to him;

(b) by which votes have been given for more candidates than are elected;

(c) upon which there is any writing or mark by which the voter can be identified other than the number placed thereon by the deputy returning officer provided for by section 108.

At that time we used a numbered ballot, and the ballot was not to be rejected on account of that number. Since the numbered ballot has been rejected, we have added the provision which I read, VI. Edward, 1906. That is the English law, too. A voter is not to be disfranchised by inadvertence or by criminality of the deputy returning officer. The franchise is sacred, and he must not be disqualified by any accident or by the malice aforethought of the deputy returning officer, that the matter be fought out afterwards as best it may.

I think the provision in the law is a good one. The hon. Secretary of State referred to the Wentworth election, where the candidate who had a majority of the votes, Mr. Seeley, lost the seat on account of the ballot papers being numbered by the deputy returning officer, and it was not shown that it was done through malice or evil intent, but he lost the seat.

Hon. Mr. FERGUSON—The successful candidate refused to take the seat, and there was another election.

Hon. Mr. ROSS—Yes, there was a new election, and Seeley was defeated. The identification of the ballot is a small matter compared with the right of the elector.

Hon. Sir MACKENZIE BOWELL—I do not think this clause refers exclusively to marks made by the returning officer. It refers to the scrutiny before a judge, and no matter what marks may be made upon the ballot, whether by any one, even the voter himself, by which he could be identified, is allowed to be counted. I propose to add 'except in such cases as to indicate who the party was that cast the vote.'

Hon. Mr. ROSS—How would you show it was a mark to indicate that?

Hon. Sir MACKENZIE BOWELL—That is for the judge to decide. If I saw the ballot, and knew who put the mark upon it I would know it. The difficulties referred to by the hon. gentleman who has just spoken, no doubt have occurred in Ontario. We had a case in the county of Hastings, and that was referred to by the Minister of Justice, being a nephew of the Minister of Justice himself. But that was one of the cases which shows, shall I say the dexterity of lawyers? There were two lawyers conducting this case. One was James Bethune, a very prominent and eminent counsel, and when the question came up before Judge Armour for consideration, he insisted that a marked ballot should be allowed; but when he took that ground he was not aware that there were other polling divisions in which the ballot had been numbered in the same way, and the counting of the whole of them or the disallowing of them would have returned the Conservative candidate, and the judge was about annulling the election when the late John White, who represented East Hastings for some time, made this proposition to the judge:

I do not desire to occupy a seat in parliament unless I am legally elected. As you are about setting the election aside, annul it altogether, and let each party pay his own costs and we will fight it out again.

That was a suggestion made by a Conservative, although he could have been seated if he had taken advantage of the technicalities. He acted in a similar manner to Mr. Smith, of Wentworth. He ran over again and was elected by a good majority. I can see in this clause the opening of the door to any amount of fraud. Unless it be protected in some way, frauds will arise. My hon. friend the Secretary of State expressed great horror and surprise that the leader of the opposititon should have so little faith in certain parties, and particularly in the Liberal party. We know where sheriffs in our province, in some districts, have been implicated in the grossest possible manner in these elections, and it is a very great misfortune that men who are exemplary in all other walks of life, when you come to the question of elections they do not think it any harm to perpetrate any amount of iniquity in order to gain their point. Fifty years experience in battling in elections has lead me to that conclusion. If the amendment is rejected, I will move it again on the third reading.

Hon. Mr. WATSON—If the hon. gentleman refers to clause 26 he will observe that penalties attached to deputy returning officers who shall place such marks on the ballot. The clause reads as follows:

26. Paragraph (j) and the concluding paragraph of section 255 of the said Act are repealed and the following paragraphs are substituted therefor:

(j) being a deputy returning officer, places upon any ballot paper, except as authorized by this Act, any writing, number or mark with intent that the voter to whom such ballot paper is to be, or has been, given may be identified thereby; or

(k) manufactures, constructs, imports into Canada, has in possession, supplies to any election officer, or uses for the purposes of an election, or causes to be manufactured, constructed, imported into Canada, supplied to any election officer, or used for the purposes

of any election, any ballot box containing or including any compartment, appliance, device or mechanism by which a ballot paper may or could be secretly placed or stored therein, or, having been deposited during polling, may be secretly diverted, misplaced, affected or manipulated; or

(l) attempts to commit any offence specified in this section, shall be disqualified from voting at any election for a term of eight years thereafter and guilty of an indictable offence and liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the election, to imprisonment, without the alternative of a fine, for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person to imprisonment for a term not exceeding three years and not less than one year, with or without hard labour.

The penalties are very severe. It appears to me that the returning officer who has the Election Act before him, or the deputy returning officer or poll clerk, and they know what the law is, there is very little danger of making any mark, and I think it would be perfectly safe to provide that the elector shall not be disfranchised because of any marks on the ballot. The officers would be very careful not to violate the law when the penalties are so severe.

Hon. Mr. LANDRY—These penalties are only imposed if you prove the criminal intent of a returning officer that the voter should be identified.

Hon. Mr. WATSON—That is all the amendment refers to. The fact that the ballot can be identified is the evidence.

Hon. Mr. LANDRY—That does not prove anything.

Hon. Mr. PERLEY—There is only one solution of this matter, and that is to repeal the whole proviso, and in that case the returning officer would not mark the ballot because he would be fined; but if you repeal the clause it would not be there to be used by a man canvassing a vote. This penalty would not cut any figure. If you put a man in the penitentiary the remainder of his life, it would make no difference, because a clause is there to show that a mark may be put on the ballot. If the government wants to have an honest, fair election, they will strike out the clause.

The amendment was declared lost on division.

Hon. Mr. PERLEY—I move in amendment that clause 21 be struck out.

Hon. Mr. LANDRY—Will we have a statement from the Secretary of State in regard to this question and not merely a vote? The hon leader of the House was not in the Chamber when the hon. gentleman from Wolseley exposed the whole working of that clause which was used to make an elector believe that he could be recognized.

Hon. Mr. PERLEY—This is susceptible to be used for the purpose of causing bribery and corruption in the way I have explained. I venture to say I can go into any constituency where the voters are purchasable and secure the election of any candidate by this means. The returning officer does not mark the ballot, but the voter casts his ballot on the assumption that the returning officer will, and that serves the purpose.

The clause was adopted.

On clause 26,

Hon. Mr. PERLEY—This is the clause where the amendment I have been suggesting could be appropriately inserted. The first part of the clause is unnecessary, because, as I have shown, the best system of bribery can be carried out without the returning officer violating the law. I noticed the moment I began to explain where this Bill was defective, and suggested an amendment, that both of the ministers in this House left the chamber, and when the hon senator from Hastings moved an amendment, neither of them deigned to give an explanation, showing that the hon. Secretary of State knows that what I have said is correct.

Hon. Sir MACKENZIE BOWELL—We have had cases where people other than the returning officer have marked ballots. Such a case occurred in the county of Hastings, where the ballot boxes were taken into a printing office and afterwards it was found that quite a number of the ballots were marked with a small cross. That was done by a secret conclave where they opened the boxes.

Hon. Mr. WATSON—Something of the same kind was discovered in the recount in the recent London election.

Hon. Sir MACKENZIE BOWELL—That is the last election one would expect a Liberal to speak of. If there ever was an election that disgraced a city and the parties connected with it, it was the London election.

Hon. Mr. WATSON—I refer to it to show that something similar to what the hon. gentleman has described as having occurred in Hastings took place in London. Although the majority was twelve or thirteen hundred, the defeated candidate asked for a recount, and it was discovered that a great number of ballots were marked as the hon. gentleman described, with a little cross, evidently put there before the ballots were deposited in the boxes.

The clause was adopted.

On clause 33,

Hon. Sir MACKENZIE BOWELL—This provides against the employment, I suppose, of strangers to canvass in a constituency. Can my hon. friend tell us why this clause is inserted?

Hon. Mr. SCOTT—There have been a couple of instances of persons from the United States being engaged to canvass in elections.

Hon. Mr. ROSS (Middlesex)—In the last election, persons came from Buffalo and canvassed in the county of Lennox, and when they were wanted for witnesses when the election was protested, they could not be found. The suspicion was that they had been doing something irregular. If they could have been caught during the canvass you had them, but there was no law to indict them. I think the clause is a good one.

The clause was adopted.

On clause 36,

36. No company or association other than one incorporated for political purposes alone shall, directly or indirectly, contribute, loan, advance, pay or promise or offer to pay any money or its equivalent to, or for, or in aid of, any candidate at an election, or to, or for, or in aid of, any political party, committee, or association, or to, or for, or in aid of, any company incorporated for political purposes, or to, or for, or in furtherance of, any political purpose whatever, or for the indemnification or reimbursement of any person for moneys so used.

2. Every director, shareholder, officer, attorney, or agent, of any company or association violating the provisions of this section, who aids, abets, advises, or takes part in, any such violation, and every person who asks or knowingly receives any money or its equivalent in violation of the provisions of this section, is guilty of an indictable offence and liable to a fine not exceeding one thousand dollars, or to imprisonment for a term not exceeding two years, or to both.

Hon. Sir MACKENZIE BOWELL—I want to call attention to an important omission from this Bill. I do not find any clause providing for the punishment of ministers who promise the expenditure of public money in constituencies in order to secure the return of government candidates. We have illustrations of ministers going into constituencies and promising to construct post offices, bridges, railways and all sorts of public works. Is it not a greater crime for a minister, who is in a position to carry out his promises, though he uses the public funds to do so, than it is for a private individual to make promises to electors in case his candidate is elected?

Hon. Mr. ROSS (Middlesex)—If you go that far, you will have to abolish Supplementary Estimates.

Hon. Sir MACKENZIE BOWELL—A very good suggestion, indeed. More particularly when you consult, as my hon. friend no doubt has consulted, the last supplementary estimates laid before parliament, where we find some hundreds of appropriations for bridges, post offices and all kinds of works on the eve of an election. My hon. friend, the Secretary of State, might consider it improper if I were to ask him if there is a probability of an election before snow fall this year, because the supplementary estimates furnish very strong indications that the elections are near at hand. Does not my hon. friend think, in all seriousness, particularly if he were on this side of the House, and we were on that side of the House and had power to carry out the promises made by members of the present government, that we should either cease to be members of the government or be severely punished or disqualified? I put these questions in all seriousness. I am strongly of the opinion that it should be done. It is not a new idea, because when the election law was under consideration some years ago, I proposed such an amendment, but the virtue of the major-

ity was strikingly illustrated by the rejection of my motion. I am very earnest in what I say. The hon. Secretary of State seems to doubt it, because he smiles at the proposition. Give us you honest opinion on this question?

Hon. Mr. SCOTT—I think I would disqualify the minister if he did not carry out his promise.

Hon. Sir MACKENZIE BOWELL—I hope that is placed on record. He would disqualify the minister who promised a bribe if he did not carry it out.

Hon. Mr. SCOTT—Not at all.

Hon. Sir MACKENZIE BOWELL—I accept that as an evidence of conversion.

Hon. Mr. SCOTT—I said nothing about bribe. I spoke about——

Hon. Sir MACKENZIE BOWELL—No explanation is necessary after that.

Hon. Mr. CAMPBELL, from the committee, reported the Bill with an amendment which was concurred in.

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

EDMONTON, YUKON AND PACIFIC RAILWAY EXTENSION BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (213) An Act respecting aid for the extension of the Edmonton, Yukon and Pacific Railway.

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: This Bill authorizes the government to guarantee the bonds of the Canadian Northern for a railway in the vicinity of Edmonton in the province of Alberta, to a point at or near Brousseau river and the head of Macleod river, where it is said there is a valuable bed of coal.

Hon. Mr. LOUGHEED—What is the mileage?

Hon. Mr. SCOTT—The whole mileage is 150.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. LOUGHEED—What is the subsidy?

Hon. Mr. SCOTT—Thirteen thousand dollars a mile, I think. The whole distance is one hundred and fifty miles. It is a guarantee for fifty years. The securities shall be secured by deed or deeds of trust by way of mortgage or charge, approved by the Governor in Council. Such deeds shall respectively grant a first mortgage or charge upon the said line of railway.

Hon. Mr. LOUGHEED—Does it cover the equipment or the roadbed?

Hon. Mr. SCOTT—Right of way, station grounds, real estate, rolling stock, equipment, plant, machinery, tools and other presonal property present and future required for the said line, and so on.

Hon. Mr. LANDRY—Fifty miles at $13,000 and 100 miles at $25,000. What is the total?

Hon. Mr. SCOTT—I have not made it up.

Hon. Mr. LANDRY—It is $3,150,000, if I am not mistaken.

Hon. Mr. ROY—About that.

Hon. Mr. SCOTT—It is going through a section of country where the Dominion will not run any risk. It is likely to pay from the beginning. The coal mines will be valuable.

Hon. Sir MACKENZIE BOWELL—One or two Bills dealing with railways which are not included in the general list of subsidies that will be brought down, that have been presented to the House.

Hon. Mr. SCOTT—They are not part of what is called the Railway Subsidy Bill. They are independent of it.

Hon. Sir MACKENZIE BOWELL—What evidence have we of the route? Which way does that 150 miles run?

Hon. Mr. SCOTT—West, northwest from Edmonton to the Rocky Mountains.

Hon. Sir MACKENZIE BOWELL—What pass will it touch?

Hon. Mr. SCOTT—I do not know that it goes through.

Hon. Mr. ROY—It will not bring them to the Mountains. It is 250 miles from Edmonton to the Mountains.

Hon. Mr. SCOTT—About 40 miles are already built.

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

Hon. Mr. SCOTT—The Canadian Northern acquired the line, and the mortgage will then be to the Canadian Northern.

Hon. Sir MACKENZIE BOWELL—It struck me, if it runs westerly at all, it must strike the Rockies if it goes 150 miles. Is Edmonton further from the Rocky Mountains than Calgary?

Hon. Mr. ROY—No, but the mountains are further from Edmonton than from Calgary.

Hon. Sir MACKENZIE BOWELL—It must run through a portion of the Rocky Mountains, or very nearly, or there would not be a difference in the subsidy.

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

CANADIAN NORTHERN RAILWAY COMPANY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (214) An Act respecting certain aid for the extension of the Canadian Northern Railway.

The Bill was read a first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: This is to authorize the government of Canada to assist in the construction of the lines set out, by guaranteeing the bonds or stock of the company to the extent of $13,000 a mile to be secured by one or more deeds of trust by way of mortgage.

Hon. Mr. LANDRY—What is the number of miles?

Hon. Mr. SCOTT—One hundred and fifty-two miles in one case, 175 miles in another, and 132 in another and another not exceeding 100 miles.

Hon. Mr. LANDRY—Six hundred and nine miles altogether, which, at $13,000, makes $7,917,000.

Hon. Mr. LOUGHEED—I suppose these two roads are not expecting any other subsidy from the government?

Hon. Mr. SCOTT—Not that I am aware of.

Hon. Mr. LANDRY—That makes $11,067,000 for the two of them?

Hon. Sir MACKENZIE BOWELL—The country is virtually building these roads.

Hon. Mr. SCOTT—No, they are guaranteeing the bonds to the extent of $13,000 a mile.

Hon. Sir MACKENZIE BOWELL—If the interest is not paid, the country will have to pay it.

Hon. Mr. SCOTT—It is a part of the country where there is not much risk.

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

RAILWAY SUBSIDY BILL.

FIRST, SECOND AND THIRD READINGS.

A message was received from the House of Commons with Bill (215) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.

The Bill was read a first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: The total amount would be over $12,000,000; over $5,000,000, nearly one-half of that is revotes.

Hon. Mr. FERGUSON—That is only the paltry amount of $7,000,000.

Hon. Mr. SCOTT—Over $5,000,000 has been voted over and over again, and has not been taken up.

Hon. Sir MACKENZIE BOWELL—That is the best possible reason why it should not be voted.

Hon. Mr. LANDRY—How much is given per mile?

Hon. Mr. SCOTT—Unless they had government aid we would not have railways. Canada can boast of the largest railway mileage per capita of any country in the world. It is the proudest boast I know. The transportation problem is the most difficult problem. So long as the money is honestly handled it will be a great benefit to us. My hon. friend can remember the condition Canada was in before the Grand Trunk was built. I can remember when, in going from Prescott to Toronto, I had to cross to Ogdensburg and go through the United States. Times are changed very much, and Canada has strained itself financially, no doubt, to build the railways, but I think no better investment could be made.

Hon. Sir MACKENZIE BOWELL—An admirable speech for the occasion, and I could not help contrasting the remarks made to-night by the hon. gentleman with his speeches when he sat on this side in 1894, when he was denouncing such expenditures with the strongest possible language he could think of.

Hon. Mr. SCOTT—That was the Hudson Bay Railway.

Hon. Sir MACKENZIE BOWELL—That is what you are going to build now. Immediately after the hon. gentleman's party came into power they not only adopted the principle which we incorporated in a Bill and tried to pass, but they passed the Bill themselves, extending the time and increasing the subsidy. Ancient history is a very good thing to think of and talk about. I remember when the party of the hon. gentleman defeated the government in Quebec on account of their advancing the paltry sum of $100,000 to aid the Grand Trunk to run its road between Quebec and Montreal, taking the security upon the road itself and taking further security upon the post office subsidies which were payable to the Grand Trunk for carrying the mails. The hon. gentleman's party defeated the John A. Macdonald and Cartier government at that time for advancing that paltry sum. That is the time when one party, at least, had the idea of advancing Canada by assisting the railways, but the hon. gentleman and his party at that time thought that was an improper expenditure of money. No doubt his memory will carry him back that far, but I should not have referred to it had he not instanced the fact of the building of the Grand Trunk Railway originally, to which we gave a subsidy of about $15,000,000. I forget the exact amount, but a certain amount per mile, I think it was $15,000 per mile, to assist them, which has never been repaid, and is a liability at the present day against that road. I have expressed this view over and over again, but I think it should be wiped out of what are termed the assets of the country. It has run up to treble the original amount by this time when you add the interest to it. Subsidies have been granted for the construction of certain roads, no doubt forced upon the government by speculators and promoters, and they have not yet been enabled to dispose of the charters in order to pocket a lot of money themselves. The Bill just passed, in which you are guaranteeing some seven millions of expenditure for the Northern Railway, is one of that character. That road was originally chartered to run from Edmonton in the direction laid down in this Bill, but the original promoters simply spent about $20,000 or $30,000 in surveys and held the charter until they extorted from the Canadian Northern Railway a large sum of money which they pocketed. It is that character of road that we are continually renewing subsidies for, in order that promoters may sell them to some great railway corporation. The promoters pocket a large amount. Two thirds of these charters are of that character and the sooner such subsidies are stopped the better it will be for the country. I do not object to subsidies provided they are given to bona fide companies organized for the purpose of constructing railways and who have the money to carry on the work. My hon. friend to my left (Hon. Mr. Ross, Middlesex) will remember very well that when the policy of granting subsidies was first introduced, the late John Sanfield Macdonald would not consent to guarantee one dollar in the province of Ontario until evidence was laid before the government that the parties looking for the subsidy were able to carry on the work.

Hon. Mr. ROSS (Middlesex)—And we followed the same practice for a good many years.

Hon. Sir MACKENZIE BOWELL—As my hon. friend says, the Liberal party pursued the same policy afterwards for a number of years. It is a great pity that the same policy was not adopted by the late Dominion government and also by the present government at Ottawa, but it is quite evident to my mind that no matter what the professions of the Liberal party may be, they are not reformed. If they have any desire to be reformers, they should drop the practices which they condemned before they came into power themselves. We have learned the evil of the system of indiscriminate grants of subsidies to railway projects, and experience ought to teach the hon. Secretary of State and his party to do better. Next year, however, if we live to see it, we shall find this evil repeated, even though the parties have failed to make preliminary surveys for the work.

Hon. Mr. LANDRY—What amount is paid per mile to these railways?

Hon. Mr. SCOTT—Towards construction $3,200, and if it exceeds $15,000 per mile, 50 per cent on the excess of cost over the $15,000, but not to exceed in the whole, $6,400.

Hon. Mr. LANDRY—How many miles of railways are subsidized altogether?

Hon. Mr. SCOTT—I could not say. Some of these votes have appeared in the subsidy lists a number of times. When subsidies are sought, they tell us that they expect to have the money to begin operations.

Hon. Mr. LANDRY—That is not an answer to my question. There are revotes of subsidies; how many miles of railway are covered by the revotes?

Hon. Mr. SCOTT—I have not the figures here. I have never known such information to be called for from a member of the government here.

Hon. Mr. LANDRY—I can tell the hon. member.

Hon. Mr. SCOTT—I shall be very glad to get the information. I have not the same time and industry that the hon. senator from Stadacona has to make it up.

Hon. Mr. LANDRY—A revote is asked for twenty-six railways with a total mileage of 1,681·7 at $3,200 a mile, which makes a total of $5,381,440. Then there are 2,228·55 miles of new road which at the minimum subsidy, namely $3,200 per mile, comes to $7,131,360, making a total, at the lowest calculation, of $12,512,800.

Hon. Mr. FERGUSON—You may add 50 per cent for the sliding scale.

Hon. Mr. LANDRY—Yes, at least, because the sliding scale may force the government to pay more than 50 per cent.

Hon. Mr. FERGUSON—At 50 per cent you have a total of about $19,000,000.

Hon. Mr. LANDRY—Yes, and it may go up to over $25,000,000. Then there are a number of bridges.

Hon. Mr. SCOTT—The ordinary advance on a bridge is 15 per cent of the cost, but there are several cases where there are specific sums.

Hon. Mr. LANDRY—The railway bridge and approaches over the Nicolet river will be aided to the extent of $15,000. Then the Canadian Pacific Railway are to receive in aid of the construction of the bridge over the Saskatchewan river at Edmonton an amount not exceeding $100,000. The Quebec, Montreal and Southern Railway Company are to get $75,000 for three bridges. Then we come to an item to which I should call special attention.

4. To the Atlantic, Quebec and Western Railway Company, towards the construction and completion of the 26 railway bridges on its line of railway from Paspebiac to Gaspé, payable upon the completion of the said line of railway between the said points, $250,000.

These bridges are already built.

Hon. Sir MACKENZIE BOWELL—It is to pay the debts, I suppose?

Hon. Mr. LANDRY—That is the share of the Postmaster General. Then the Interprovincial Railway Bridge Company of New Brunswick is to get $160,000 for the construction of a bridge over the Restigouche river. All this added together amounts to $800,000, and that with the subsidies to the railways brings up the amount to $24,000,000.

Hon. Mr. FERGUSON—And we guarantee $11,000,000 of bonds and then there is the cost of the Quebec bridge. It looks as if we were coming near a general election. Perhaps the hon. Secretary of State will say if that is the case?

Hon. Mr. SCOTT—I do not think so. There is a very large amount of British money invested, and it will damage the credit of Canada if they are brought into such enterprises without this aid. I understand the money for these projects has been furnished by British capitalists and we are not paying more than a small fraction of the cost.

Hon. Mr. LANDRY—We are paying $25,000,000.

Hon. Mr. LOUGHEED—We are paying the entire cost of the roads.

Hon. Mr. LANDRY—If we take the possible figures, as the obligation stands, we have guaranteed for fifty years the bonds of the Edmonton, Yukon and Pacific Railway at three and one-half per cent, amounting to $3,150,000. The Canadian Northern Railway is entitled to an amount of $7,917,000, which makes a total of $11,067,000 for those two railway companies. Now, if we take the revotes of subsidies at the maximum figure $6,400 per mile, it amounts to $10,762,880; new subsidies, $14,262,720, making a total of $25,025,600. Then add $800,000 for the bridges, and you bring the amount to $25,825,600. Add to that the $11,067,000 I mentioned before, and we have a total of $36,892,600, apart from the Quebec bridge.

The motion was agreed to, and the Bill was read the second and third time on a division and passed.

QUEBEC BRIDGE AND RAILWAY COMPANY'S BILL.

First, second and third readings.

A message was received from the House of Commons with Bill (217) An Act respecting the Quebec Bridge and Railway Company.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time. He said: This Bill authorizes the government to take over from the present company the railway bridge, and the Governor in Council are to employ the most skilled engineers we can find for the purpose of preparing plans for the new bridge.

Hon. Mr. SULLIVAN—Is it to be on the old site?

Hon. Mr. SCOTT—The old site or whatever site may be selected. Nothing will be done for some time yet.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman is prepared to give the House some little information as to what this bridge has already cost the country, and how much it is likely to cost by taking it over, and whether the government intend, in taking over the bridge in its present state, to pay back to the directors or the shareholders the money they have invested in the enterprise? The bare proposition to take over the bridge and assume all the responsibility of its construction is not sufficient information to justify us in accepting the Bill. We should have more information before we endorse the policy set forth in the Bill. If the legislation to-night is to be accepted as evidence of the value of the Senate, there will soon be an agitation for the abolition of this Chamber. Even those who favour the continuance of an Upper House, would like to have some evidence of its utility to the country. We are voting here, without the slightest information, millions of dollars, in addition to the large amount mentioned by the hon. senator from Stadacona given for railway subsidies, without any evidence or explanation to justify us in the votes we are casting. True, the Bill mentions where the money is to be spent; but it has only been in our hands about five minutes, and yet we are asked to pass it before we have had time to read it. Can the hon. Secretary of State give us an idea of what the bridge has cost the country so far, what it involves in the way of guarantee of bonds, and what it is likely to cost after taking it over and building the structure? Shall it be five, ten or twenty millions? When we get that information, we may be able to decide whether it is our duty to accept the Bill and put it on the statute-book.

Hon. Mr. SCOTT—The arrangements between the government and the Quebec Bridge Company were fixed by the statute passed some three years ago, at the time the government was authorized by parliament to guarantee the bonds. At that time, speaking from memory, it was agreed that the moneys advanced by the individual subscribers, to the amount of $200,000 were to be recouped with five per cent interest. The government took over the franchise from the company. The bonds the government guaranteed were up to the amount in round numbers of about $6,000,000. Of that amount, not all has been absorbed, but the bonds were deposited with the Bank of Montreal, and I think up to 80 per cent was advanced on the bonds. They are still in that condition, the government being liable of course on the bonds.

Hon. Sir MACKENZIE BOWELL—To what amount ?

Hon. Mr. SCOTT—The government guaranteed bonds for the construction of the bridge to the amount of six millions and that guarantee was lodged with the Bank of Montreal, I think it was, I am not quite sure as to that, and, if I am rightly advised, advances to about 80 per cent were made by the bank, and that is the present position of it. The government being, of course, liable to the full amount of $6,000,000 whenever they pay up the bonds. It is proposed now that an expert examination be made in the case, skilled engineers and architects will be employed to prepare the best and most modern plans and examine the present site, to see whether that should be retained, or whether it may be necessary to select another site. That is the whole story. In taking it over, the government have to pay the company $200,000 that they subscribed, with 5 per cent added.

Hon. Mr. SULLIVAN—For the past expenses ?

Hon. Mr. SCOTT—Yes, and they assume the $6,000,000 bonds that they have guaranteed.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not stated what the probable expenditure will be in the reconstruction of the bridge ?

Hon. Mr. SCOTT—We could not tell that until after it has been surveyed and the engineers have expressed their opinion of it.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman give us any probable amount ?

Hon. Mr. SCOTT—I should not like to.

Hon. Mr. SULLIVAN—There is no staff of engineers appointed yet ?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—This Bill is to empower the government to buy out the company ?

Hon. Mr. SCOTT—Yes. The Act of parliament already in force authorizes it.

Hon. Mr. LANDRY—But does not oblige the government to do it.

Hon. Mr. SCOTT—We shall have to do it if a bridge is ever built.

Hon. Mr. LANDRY—I deny that. The government has the right to build a bridge where it suits without buying out the company. This is the first proposition I make. The government, by the Transcontinental Railway Act, has the right to build any bridge over the St. Lawrence without being obliged to buy out the Quebec Bridge and Railway Company. Why does the government not do that ? That bridge fell about the 29th of August last. The whole winter has passed. We are now at the end of July, and the government has done nothing at all except the framing of this measure for the relief of the shareholders of that company. That is all. What has been done for the public interest ? Nothing at all. The government has made no inquiries. The government has asked no report from the engineer, has asked nothing to be done by the engineers or by the company itself for the reconstruction of the bridge. I was told the other day by the hon. minister that there was no proposition before the government to rebuild the bridge.

Hon. Mr. SCOTT—I am not aware of any.

Hon. Mr. LANDRY—There is nothing before the government except that demand of

the Quebec Bridge Company to be recouped their money, not only money they put in, but money they never put in. The company began with a capital of $65,000, or $63,700 to be correct. I received the other day from the hon. minister an answer showing what became of that money. Mr. Parent was named the president of the company. He is a big man. He is a lucky man. We have the testimony given by Mr. Barthe, who said that Mr. Parent had done all he could in the public interest; that he was at the head of the Bridge Company, that he devoted his time to the undertaking without getting paid for the first four years, but at the end of the four years a resolution was passed by the company granting themselves $10,000. That was in 1901. In 1902 another resolution was passed granting $5,000, and so on. In 1903 a fourth resolution granted another $5,000, and in 1904 another resolution according $5,000 to Parent and $1,000 to the vice-president, Mr. Audette, and $500 to each of the directors of that company. Let us see how that agrees with the answer given by the hon. minister. Here is the answer I got, dated January, 1908:

Return to an address of the Senate dated January 29, 1908, giving certain detailed information which has been furnished by the Quebec Bridge Company.

In this return it will be found that Mr. Audette, vice-president, received $5,636.73. He is a shareholder for the amount of $5,000. Mr. Vesey Boswell received $3,201.36. Mr. Doumalin did not put a single cent in the enterprise. He was nominated by the government, and he received $2,000 for his attendance. The Hon. Mr. Garneau, as a director, received $2,720.40. Mr. John Baptiste received $2,915.65. Mr. Gaspard Lemoine, $2,000 and Mr. Parent, this devoted man who, we were told, gave his time for nothing to the company, received $24,250, simply for his attendance, Mr. Price received $3,000 odd, and Mr. John Sharples, who, prehaps, is the only man that has actually contributed his money to the company to the amount at first of $50,000 of which about $25,000 worth of shares were afterwards taken by the Quebec Central Railway. The secretary of that company Mr. Barthe, who, when he went in, received $50 per month, is now receiving $2,400 per annum. He received $16,490 as secretary and $425 for travelling expenses from March, 1897, to date. Of the other officers of the company, the engineer has received $45,150. If you add those different sums you come to a total, for attendance fee and salaries, which shows that the company has absorbed altogether $111,666, while they contributed to the fund about $63,700. When the company undertook to build the bridge, they got from the Quebec government a subsidy of $250,000; from Quebec city a subsidy of $300,000, and they came to Ottawa and got a subsidy of $1,000,000.

Hon. Mr. SULLIVAN. What time was that?

Hon. Mr. LANDRY—In 1899. But that was not sufficient. They wanted to get a guarantee on the bonds they proposed to float, so they came back to Otttawa in 1903 and made an arrangement with the federal government, and when they made that arrangement, Mr. Parent and Mr. Hoare gave the following certificate:

We the undersigned president and chief engineer of the Quebec Bridge and Terminal Company, hereby certify that the Quebec Bridge Company has received the following subsidies, namely:

From the Dominion of Canada..$374,353
From the Province of Quebec.. 250,000
From the City of Quebec.. 300,00

Total.. .. ..$924,353

and has paid over the amount of said subsidies (less discount on the bonds issued by the city of Quebec, to wit, the sum of $9,435) to the contractor in connection with the undertaking.

We further certify that the company has issued bonds in accordance with the conditions of the contract between the company and the contractor of the face value of $472,000 which have realized the sum of $283,270.

T. N. PARENT,
President.
E. A. HOARE,
Chief engineer.

October 19, 1903.

With that certificate, the company conquered the confidence of the premier of this Dominion, and a contract was entered into by the government and the company, and in that contract we find that the interim bonds of $472,000 have been specially taken care of. As shown by the certificate which I have just quoted the interim bonds of $472,000 having realized only $283,279, the company sustained a loss of $188,721. What occurred? In the contract with the government this condition was imposed:

The company will procure subscriptions for additional stock to the amount of $200,000, such new stock to be issued at a price not below par and to be immediately paid up in full.

I ask hon. gentlemen not to forget the imperative condition of the words of this clause, 'and to be immediately paid up in full.'

The contract goes on to say that the proceeds of such additional stock will be applied in the first place to the reduction of the discount at which the bonds of the company were issued as aforesaid, which meant the immediate payment of sum of $188,721. And so did it happen. The company went to work. They got the $200,000 immediately. Why? Because in that contract another clause had been inserted by which the government bound themselves to guarantee the reimbursement of the money that would be paid by the shareholders—plus 5 per cent interest from the date of each payment, and plus a bonus of ten per cent on the amount put in the enterprise by the shareholders. In the face of those conditions, it was very easy to find the $200,000, and the contractor, Mr. Davis himself subscribed for $119,000 of the $200,000 which were payable by the company before they undertook to go on with the work. On February 26, 1904, Mr. Parent gave a certificate to the government stating that the $200,000 had been fully paid. And yet what do we find? We find that on January 29, 1908, Mr. Fielding wrote the following letter to Mr. Parent:

Ottawa, January 29 1908.

Dear Mr. Parent,—Last spring, while I was temporarily acting as Minister of Railways, in view of proposed change in the financial arrangements respecting the Quebec bridge, I gave directions in the Railway Department to have a special audit of the company's books made. This audit was undertaken by an officer of the department and his report was made in due course.

Permit me to draw your attention to the certificate which was furnished by the Quebec Bridge Company to the government, dated February 26, 1904, signed by the treasurer and president of the company setting forth that additional stock to the extent of $200,000 had been duly subscribed and paid up in full. From the Auditor's report, it now appears that of this $200,000 a sum of $94,900 took the form of a cheque from Mr. Davis, dated February 24, 1904, which cheque remained in the hands of the company and was not presented for payment until three years later, on the 22nd February, 1907. In view of this fact, I think a question may properly arise as to the correctness of the certificate above referred to, which certificate became the basis of further proceedings in connection with the guarantee of the company's bonds by the government.

I shall be glad to have a statement of your view of the matter.

Yours faithfully,

(Signed) W. S. FIELDING,
Minister of Finance.

A very grave question arises in this connection. Here is the president, Mr. Parent, and the secretary, Mr. Barthe, under their signatures stating to the Minister of Finance that the $200,000 have been subscribed and paid in full, although that was not the case, and, relying upon the word of Mr. Parent and upon his signature at the foot of that document, the Finance Minister made some arrangement, and then, three years afterwards, on the report of his auditor, complains of the deception and fraud which Mr. Parent had perpetrated on the government, and to-day what is the reward for all this? The government steps in and buys out the company.

Hon. Mr. CAMPBELL—Have you Mr. Parent's reply to that letter?

Hon. Mr. LANDRY—He replied to that letter in this way. He said the contractor had subscribed $119,000 at the first and had given his cheque for the amount, but not an accepted cheque. He had deposited a cheque in the vaults of the company for the amount of $119,000 although not an accepted cheque.

Hon. Mr. CAMPBELL—If the hon. gentleman has the letter there, it would be well to read it.

Hon. Mr. LANDRY—The letter reads as follows:

Replying to your letter of the 29th ultimo, with reference to the $200,000 of additional stock issued by the Quebec Bridge Company, in compliance with the obligations put upon them by the government, let me say that as a matter of fact, the certificate given under date of the 26th of February, 1904, by the president and the treasurer was correct, as the cheque referred to was given without any conditions whatsoever and could have been cashed at once or whenever we saw fit.

Owing to his connection with our company as a contractor, and though he would have been willing, if allowed to take up the entire issue of the new stock, considering this to be a protection, we did not approve of Mr. Davis controlling too large a share.

In view of the prospect which we had of placing some more of the stock with railroad interests, it was deemed advisable by our board to withhold this cheque.

When finally the Quebec Central Railway for one secured what they wanted from Mr. Sharples, who was a stockholder to the extent of $50,000 instead of taking over some from the block held by the contractor, we came to the conclusion not to have the cheque outstanding longer. It was presented at the bank and duly honoured.

But it took two years to do that. Mr. Sharples subscribed and paid his $50,000 in the month of January, 1904. Some time after the Quebec Central Railway Company stepped in and got from Mr. Sharples about $26,000 of shares and it was only two years after that transaction took place that Mr. Parent forced Mr. Davis to honour the cheque he had deposited, and which, up to that date, had not been accepted by any bank. When these facts were stated to Mr. Fielding in the witness box, he was asked: 'What would you have done at the time if you had known that.' To this Mr. Fielding replied in effect that the answer given by Mr. Parent might, to a certain extent, explain the matter, but that he thought he had only one thing to do; that was to get the money. Mr. Davis should have deposited and paid his cheque immediately. As the government would certainly not have continued on the basis they had commenced if they had that knowledge. That was the answer given by Mr. Fielding before the Committee of Inquiry which held its meeting some days ago.

Hon. Mr. SULLIVAN—Did Mr. Davis pay the cheque?

Hon. Mr. LANDRY—He paid it in January, 1907.

Hon. Mr. SULLIVAN—He was not asked for it at all?

Hon. Mr. LANDRY—No. I did not say it was his fault at all. I say that when Mr. Parent stated that the amount subscribed for was fully paid up, he did not state the truth. At that time it was not paid. Now, how did Mr. Davis pay that? We see by the transaction that Mr. Davis was recouped his claim against the company. He had an account against the company for $283,000 or thereabouts, and he was paid by bonds of the company to the amount of $472,000. He had settled his claim, accepting as payment those bonds at a discount of 40 per cent, but when the government came in and guaranteed the bonds, and more than that, when they made it obligatory on the company to subscribe $200,000, they made it an obligation that from that stock a sum of $188,721 should be deducted to pay the discount, and that was given to Davis. It was a clear profit of that amount to Mr. Davis, and no doubt with that he could pay his shares to the amount of $94,900. This is the kind of financing that the Quebec Bridge Company carried out from the day it came to Ottawa and first asked for the subsidy and afterwards the guarantee of the bonds. If the enterprise had been a success, it would not have been so bad; but what do we find? We find that Mr. Parent has employed friends of his, who were not qualified, to supervise a work of that magnitude, and the reports made by the royal commission on the Quebec railway bridge states positively that the collapse of the bridge resulted from what? From the failure of the lower chords in the anchor arm near the main pier. Whose fault was it? Was it Mr. Cooper's fault? He was the consulting engineer of the Quebec bridge. He was also the engineer employed by the company, and Mr. Cooper having been called to approve of the plans made by the Phœnix Bridge Company, who undertook to build the superstructure, feeling that he was unable, on account of his old age, to come to Quebec, asked to be represented there by Mr. Moore, the chief engineer of the Quebec Bridge Company. What does the commissioners say on that point?

But the failure on the part of the Quebec Bridge and Railway Company to appoint an experienced bridge engineer to the position of chief engineer was a mistake. This resulted in a loose and inefficient supervision on all parts of the work, on the part of the Quebec Bridge and Railway Company.

Here is the cause of the disaster. Mr. Douglas, who was the engineer of the government, condemned the plans that were shown to him when he was asked his approval. He said: 'That won't do; I condemn them.' In the face of that condemnation, Mr. Schreiber asked the government to name another engineer who would work hand in hand with Mr. Cooper. An order in council was passed to that effect,

but Mr. Cooper thought it was not in keeping with his dignity to accept what he called a subordinate position in the whole matter. He said: 'If I accept another confrere I should confer with him; I should have his approbation, and that I won't do.' And the government receded and went back on their order in council, and in another order in council Mr. Cooper was charged solely with the whole conduct of the bridge construction. By this Bill the government is asking to buy out the company, and is asking parliament to vote the company all the money they subscribed, plus 5 per cent interest on the money engaged in the undertaking, plus a premium of 10 per cent to the shareholders. That means an amount of $400,000. The government is not obliged to do that. If the government selects another site for the bridge, they will be obliged to commence all anew and build a new foundation. If they want the site already occupied by the piers, let them buy the piers from the company, let them have value for their money, but the money they are giving now is being given for nothing at all. I hope the government will not ask us to swallow that Bill. Has the minister really decided to go on with it?

Hon. Mr. SCOTT—Yes, it is a necessity if the Quebec bridge is to become a reality. We must have authority to take over the bridge and employ competent persons to prepare plans that can be relied upon.

Hon. Mr. LANDRY—Will the hon. gentleman refer me to the text of the law that shows he is entitled to do that?

Hon. Mr. SCOTT—I can only say what I understand to be the law. When the government undertook to guarantee the $6,000,000 bonds of the Quebec bridge there was a provision, if I correctly remember it, under which they could take over the bridge.

Hon. Mr. LANDRY—They could?

Hon. Mr. SCOTT—That is all I say. Before they take it over they want to know what it is going to cost, and what kind of bridge can be built, and whether it can be built on that particular site. Unfortunately, the company who were entrusted with the building of the bridge failed in the undertaking; the plan was a defective one. It is very unfortunate, but it cannot be helped now. The only way now is for the government to assume it, and if the bridge can be built they are to build it.

Hon. Mr. LANDRY—By clause 18, the government reserves the right to take over the undertaking.

Hon. Mr. SCOTT—That is all I said.

Hon. Mr. LANDRY—If the government does not want the piers, where is the necessity of buying out the company? I think the proper course would be, in the first instance, to ascertain where the bridge will be built.

Hon. Mr. SCOTT—That can only be ascertained by the most careful inquiry.

Hon. Mr. LANDRY—Yes, and if the bridge is to be built at the same place, then make your bargain with the company, ask them how much they want for their piers; but the government is not obliged to adopt the same site.

Hon. Mr. SCOTT. They take power under that Bill to select another site.

Hon. Mr. LANDRY—They have always that power.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Then where is the necessity of spending $400,000 to buy out the company? It does not advance the bridge an inch. It is doing all for the company.

Hon. Mr. SCOTT—It is quite clear the hon. gentleman has not any interest in the company.

Hon. Mr. LANDRY. I have more interest in building the bridge than in buying out the company, and I think the government is losing time in trying to ascertain what amount they will pay to Mr. Parent or the other shareholders. If the time was given to promoting the bridge itself and the interests of Quebec, we would be the gainer altogether; but nothing will be done this year in the way of constructing the bridge. We are losing one year. I ask the hon. gentleman if anything should be done to

remove the fallen superstructure that is an obstacle to the navigation of the river ? No one has interested himself in that.

Hon. Mr. SCOTT—It is a difficult matter to know the exact position of the government. It is a large and serious problem, and we do not know who is liable for the loss of the bridge. An inquiry has been made. The report of one distinguished engineer has been obtained ; but it will require very much more consideration than the government has been able as yet to give it, to decide what shall be done, and all the government is asking for now is the authority of parliament to go on and spend $25,000 in the preparation of plans for a new bridge.

Hon. Mr. LANDRY—Has the government decided as to their responsibility ?

Hon. Mr. SCOTT—No, nothing is decided.

Hon. Mr. LANDRY—Are the government going to take over the present bridge ?

Hon. Mr. SCOTT—There must be some elasticity about the position of the government. We can only decide what can best be done when we get more information. That is the only sensible way. If my hon. friend was a member of the government he would not advise anything else.

Hon. Mr. LANDRY—If I were a member of the government I would go on with the bridge, and leave the company where it is. As a member of the government, I would understand we had a right to build the bridge wherever we liked. I would select the best spot, and if the best spot is where the bridge is now, I would buy the company out, but I would do it on the report of experts as to what kind of bridge should be built, and where it should be built.

Hon. Mr. SCOTT—I think the hon. gentleman has disqualified himself from taking an independent position, because, all through, he has shown a bitter hostility against the contractors and the company. He is not a capable judge.

Hon. Mr. LANDRY—The generous friendship shown by the government to Mr. Parent, does not indicate that they are not biased also, in favour of the company. If the hon. gentleman has a reproach to make to me on that subject, I have the same reproach to address to him in the other way. The friendship that is shown by the leader of this House and members of the government, to that particular gentleman indicates a danger that the public will soon find out.

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

THE SUPPLY BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 220) 'An Act for granting to His Majesty certain sums of money for public service for the financial year ending 31st March, 1909.'

The Bill was read the first time.

Hon. Mr. SCOTT—Moved that the Bill be read the second time on Monday next.

The motion was agreed to.

Hon. Mr. SCOTT moved that when the Senate adjourns to-day it do stand adjourned until Monday next at 9.30 a. m.

The motion was agreed to.

The Senate adjourned until Monday, July 20, at 9.30 a. m.

THE SENATE.

OTTAWA, Monday, July 20, 1908.

The SPEAKER took the Chair at 9.30 a.m.

Prayers and routine proceedings.

THE SUPPLY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (No. 220) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 31st of March, 1909.

Hon. Mr. LOUGHEED—As prorogation is about to take place at noon, not much time is permitted to discuss so important a subject as this Supply Bill. I do not propose to enter upon such a discussion in anything approaching an exhaustive manner. I simply desire to enter my protest against what I regard as the unex-

ampled extravagance of the government. I might preface what I am about to say by remarking that it is not unreasonable that, in the administration of its financial affairs, a government should exercise the same prudence and economy that individuals or aggregations of individuals would show in the administration of their own finances. It is important for the institutions of this country, as well as for the development of its great resources, that the administration of the government should be based upon sound economic principles. In looking over this Bill, one necessarily has to consider the relation of our expenditure to the revenue. I find that the revenue of this country has grown by leaps and bounds of late years. In 1896, the revenue from taxation was $27,000,000. That has increased to $73,000,000 in the last fiscal year. Our expenditure has grown from $41,700,000 in 1896 to $140,957,381, as appears by the supplies of the present session. The principal objection I have to the Bill before us is that there is no relation whatever between our revenue and our expenditure. Upon the accession of this government to office, the virtue of economy in public expenditures was preached from one end of the Dominion to the other, and very properly so; but at that time we were conducting our public affairs within the scope of our revenue and our credit. To-day we are confronted with unexampled extravagance which far outstrips our ability to pay, and that in the face of a falling revenue. In his budget speech of this session, the Finance Minister said that notwithstanding our having a revenue during the last fiscal year of $96,000,000 we could not count on having more than $90,000,000 during the present year. Since that time there has been an unexpected falling off in the revenue, and it is safe to conclude that the revenue for the current year will not exceed $80,000,000. There will be a deficiency this year on that account of at least $18,000,000. From conversation which I have had with financial experts, I am told that the depreciation in revenue would certainly reach that amount. Will the hon. Secretary of State inform the House how we can possibly meet the liabilities which face the country during the current year? True, it may be said that the $140,000,000 appropriated by this Supply Bill will not be expended this year, but hon. gentlemen must bear in mind that, during the last fiscal year, the expenditure had reached $112,000,000. The difference between our revenue and expenditure is calculated to create alarm in the minds of those who give serious consideration to the financial position of this country. I need not say that the only way the government has of meeting this expenditure is by revenue. If our revenue does not exceed $80,000,000, then we shall have to fall back on our credit. Until a recent period, Canada enjoyed the very best credit in the money markets of Europe, and it was not difficult to negotiate loans of considerable magnitude on reasonable terms; but that is no longer the case. This government has had the greatest possible difficulty within the last couple of years in negotiating its loans in the British market. Only 45 per cent of the last loan put on the market was subscribed, although it was on a basis of three and three-quarters per cent. At the same time the imperial government issued stocks under the Irish Lands Act bearing a less rate of interest than our Canadian bonds, and the issue was subscribed thirty-five times over. Contrasting these two loans, we find ourselves in a very undesirable position. The Supply Bill must create alarm in the minds of every thoughtful man. It is a political, a party Supply Bill. One would fancy we had reached a stage in the development of this country when its administration was of sufficient importance to command the best possible attention from a business standpoint, as to the amount which should be appropriated to meet the requirements of the Dominion; but no consideration seems to have been given to the actual requirements of the country. We find appropriations for the various provinces are made, not to meet the public requirements, but from what appears to the government to be the more important consideration, that is, to aid the party in power in the approaching general election. If the public expenditure continues to grow in the same ratio that it has increased since 1896, we shall soon reach a stage when the uncontrollable expenditure of the Dominion will exceed its revenue. That is an alarming condition

of things to be confronted with, particularly as our credit in the money market of Great Britain has been seriously impaired. The situation, therefore, demands from this government the closest possible attention along the lines of economy and wise administration. We have incurred a very serious liability in connection with the National Transcontinental Railway. A work that was calculated to reach in the aggregate cost, the sum of $73,000,000, is expected to involve an outlay of nearly $200,000,000. The statement presented in the House of Commons is incontrovertible, that the expenditure on present lines must reach $180,000,000. This is certainly a matter for very serious consideration in view of the fact that with the falling revenue it will be utterly impossible for the government to meet any portion of that expenditure out of revenue. The carrying out of this great work is a matter of quite as much importance to the Dominion as the question of supply, and a matter much more serious in its consequences. What can be said of the financial administration of a government who bring down to parliament a scheme, and make provision for carrying it out at a cost not exceeding $73,000,000, when now, according to their own admission and their own figures and estimates, the cost will be one hundred per cent greater? The reflection is cast upon the government of being either absolutely incompetent to carry out an undertaking of this kind and keep within the estimated cost, or being so corrupt as to deserve the strongest possible censure. They can accept either horn of the dilemma, but in either case the government is equally censurable. What can be said of the incompetence of a government that would thus enter upon an undertaking and cast upon the Dominion a burden of such a serious character? If, as is the fact, the cost of the undertaking is to be one hundred per cent greater than was estimated, the question arises, what is causing this vast difference? Is it owing to a corrupt fund secured from contractors and others, or to the fact of the government having underestimated the cost of the work? Considerable hope was expressed by the Minister of Railways and the Minister of Finance in the House of Commons that this undertaking would not be a burden on the country on account of its being an interest paying expenditure. I would point out, that on the completion of the Grand Trunk Pacific, it is to assume a fixed expenditure equal to the entire fixed charges of the Canadian Pacific Railway. Now, that is a proposition which has to be seriously considered. Here is a national undertaking covering 3,500 miles of railway, without having any traffic branches, and at its very inception it has to carry fixed charges equal to the present fixed charges of the Canadian Pacific Railway that has a mileage of ten thousand miles. Under the circumstances, it cannot be imagined that the company will be able to pay interest at 3 per cent for 50 years upon the cost of constructing the eastern section of the road, and it will involve a reconsideration by the government of the entire scheme from a financial standpoint. May I ask also, are we receiving value for the immense increase in the cost of the public service? While the population of Canada has increased about 20 per cent during the last twelve years, the cost of our public service has increased over 250 per cent. In almost every branch of the public service you will find an increase to that extent at least. Notwithstanding that fact, it has come under grave suspicion in the public opinion, and investigations made from time to time have established beyond question the incompetent nature and the unreliable character of that administration. These are matters which are not satisfactory to one having the institutions of this country at heart, and they demand the most serious attention of the government. Loyalty to Canada compels its people to protest against the spendthrift and corrupt expenditure to which I have alluded. Yet men stand by the party, and watch the ship of state pounding itself to pieces on the rocks of extravagance and corruption. Their loyalty to party is greater than their sense of duty to their country. Where is this to end? Our expenditure has almost doubled the amount of our revenue. Are we to be like the prodigal who, after spending his all in riotous living, had to feed on the husks which the swine refused? This is peculiarly a time when our expenditure should be governed by our income, and what remains of our credit. If our expenditure

should continue in the ratio of the past few years, we shall soon reach an empty exchequer and loss of credit in the markets of the world. If this House should exercise its constitutional functions and rejected this Supply Bill until the unwarranted extravagance of the government is checked, we might then have a reduction in the public expenditure which would enable us to meet the liabilities we have assumed.

Hon. Mr SCOTT—The hon. gentleman from Calgary surely must have forgotten all that has happened in the last eleven years. He talks as though there had been a continuation of the conditions that prevailed during the preceding eight years. He forgets that there has been a financial revolution since 1896. Taking a few figures that I have hastily put down, I find that the Conservative government, from 1887 to 1896 added $118,000,000 to the debt of the country, an average of $6,500,000 a year. When the present government came into power, in 1896, they at once devoted their thought to a reduction of the expenses of the country and decreased taxation. In 1897 we changed the customs tariff of this country, adding a considerable number of items to the free list, and making a general reduction all along the line. From 1896 to the end of the last fiscal year this government has added to the public debt $19,474,000, an average of $1,600,000 a year. The hon. gentleman's friends, during their term of office, added nearly five times as much, on the average, to the public debt as the present government had added since it has been in office. Year after year, this government had a surplus. They have paid large charges out of the annual revenue, and in this way the average increase of debt has been only $1,600,000 per annum. Then, take the per capita charge. In 1896 it had risen to $50.82 cents per head. It has now been reduced to $42.84, and yet my hon. friend would lead us to believe that we are going into a state of bankruptcy. There are the figures and we are told figures cannot lie. No government since confederation has carried on public works to the extent the present government has been doing, in increasing the mileage of railways and making various improvements throughout the Dominion. My hon. friend has failed to point out in what specific work the government have made a mistake. Will any one say that we ought not to have aided the Grand Trunk Pacific and built the National Transcontinental Railway? True, it is going to cost a good deal more than we anticipated, but who is going to get the benefit of the expenditure? The labouring element of this country will share largely in that by an addition of 30 per cent to the wages that had been paid before. The increased cost of material has caused an increase of wealth to the people of Canada, but the people are far better able to pay the increased expenditure than they were to meet the ordinary expenditure in 1896. The tax per capita now is less than $43, whereas it was nearly $51 when this government came into power. There are the figures, and they speak for themselves. The hon. gentleman has failed to name any particular work that we should not have undertaken. As has been observed elsewhere, hon. gentlemen may complain of the expenditure, but each individual man has been accusing the government of not spending enough in his own particular constituency. Public buildings and harbour improvements have been demanded in all directions. The railway subsidies have been enormously increased, so I think the hon. gentleman has rather exaggerated the condition. As years go on, it will be found that the credit of Canada will continue to improve. We may have to pay a higher rate of interest on new liabilities, but that is because the value of money has changed. Consols, which some twenty years ago were very nearly at par, are down now to 87. Investors in England have found many ways of getting more profitable returns for their money than by putting them into consols, and the consequence is that they have decreased to their present figure. That indicates that money will be harder to get on the terms we have been paying. I do not intend to extend my observations, but I have given figures which I think answer completely the criticisms made by the hon. leader of the opposition on this Bill.

Hon. Sir MACKENZIE BOWELL—Before dealing with the question before the House, I wish to call the attention of the hon. Secretary of State to what I regard as unfair treatment of one of our members. In the present estimates, provision is made for the

payment of the full indemnity of two members of the Commons, and one member of the Senate, of whose services the country has been deprived through sickness and death. I do not complain of this. It is following precedent, and the appropriations have passed without opposition in both chambers. But in the case of one hon. member who met with an accident a year ago that kept him in Montreal during the whole session, no such provision is made. I want to know why this invidious distinction is drawn between a member of the Senate and a member of the House of Commons? I intended to have brought this matter to the notice of the government last session, but the Supply Bill went through in about five minutes, while I was at lunch, and though I was absent but ten minutes from the House, when I returned the Speaker was vacating the chair and I had no opportunity to bring up the matter. The practice of paying full indemnity in such cases should either be stopped altogether under any circumstances, or all should be treated alike. I ask that as a matter of justice. Whether the government is capable of doing equal justice to all, I am rather inclined to doubt from what little experience I have had. I compliment the hon. Secretary of State on his speech. It has the merit of being brief; but it is a repetition of an old story to which we have listened very often during the last eleven or twelve years. He is optimistic now; that was not the character of his speeches a few years ago. Having some regard for the country, I hope his predictions may prove true. If time permitted, I should like to follow him and point out how erroneous some of his statements are. The hon. leader of the opposition said a few months ago that the Supply Bill gave evidence not only of extravagance, but of a desire to help the government at the coming election. Evidence of that is to be found in the estimates before us, as I shall show, both in the railway subsidies and the appropriations for public works and improvements. The railway subsidies are divided among the provinces in the following manner:

Nova Scotia, 10; New Brunswick, 8; Quebec, 30; Ontario, 22; Manitoba, 1; Saskatchewan, 8; Alberta, 4; British Columbia, 5, total, 88.

There is none for Prince Edward Island, but they are building a branch of the Island Railway, so I presume that compensates. I turn now to the appropriations for the provinces. First I take up the Supplementary Estimates for the single year ending March 31 last. That is money that was spent, for which no appropriation had been made.

Public buildings—Manitoba 1; New Brunswick, 3; Quebec, 11; Ontario, 6; Saskatchewan and Alberta, 7; Public buildings generally, 1.

Then we come to harbours and rivers:

Nova Scotia, 2; Prince Edward Island, 1; New Brunswick, 2; Quebec, 18; Ontario, 12; Saskatchewan and Alberta, 1; British Columbia, 5.

So much for the over expenditure of the appropriation of last year. Now turning to the Supplementary Estimates for the current year we find the following, commencing with public buildings:

Nova Scotia, 15; Prince Edward Island, 1; New Brunswick, 10; Quebec,, 50; Ontario, 71; Manitoba, 12; Saskatchewan and Alberta, 19; British Columba, 18; Yukon Territory, 1.

Rivers and harbours—Nova Scotia, 148; Prince Edward Island, 22; New Brunswick, 41; Quebec, 127; Ontario, 79; Manitoba, 5; Saskatchewan and Alberta, 3; British Columbia, 25; Yukon Territory, 1.

Public works chargeable to income, dredging, $680,000, in addition to the special appropriations to which I have called attention. I need not add that we have that favoured expression 'notwithstanding anything in the Civil Service Act to the contrary,' appearing to a very great extent. I would call attention to the last supplementaries in which will be found the following public buidings:

Nova Scotia, 15; Prince Edward Island, 1; New Brunswick, 10; Quebec, 50; Ontario, 75; Manitoba, 12; Saskatchewan and Alberta, 19; British Columbia, 25; Yukon Territory, 1.

Public works chargeable to income.—Ontario, 37; Manitoba, 14; Saskatchewan and Alberta, 15; British Columbia, 10; Yukon Territory, 4.

Then we come to harbours and bridges: Nova Scotia, 58; Prince Edward Island, 9; New Brunswick, 27; Quebec, 53; On-

tario, 49; Manitoba, 5; Saskatchewan and Alberta, 4; Northwest Territories, 1; British Columbia, 14; Yukon Territory, 1.

I take the trouble to put these on record, or, to use the expression of the ex-premier of Ontario, to have them 'embalmed in the "Debates,"' for future reference. No doubt in many cases these appropriations are laudable; but in nineteen out of twenty they are made for political effect in the coming election. Apart from that altogether, we are departing from the original intention of the framers of our constitution in dabbling in small provincial matters. I notice that Ontario has greater justice done it in these estimates than ever in the past, but that does not affect the argument I am advancing as to why these appropriations appear in the estimates. It is a fair illustration of the political influences which are brought to bear upon the government for the purpose of retaining them, if possible, in power in the next election. If the people of Canada comprehend the extent to which this system is carried, I am convinced we shall have repetition in the coming election of what occurred in 1878 and 1896. If the people gave more attention to these matters I am satisfied that the term of a government in the future would not last so long as they have lasted in Canada. As education prevails, and people read and think more, it is to be hoped that changes will take place oftener in the future than they have occurred in the past. From my own personal experience, I think it is in the interest of any country that there should be more frequent changes of government, and if ever there was a time when a change should be made in Canada it is at the present moment.

Hon. Mr. FERGUSON—I do not rise to prolong the debate on Supply. This House, having very limited power to deal with money Bills, a long discussion on the Supply Bill does not seem reasonable. I want, however, before touching the subject I have risen to deal with, to point out to the hon. Secretary of State that the comparison which he has made between the increased debt under the Conservative administration and the debt created by the present government is not fair. During the Conservative administration, a great public work which had been slightly entered upon before was carried to successful completion, a public work that has given Canada a place among the nations of the world—I refer to the Canadian Pacific Railway. That was in the day of comparatively small things. The country had not expanded and extended as it has since, and the people were by no means so wealthy and able to stand the burden. Therefore, the comparison he made between the two administrations is very far from fair. Although there may have been many minor improvements effected in different parts of the country since the present government came into power, there has been nothing done to compare with the great work of building the Canadian Pacific Railway. The hon. Secretary of State also remarked that we could not point out any extravagant expenditure on the part of the government, or any work that should not have been undertaken. One thing which should not have been done was to undertake construction of the National Transcontinental Railway except to connect the headwaters of the lakes with the prairie country and make provision for carrying out the products of the Northwest. That is all the Grand Trunk Pacific contemplated, and if the government had simply fallen in with that proposition and given another line of railway into the prairies, these enormous expenditures in the east and centre which might be all right in the future, would not have been incurred. The expenditure on the line from Moncton to Quebec and from Quebec through the hinterland of Quebec and Ontario might well have been postponed, and also the construction of the line through the Rocky Mountains to the coast.

Hon. Mr. POWER—There is a good deal of force in what the hon. gentleman says, but I notice he has always been a strong advocate of the Hudson Bay Railway.

Hon. Mr. FERGUSON—If the government had built a railway to Hudson bay, they would have helped the country more than by constructing the National Transcontinental Railway at such an enormous expense. If they had built the Hudson Bay Railway and facilitated the Grand Trunk Pacific in reaching the prairies, the country

would be in a much better position to-day. The prospective public debt would have been much less, and, my hon. friend, in making his statement to the House was not fair. The cost of the National Transcontinental Railway has not yet appeared to a great extent in the public debt, but we know it will appear before long, and it is a burden that has actually been contracted and which must be carried on the shoulders of the people in consequence of the legislation of this government that should be set up in comparison with the debt contracted by the Conservative administration. I have no hesitation in saying that the government has become utterly discredited before the people of Canada. If that will not be the verdict at the polls in the coming elections, I never was more mistaken in my life. The injury to the country's credit has arisen from the reckless and wanton expenditure of the public money. The Finance Minister has proved himself to be a puppet in the hands of every one that came to him with a scheme. I speak without personal feeling, because he is my personal friend, but history will record that he has been a spendthrift Finance Minister. It would have been otherwise if we had had as finance minister such men as the late Alexander Mackenzie or Mr. Foster Mr. Mackenzie never filled the position of finance minister, but I coupled their names together because they were both, in their day, practically the watchdogs of the treasury. Had either of these men been finance minister, we would not be in the unfortunate position in which we find ourselves to-day. It is not alone in the extent of the expenditure that the government is discredited, but in the misinformation it has put before parliament and the manner in which it has chocked off all attempts at investigation in another place. All this has to be rolled up together, and for it the government will be arraigned in every constituency in Canada, and I cannot doubt what the result will be. Perhaps this will be my last opportunity this session to address the House. In a few minutes His Honour, the Speaker, will be leaving the chair, probably for good. The general opinion being that we are to have an election.

I think we should not therefore allow Black Rod to come to the door without placing on record an expression of our appreciation of the highly courteous manner in which His Honour, the Speaker, has presided over the deliberations of this body for the last four years. We have been wayward, many of us, in some respects, but his maxim has been 'to our virtues very kind, and to our faults a little blind.' While in the estimation of gentlemen who have come from popular assemblies to this House, it may be thought that he was hardly firm enough in enforcing the rules as they have been accustomed to see them enforced in other places, they must bear in mind what is obvious to the old members of the House that up to the present parliament, the Speaker had very limited power. Our system was founded on the practice of the House of Lords, where in some cases the Speaker was not even a member of that body. Therefore, the Speaker of the Lords has not been clothed with such strong power as the Speaker of the House of Commons of England. In my opinion the Speaker showed his good judgment in not immediately enforcing the power recently conferred on him. Without disparaging any of the Speakers who have presided over this body since I have had the honour of being one of its members, I am free to say that none of them has discharged his duty with greater forbearance, tact and impartiality than the hon. gentleman who presides over this House. (Applause). Whatever position he may occupy in public life, he will carry with him the good feeling of every member of the Senate of Canada who has had the honour of sitting with him in this chamber.

Hon. Sir MACKENZIE BOWELL—I should prefer to say what I have to remark about the Speaker when he is out of the chair, but he may be back again. Following the English practice, he may be reappointed and I am not sure whether, after all, it would not be right practice to adopt in this country. It requires a good deal of time, attention and study before any new man occupying the position of Speaker can become thoroughly acquainted with the rules and precedents which guide parliament. I cordially re-echo what my hon. friend has said of our Speaker. There is just one idea I had forgotten to express, and which I should like to have 'embalmed'

on the records of the Senate. I should like to point out the manner in which the press of this country has been, to use the language of my right hon. friend the Minister of Trade and Commerce, debauched by the Liberal government. It was a favourite form of attack by hon. gentlemen opposite, particularly the present Minister of Trade and Commerce, during the late administration, to attack the Conservative press and to point out how it was influenced by government patronage. If you consult the Auditor General's Report, you will find that the following sums have been paid to certain newspapers—I am only taking about half a dozen of them—by the present government. The larger sums that have been given from 1897 to 1907, or in ten years, have been the following:

Paper	Amt. Rcd.
Montreal 'Hearld'....	$217,480
St. John 'Telegraph'..	97,773
Moncton 'Transcript'..	88,831
Halifax 'Chronicle'	79,138
Quebec 'Soleil'..	49,410
Toronto 'Globe'	49,310
Quebec 'Telegraph'..	40,958

Some of the money is paid under the head of advertising, and other sums are given as printing. It is known that some of those papers do not keep job offices, and they get a rake-off on the work done in other offices, continuing the practice which prevailed under the Mackenzie administration when they subsidized the Speaker of the Commons, who at the time owned the only newspaper in St. John, by giving him printing without tender, although he had no job office in connection with his newspaper. My hon. friend the Secretary of State, not being able under the law as it stood before the change of government, to pay these party newspapers a sufficiently high price for the work awarded to them, introduced a Bill amending the law to enable them to pay almost any price they pleased for the work done. I have given a few illustrations to show the extent to which the Liberal press is subsidized. Now, I purpose reading the language used by the present Minister of Trade and Commerce, when he was in opposition, characterizing this mode of corrupting the press. In discussing this question in the House of Commons some years ago he spoke as follows:

> There is one Act which even among savages and barbarians is looked upon as inhuman,—not to be tolerated even under the extreme exigencies of war, and that is the poisoning of the wells from which friends and foes alike must quench their thirst.
>
> But here in Canada we have a government which does worse—which does not hesitate deliberately to poison and corrupt the very sources of information from which alone the ordinary voter can learn how public affairs are being administered, and whether he is well or ill served by those to whom he must perforce entrust the guardianship of his interests, and I say that of all the corrupt acts of the government, of all the signs of the degradation and debasement of public opinion which are everywhere manifest, there is not one act so fraught with evil consequences, not one sign so significant of degradation, as the manner in which the public press has been openly and systematically debauched year after year with the full knowledge and, apparently, the full approbation of almost every class of the well-to-do supporters of the government, and with very few evidences of any great disapproval even on the part of those who were not supporters.

That was the language used by my right hon. friend in criticizing certain printing and advertising done by Conservative newspapers, involving a very much smaller sum than any of these paid to newspapers supporting the present government. It must be borne in mind that for a great part of the time while the Conservative administration was in power, there was no law preventing them giving certain printing and advertising to newspapers, but, afterwards, the Printing Bureau was established and prices were fixed by statute, and this law was amended by the present government with the result which I have indicated. I am sorry that my right hon. friend is not present, because it would have given me a great deal of pleasure to rub it into him a little as to the position in which he is now, supporting the very thing that he condemned so vigourously in the past.

Hon. Mr. ROSS (Middlesex)—I had no intention of taking part in a discussion on this Bill, nor shall I ask the House to assume that anything I may say is really a material part of the discussion. To discuss a Supply Bill requires a considerable study. I have not made it a study, and, therefore, I do not assume or presume to discuss this Bill as I would like to, were this our full dress debate. Moreover, we have no power with regard to Supply Bill except to reject or accept it. We have the power of criticism, the right of free speech, which is a very great privilege, and which I think the House should exercise with regard to the Supply Bill as it does with regard to any

measure submitted to us. It would be unseemly, to say the least of it, if a Bill were submitted to us for consideration and we were not permitted to discuss it with perfect freedom. A great deal of money is asked for, but a great deal of money is required. Twelve years have made a wonderful change in Canada. It is quite true that some of this prosperity may be credited to the Canadian Pacific Railway. We have spent a large amount of money on that railway, and we should have got something in return. We have got more than the most sanguine expected perhaps. It has been a great enterprise, and has done much not only for the older parts of Canada, but for the newer portions. It has opened up the prairies of the west and contributed to the settlement of the country, probably a million in the west alone. But beyond what the Canadian Pacific Railway has done for Canada locally, it has done a great deal for us abroad. It has called attention to the great resources of this country and has been the means of attracting immigrants, and a good deal of the development we have attained and of the expenses we are obliged now to assume, have arisen from the development arising from that great enterprise. Moreover, we have derived a good deal of prosperity from the wise tariff which this present government has adopted. I am not a protectionist, as that doctrine is generally understood, but I am a protectionist so far as may be necessary to protect our own industries against the undue competition of foreign industries.

Hon. Mr. FERGUSON—You are not far from the kingdom.

Hon. Mr. ROSS (Middlesex)—Not far, but still far enough not to be one of the protectionist party. All the civilized nations of the world except Great Britain have accepted this doctrine, and we cannot be very far wrong when we are in company with such great governments as the United States, France, Germany and Italy; but whether we are right theoretically, we are right practically, and the policy of securing the Canadian market to the Canadian people, at the same time without allowing combinations injurious and oppressive to be formed, is a sound policy for Canada, and this tariff secures that end better, perhaps, than any tariff we have had. It has contributed to our prosperity. Having this prosperity and this large income from these various sources, from the increase of population and the natural accumulation of wealth, what are we to do with the money? We are to restore that money to the people in such a way as to add to the general prosperity. In the matter of aiding railways, the provinces, now that their subsidies have been increased, should be entrusted with the development largely of local railways, and when a subsidy is asked for by a local railway it must be clearly shown that that road is contributary in a very substantial degree to a railway of national import. I would withdraw the subsidy except in cases of that kind. But all this money spent for the development of the country comes back to the treasury in increased revenue, and increased population and prosperity and national standing. After all, the greater the degree to which the government contributes to the national standing, to that same degree do we strengthen our position, increase our resources and secure accretions to our population. The Transcontinental Railway will cost a large amount of money. Whether it will be a profitable investment or not, remains to be seen. Some of us, at one time, thought the Canadian Pacific Railway would not be profitable. The freight and passenger traffic of the new railway will be great as the country grows, and we trust that it will be a profitable undertaking. But look at the enormous development which must arise from its construction? Beginning at Moncton, and running through the centre of Quebec, it opens up a new country. It costs something to open up a country. In the early development of Canada, the imperial government built our canal; later they subsidized the Grand Trunk Railway and later still guaranteed the bonds of the Intercolonial Railway. What the imperial government did for us from abroad, we ought not to be afraid to do for ourselves. We are no longer minors; we have attained our majority. If we open up central New Brunswick, surely we are promoting the interests of Canada as a whole. The same is true of northern Quebec and remarkably true of northern Ontario, because in this

province we are opening up 800 miles of hinterland for development and settlement. The little Temiscaming and Northern Ontario Railway built during my administration of the provincial government, has been the means of producing millions of dollars already, and no one can say how many millions more will come to the province of Ontario and to Canada from the construction of that road. What has been done in that narrow area may be done a thousand fold over the larger extent by the construction of the National Transcontinental Railway. It is gong to cost more than we expected, but did you ever hear of an enterprise that did not cost more than the original estimate? I do not know of any building or railway in Canada that did not exceed the estimates except one, and that was the erection of the parliament buildings of the province of Ontario. In that case, we kept within our estimates and that is, at least, to our credit. This building cost seven times its original estimate. The Canadian Pacific Railway cost more than its original estimate; the Intercolonial Railway cost three times its original estimate. The Grand Trunk Pacific is in the same catagory, and, as the hon. Secretary of State says, that additional cost may not be wasted. It arises from the increased cost of labour and material. My hon. friend from Hastings has referred to the subventions given to the press. If any inference is possible from his observations, it is that these subventions to the press have the effect of lowering the independence of the newspapers that receive them, of polluting their views, and making them subservient to the government of the day. Now these subventions to the press are very largely in the form of advertising, and the cost of advertising has increased in accordance with the growth of the country. We advertised very freely. I used to think that in the province of Ontario we advertised too economically. It may be that the government has gone to the opposite extreme; but the newspapers have raised their rates from year to year. They share in the general prosperity and charge accordingly. If you advertise, you have to advertise in the press. There is no other way of reaching the public, and these advertisements are naturally in the press belonging to the party in power. Some of the large papers in Montreal and Toronto are used by both parties, because there are no other papers with similar circulation. Should a government, in order to avoid the charge of subsidizing the press to secure political support, refrain from advertising its public works? If you do that you are open to the charge of doing business in the dark, in a hole and corner way. You must give publicity, and publicity costs a government as much as it costs anybody else. So that those subventions, large as they appear, might be expected to be pretty large in view of the many undertakings. The more numerous the undertakings, the more publicity you must get and the more you must advertise.

Hon. Sir MACKENZIE BOWELL—I suppose that is the reason why the advertising is confined to the press of one side ?

Hon. Mr. ROSS (Middlesex). Yes, very largely, because the press of the Liberal party is so good that Conservatives must read it in order to be informed. If you advertise in the press of the Liberal party, the other side is sure to know what is going on, because it is indispensable for them. I do not say that the Conservative press is not a good press, but we reach the public in that way.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must not forget that I did not use the language that was used by the right hon. Minister of Trade and Commerce, in referring to government advertising. I compliment the hon. gentleman on making a speech condemning such sentiments.

Hon. Mr. ROSS (Middlesex)—My hon. friend, I understand, quoted the language of Sir Richard Cartwright as applicable to the present condition of things.

Hon. Sir MACKENZIE BOWELL—If it were true then, it is doubly true now.

Hon. Mr. ROSS (Middlesex). The hon. gentleman uses it now because he thinks it is true of present conditions ; the inference is that Sir Richard used it originally because it was true. But is it true that the public press of this country is not as outspoken as it ever was ? Can my hon. friend point to a single Liberal newspaper in Can-

ada that does not speak as freely as it ever did on public questions ? It does not condemn the government, because it does not see anything in the government to condemn. I do not know that the newspapers are stifled in their utterances just because of those subventions ; but it is a little unfortunate that party politics in this country should be split so fine that the government is almost obliged, following precedent at all events and public opinion of both parties, to confine its advertising very largely to the press of its own party. I think that is unfortunate. There should be a greater breadth of view in matters of that kind and matters of other kind, but we will slough off this condition of things as we grow older, and what is considered necessary in a country when it is young, will be considered of no moment when the country becomes stronger, and its fibre more virile. I wish to supplement the remarks of the hon. senator from Marshfield as to the impartial and kindly manner in which his honour the Speaker has discharged his duties this session. I do not know that it is necessary to acentuate his career, which has been one of marked ability during the two years I have been in this House. It is very pleasant for me to have served under Speakers in three different departments of public legislation, and my experience has been uniform, that in discharging their duty they have maintained the dignity and shown the impartiality pertaining to the office according to the best traditions of the British service. It is a pity that in this House, as in England, there is no consideration paid to the Speaker after his retirement. The Lord High Chancellor, who is Speaker of the House of Lords, carries with him after his retirement a modest pension of £5,000. There is no such privilege or honour attached to our Speaker ; the more is the pity. If there is no consideration attached to him, the least we can do who have served at his feet and observed his judicial character and profited in the discharge of our public duties by his services, is to acknowledge, in few words it may be, but in the kindest manner possible, the valuable services he has rendered. Whether the Crown will re-appoint him or not is another matter, but we have a guarantee that four years of service in the past could not fail to be followed by other four years of service equally acceptable. The man behind the Speaker is sometimes more important than the chair, and his honour's manly, straightforward and impartial conduct has given us an assurance that whether he is continued as Speaker or appointed to some other position, the country will have in him a public servant on whom it may depend and that whatever duties may be assigned to him, will be discharged with impartiality and ability.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman to say that the British government had aided in the construction of the Grand Trunk Railway?

Hon. Mr. ROSS (Middlesex)—I think it endorsed our bonds.

Hon. Sir MACKENZIE BOWELL—No. The hon. gentleman is confounding the Intercolonial Railway with the Grand Trunk Railway. When the Intercolonial Railway was built, the imperial government insisted on its being built on the north shore, and guaranteed the Canadian bonds at 4 per cent; but I have no recollection of the British government having in any way aided the Grand Trunk Railway.

Hon. Mr. SCOTT—It is very gratifying to the personal friends of his honour the Speaker to hear the well deserved complements paid him. Certainly no gentleman, in my recollection, has discharged more fairly the duties of the office, has held the scales more equally between the political parties in this chamber. Coupled with his equanimity, there has always been the bright cheerful and pleasant way with him that has added very much to the gratification of having a seat in the Senate of Canada.

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

Hon. Mr. SCOTT moved the third reading of the Bill. He said: I think the hon. senator from Hastings is under a gross misconception with regard to the sums paid to Liberal newspapers. The hon. gentleman has been quoting the amounts paid the press under the assumption that they were for advertisements.

Hon. Sir MACKENZIE BOWELL—I did not say so. I said that they were subsidies to that extent.

Hon. Mr. SCOTT—There is a large overflow of work in connection with the government printing. Some of the work has to be done outside and the charges are always examined and certified by the King's Printer before they are paid.

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

THE INTER-PARLIAMENTARY CONGRESS.

The SPEAKER—I am in receipt of a letter inviting all members of the Parliament of Canada who wish to attend the Interparliamentary Congress to be held September 10 to 13, in Germany, to notify the chairman in order that they may be able to send the delegates from Canada, with free transportation on German railways. I know of two or three members of the Senate who will be in Europe at that time. If any others intend to be in Europe in September, I would request them to send their names to me and I will transmit them to the president of the German group. I understand there will be official receptions to the delegates by the imperial Reichstag, as well as by the city of Berlin.

GENERAL ELECTION.

Hon. Mr. ELLIS—Some observations which have been made would seem to convey the idea that there was in the minds of hon. gentleman the belief that this would be the last session of the present parliament. I should like to ask the hon. Secretary of State if he could give any information in regard to that matter?

Hon. Mr. SCOTT—I cannot. I am not in a position to do so. Parliament has not fulfilled its mission yet. There is another year to run.

The SPEAKER—Inasmuch as this may be the last time I shall preside over this important body, I desire to return my very hearty thanks for the kindly way in which the Senate has treated the present Speaker during his occupancy of the office, and I will carry with me the most pleasant recollection of my speakership. The very kind words spoken by my hon. colleagues this morning as to the satisfactory way I have, in their estimation, discharged the duties of my office are most highly appreciated by me, although they imply considerable forbearance and indulgence on their part.

The House adjourned during pleasure.

After some time the House resumed.

BILLS ASSENTED TO.

The Right Honourable Sir Charles Fitzpatrick, K.C.M.G., Chief Justice of Canada, acting Deputy of His Excellency the Governor General, being seated on the Throne,

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House: 'It is His Honour 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 Phœnix Assurance Company, Limited.

An Act for the relief of Hattie Spratte.

An Act for the relief of Edith May Gilmore.

An Act for the relief of Catherine Ann Cannon.

An Act for the relief of Mary Alexander.

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An Act respecting the office of the Auditor General.
An Act respecting a certain patent of William B. Smith.
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An Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill Park, in the city of Ottawa, as a hotel site.
An Act to restrain the use of tobacco by young persons.
An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony, on the Souris branch, to Elmira.
An Act to amend chapter 38 of the statutes of 1907 in amendment of the Railway Act.
An Act to amend the Judges' Act.
An Act to amend the Northwest Territories Act.
An Act to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Board of Railway Commissioners.
An Act to incorporate the Synod of the Diocese of Keewatin.
An Act to amend the Inspection and Sale Act, as regards Grain.
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An Act to authorize a bounty to volunteers who served the Crown in South Africa.
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An Act to amend the Civil Service Act.
An Act to prohibit the importation, manufacture and sale of opium for other than medicinal purposes.
An Act respecting certain aid for the extension of the Canadian Northern Railway.
An Act respecting aid for the extension of the Edmonton-Yukon and Pacific Railway.
An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned.
An Act respecting the Quebec Bridge and Railway Company.
An Act to amend the Dominion Elections Act.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words:

'In His Majesty's name the Deputy to His Excellency doth assent to these Bills.'

Then the Honourable the Speaker of the House of Commons addressed His Honour the Deputy of His Excellency the Governor General as follows:

'May it please Your Honour:

'The Commons of Canada have voted certain Supplies required to enable the Government to defray the expenses of the Public Service.

'In the name of the Commons, I present to Your Honour a Bill intituled:

An Act for granting to His Majesty certain sums of money for the public service of the financial year ending March 31, 1909.

Then after the Clerk of the Crown in Chancery had read the Title of the Bill;

To this Bill the Royal Assent was pronounced by the Clerk of the Senate, in the following words:

'In His Majesty's name His Honour the Deputy of His Excellency the Governor General thanks His Loyal Subjects, accepts their benevolence, and assents to this Bill.'

After which the Deputy of His Excellency the Governor General was pleased to close the Fourth Session of the Tenth Parliament of the Dominion of Canada with the following Speech:

PROROGATION OF PARLIAMENT.

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

I am glad to be able to relieve you from further attendance on this long protracted session, and I thank you for the assiduity and care you have given to the unusually large number of important subjects that have been submitted for your consideration. It is, however, satisfactory to note the many excellent measures that have been passed, and which it is hoped will prove beneficial to the people of Canada.

Among other Acts, attention may be called to the Manitoba Grain Act and the Grain Inspection Act which, while protecting the high standards of western grown grain from inferior mixtures, secures to the farmer the increased value attaching to those standards.

In response to an advanced public opinion, appointments and promotions to the civil service will be made henceforth only after a competitive examination in which those who excel will receive the reward of merit; and, while the operations of the Act are limited to the service at the seat of government its provisions may later on be extended to the service throughout the Dominion.

The Act revising and consolidating the laws and regulations affecting the disposition of the public lands will it is believed meet with the hearty approval of the western provinces more immediately interested. One of the principal features of the Act is the permission to take up a second homestead within a limited area, and also the right of a homesteader to acquire by purchase the adjoining quarter-section. It is intended that the proceeds of these sales shall in the first place be set apart as a fund for the construction of a railway to Hudson bay.

The amendments to the Bank Act allowing, under certain restrictions, an expansion in the circulation of notes of the banks during the period of the year while the crops are being moved, will, it is considered, facilitate the quick transport of the products of the farm to the markets of the world.

Important amendments have been made to the Act respecting elections which it is confidently believed will more effectively protect the rights of the voters and guard against the exercise of undue influence in electoral contests.

The proposal to make a free grant of land as a bounty to the volunteers who rendered valuable service to the empire in the South African war will meet with hearty approval.

The reduction of the duty on dropped letters in cities and certain towns, and the enlargement of the area within which the postage on certain classes of newspapers may be carried free, will I feel be much appreciated.

The amendments made to the Inland Revenue Act, whereby the discrimination against Canadian grown tobacco created by distinctive labels used in cigars and tobacco will no longer exist; it is confidently believed that those amendments to the Act will have the effect of improving and encouraging home grown tobacco and prove of great benefit to that portion of our agricultural population engaged in that industry.

The increasing demands for improved transportation facilities in a country so widely extended and so sparsely settled as this Dominion, warrants public aid in the construction of railways, and the experience of the past amply justifies the liberal subsidies in the Act that has been assented to.

The placing of the telegraph and telephone systems under the jurisdiction of the Railway Commissioners will meet with the hearty approval of all classes in the Dominion. The rapidly increasing number of applications to the Board of Railway Commissioners involves the necessity for the appointment of additional members on the board.

The extension of the time for the payment of a bounty on lead ores, and the enlargement of the conditions under which the bounty may be earned will, it is believed, stimulate the growth of an important industry in the province of British Columbia.

The physical and mental degradation following from the too free use of opium have long been recognized, and efforts have been made in all countries boasting of advanced civilization to stamp out its use, except when prescribed for medicinal purposes. The increasing consumption of this deleterious drug in Canada has prompted the adoption of the Act to restrain its use except when authorized by medical men.

The issue of government annuities for old age will, it is confidently believed, encourage habits of thrift and economy, securing to the holder some provision for declining years.

The subject of immigration from Japan has received much attention during the year, and it was deemed desirable to send one of my ministers to Japan to discuss with His Majesty's ambassador at Tokio, and with the Japanese authorities, the advisability, in view of the local conditions in this country, and other reasons, for restricting such immigration. I am glad to know that a satisfactory arrangement has been effected, and I feel assured that the terms of the agreement will continue to be faithfully carried out.

An arrangement with regard to immigration from India having also become desirable, a representative of the government was sent to England to discuss the question with the authorities of the United Kingdom, and in this case also with results that promise to be entirely satisfactory.

In both these cases it has been the desire of my government that while caring properly for the interests of the Dominion, the welfare of the empire at large should also be regarded.

The Gold and Silver Marking Act will stimulate the manufacture of a superior quality of those articles composed of the precious metals, and at the same time will protect the public from fraudulent representations.

The Act respecting juvenile delinquents will enable those societies that have for their object the reformation of children living under the influence of criminal tendencies, to more efficiently accomplish their purpose, and thus save the innocent little ones from the evil influences of vicious environment.

The Act restraining the use of tobacco by young persons will, it is hoped, check a growing habit that is seriously affecting the health of many Canadian boys.

When parliament opened in November last a serious financial depression prevailed throughout the adjoining republic the effect of which was far reaching, involving in a limited degree all those countries having business relations with the United States. The crisis in the money market that followed, coupled with the diminished value of the crops in the prairie provinces, seriously affected the yearly increasing prosperity which Canada had enjoyed during the preceding eight years. The present hopeful outlook for an unusually large crop of the cereals and other products of the soil, will, it is believed, mark the beginning of another long series of years of plenty and prosperity.

It is very gratifying to observe the patriotic enthusiasm that has been aroused not only in all parts of the Dominion but throughout the empire, at the approaching celebration of the founding of the city of Quebec three hundred years ago by the heroic French navigator, Samuel de Champlain. To add to the glory of the occasion His Gracious Majesty the King has deputed His Royal Highness the Prince of Wales to represent him at the interesting pageants that will be presented in commemoration of the event. The presence also of representatives from France and the United States at the ceremonial will be hailed with intense pleasure by the people of Canada, and will be accepted as an evidence of friendship on the part of the citizens of those two great republics.

Gentlemen of the House of Commons:

I thank you for the liberal provision you have made for the public service.

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

Let us earnestly hope that when we meet again the present bright prospects for a bountiful harvest in all parts of the Dominion will have been realized, prompting an additional reason for expressing our heart-felt thanks to a kind Providence for the many blessings we enjoy in this favoured land.

The Speaker of the Senate then said:

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

It is the will and pleasure of His Honour the Deputy of His Excellency the Governor General, that this parliament be prorogued until Tuesday, the twenty-first day of August next, to be here holden, and this parliament is accordingly prorogued until the twenty-first day of August next.

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PART I — SENATORS

The following abbreviations are used: 1st R., 2nd R., 3rd R., 1st, 2nd and 3rd Readings; *, without remark or debate; Accts., Accounts; Adjn., 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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(B) An Act respecting the Occidental Fire Insurance Company (Mr. Watson). Int., 175; 2nd R.*, 219; 3rd R.*, 550; R.A., 1147 (c. 139).

(C) An Act to incorporate the Standard Accident Insurance Company (Mr. Kerr). Int., 175; 2nd R.*, 219; 3rd R.*, 550; Commons amts. concurred in (Mr. Kerr), 792; R.A., 1147 (c. 159).

(D) An Act respecting the Grand Trunk Railway of Canada (Mr. Gibson). Int., 175; 2nd R.*, 219.

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(E) An Act respecting a certain patent of Frederick B. Rehm, Elias Frank and Isadore Frank (Mr. Beith). Int., 175; M. 2nd R. (Mr. Beith), rem., Mr. Power, Mr. Lougheed, 219; Mr. McHugh, Mr. Kerr, Mr. Cloran, M. agreed to, 220; 3rd R.*, 380; R.A., 779 (c. 151).

(F) An Act respecting the St. Clair and Erie Ship Canal Company (Mr. Lougheed). Int., 176; M. 2nd R. (Mr. Lougheed), rem., Mr. Wilson, M. agreed to, 221; 3rd R.*, 318; R.A., 541 (c 153).

(G) An Act respecting the Eastern Trust Company (Mr. MacKeen). Int., 176; 2nd R.*, 219; B. rep. from Com. (Mr. Drummond), 330; 3rd R.*, 354; R.A., 1147 (c. 103).

(H) An Act to incorporate the Dominion Lumbering and Power Development Company (Mr. Béique). Int., 176; M. 2nd R. (Mr. Béique), rem., Mr. Ellis, Mr. Kerr, Mr Cloran, 221; Mr. McMullen, Mr. Lougheed, 222; Mr. Béique, Mr. Scott, Mr. Cloran, 223; Mr. Landry, 224; Mr. Scott, Mr. Power, Mr. Speaker, 225; Mr. Ferguson, Mr. Béique, 226; Mr. Wilson, Mr. Edards, 227; Mr. Ferguson, Mr. Domville, Mr. Béique, 228; Mr. Cloran, M. agreed to, 229; M. 3rd R. (Mr. Casgrain), amt. Mr. Davis, 928; rem., Mr. Béique, Mr. Power, Mr. Poirier, 929; Mr. Wilson, Mr. Kerr, 930; Sir M. Bowell, 931; Mr. Ross (Middlesex), 933; amt. lost (c. 12, n.c. 31), 934; amt. Mr. Davis, 934; rem., Mr. McMullen, Mr. Wilson, 935; Mr. Gibson, Mr. Davis, 936; amt. lost, M. 3rd R. agreed to, 937.

(I) An Act to incorporate the Manufacturers' Mutual Liability Insurance Company (Mr. Jones). Int., 187; 2nd R., 244; in Com., rem., Mr. Scott, B. rep. from Com. (Mr. MacKeen), 337.

(J) An Act to incorporate the Anglo-Canadian and Continental Bank (Mr. DeVeber). Int., 2nd R., 262; rem., Mr. Lougheed, Sir M. Bowell, Mr. Scott, Mr. Kerr, 263; 3rd R., 523; R.A., 1147 (c. 81).

(K) An Act respecting the Western Alberta Railway Company (Mr. De Veber). 1st R., 214; M. 2nd R. (Mr. De Veber), rem., Mr. Wilson, 264; Mr. Lougheed, M. agreed to, 265; 3rd R.*, 504; R.A., 1147 (c. 170).

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(L) An Act to amend the Companies Act (Mr. Scott). Int., 1st R., 247; 2nd R., 291; 3rd R.*, 363; Commons amts. concurred in, 652; R.A., 779 (c. 16).

(M) An Act respecting the Trans-Canada Railway Company (Mr. Choquette). Int., 247; M. 2nd R. (Mr. Choquette), rem., Mr. Casgrain, Mr. Lougheed, 291; Sir M. Bowell, M. agreed to, 292; 3rd R.*, 368; R.A., 779 (c. 164).

(N) An Act respecting the Windsor, Chatham and London Railway Company (Mr. Coffey). Int., 262; 2nd R.*, 291; 3rd R.*, 368; R.A., 779 (c. 171).

(O) An Act to incorporate the Saskatchewan Power Company, Limited (Mr. Davis). Int., 270; M. 2nd R., (Mr. Davis), rem., Mr. Watson, Mr. McMullen, Sir M. Bowell, M. agreed to, 306; amts. concurred in, 773; 3rd R.*, 774; R.A., 1147 (c. 154).

(P) An Act respecting the Quebec and New Brunswick Railway Company (Mr. Costigan). Int., 1st R.*, 272; M. 2nd R. (Mr. Costigan), rem., Mr. McMullen, 319; M. agreed to, 320; 3rd R.*, 504; Commons amts. concurred in, 833; R.A., 1147 (c. 149).

(Q) An Act to incorporate the London and Lancashire Guarantee and Accident Company of Canada (Mr. Ross, Middlesex). Int., 293; M. 2nd R. (Mr. Ross), M. agreed to, 320; B. rep. from Com. (Mr. Drummond), 448; 3rd R.*, 523; Commons amts. concurred in (Mr. Ross), 800; R.A., 816 (c. 124).

(R) An Act respecting the Manitoulin and North Shore Railway Company (Mr. Kerr). Int., 308; 2nd R., 354; 3rd R.*, 684; R.A., 1147 (c. 127).

(S) An Act respecting the Pacific and Atlantic Railway Company (Mr. Kerr). Int., 308; 2nd R.*, 479; 3rd R.*, 703; R.A., 1147 (c. 142).

(T) An Act respecting the Atlantic, Quebec and Western Railway Company (Mr. Fiset). Int., 337; 2nd R.*, 368; amts. concurred in (Mr. Casgrain), 616; 3rd R., 617; R.A., 816 (c. 84).

(U) An Act to change the name of the head office of the Anglo-Canadian Insurance Company (Mr. Watson). Int., 337; 2nd R.*, 368; 3rd R.*, 523; R.A., 1147 (c. 131).

(V) An Act respecting the Dominion Guarantee Company, Limited (Mr. Watson). Int., 337; 2nd R.*, 382; 3rd R.*, 523; on

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Commons amts., M. not to concur (Mr. Barker) rem., Mr. Speaker, Mr. Power, M. agreed to, 1476; R.A. 1738 (c. 102).

(W) An Act to amend the Naturalization Act (Mr. Scott). Int., 1st R., 355; 2nd R., 380; in Com., on cl. 1, rem., Mr. Macdonald (B.C.), Mr. Scott, cl. adopted, 473; amt. (Mr. Scott), rem., Mr. Lougheed, amt. carried, B. rep. from Com. (Mr. Gibson), 488; 3rd R.*, 504; R.A., 1738 (c. 48).

(X) An Act to incorporate the Ontario and Michigan Power Company (Mr. Watson). Int., 356; M. 2nd R. (Mr. Watson), 381; rem., Mr. Lougheed, Sir M. Bowell, Mr. Kerr, M. agreed to, 382.

(Y) An Act respecting the Grand Trunk Pacific Branch Line Company (Mr. Watson). Int., 1st R.*, 368; 2nd R., 454; 3rd R.*, 761; R.A., 1147 (c. 115).

(Z) An Act relating to the Water Carriage of Goods (Mr. Campbell). Int., 382; M. 2nd R. (Mr. Campbell, 473; rem., Mr. Lougheed, Sir R. Cartwright, 476; Mr. Ferguson, 477; Mr. Derbyshire, Mr. Cloran, 478; M. agreed to, 479; 1st report adopted (Sir G. Drummond), 591; in Com., Mr. Landry, Mr. Belcourt, 989; Mr. Campbell, Mr. Kerr, 990; B. rep. from Com. as amended (Mr. Watson), 993; 3rd R.', 1004.

(AA) An Act for the relief of Andrew Walker (Mr. Frost). Int., 404; 2nd R.*, 454; 3rd R.*, 487; R.A., 1147 (c. 168).

(BB) An Act to amend the Board of Trade Act (Mr. Scott). Int., 1st R., 448; 2nd R., 487; in Com., rem., Mr. Lougheed, Mr. Scott, B. rep. from Com. (Mr. McKay, Truro), 538; 3rd R.*, 550; Commons amt. concurred in, 1494; R.A., 1738 (c. 9).

(CC) An Act to amend the Gold and Silver Marking Act (Sir R. Cartwright). Int., 1st R., rem., Mr. Lougheed, Mr. Ferguson, Mr. Gibson, 470; 2nd R.*, B. rep. from Com. (Mr. David), 3rd R.*, 487; R.A., 779 (c. 29).

(DD) An Act respecting the Board of the Presbyterian College of Halifax (Mr. McGregor). Int., 521; 2nd R.*, 616; B. rep. from Com. (Sir G. Drummond) 777; 3rd R.*, 781; R.A., 1147 (c. 147).

(EE) An Act respecting the Pontiac Central Railway Company (Mr. Campbell). Int., 567; 2nd R.*, 632; B. rep. from Com. (Mr. Casgrain), 760; 3rd R.*, 781; R.A., 1147 (c. 146).

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(FF) An Act for the relief of Edith Maud Rosario Gammell (Mr. Jones). Int., 591; 2nd R.*, 632; 3rd R.*, 684; R.A., 1147 (c. 110).

(GG) An Act respecting the Northern and the Crown Bank of Canada (Mr. Ross, Middlesex). Int., 616; M. 2nd R. (Mr. Young), 679; rem., Mr. Landry, Mr. Young, M .agreed to, 680; B. rep. from Com. (Sir G. Drummond), 761; 3rd R.*, 781; R.A., 1147 (c. 137).

(HH) An Act to restrict the evils of Divorce (Mr. Cloran). Int., 640; M. 2nd R. (Mr. Cloran), 722; M. lost (c. 22, n.c. 24), 724.

(II) An Act respecting the Nipissing Central Railway Company (Mr. McGregor). Int., 714; 2nd R.*, 740; 3rd R.*, 920; R.A., 1148 (c. 135).

(JJ) An Act for the relief of Edith May Gilmore (Mr. Perley). Int., 735; 2nd R.*, 761; 3rd R.*, 851; R.A., 1737 (c. 112).

(KK) An Act to amend the Prison and Reformatory Act in so far as the same affects the Province of Nova Scotia (Mr. Power). Int., 779; 2nd R., 799; in Com., various amts. (Mr. Power) agreed to, 853, 854; B. reported from Com. (Mr. Baker), 855; 3rd R.*, 862; Commons amts. concurred in (Mr. Power), 1227; R.A., 1737 (c. 55).

(LL) An Act respecting the Phœnix Insurance Company, Limited (Mr. Bostock). Int., 779; 2nd R., 799; 3rd R.*, 862; R.A., 1148 (c. 145).

(MM) An Act to incorporate the Synod of Keewatin (Mr. Ellis). Int., 779; 2nd R.*, 799; 3rd R.*, 1004; R.A., 1738 (c. 121).

(NN) An Act to amend the Canada Shipping Act (Sir R. Cartwright). Int., 779; 2nd R., 855; in Com., Mr. Power, Sir M. Bowell, 913; Mr. Domville, Mr. Lougheed, 914, Mr. Ellis, Mr. McGregor, 915; Progress rep., 919; in Com., 951-956; Sir R. Cartwright, amt. (Mr. Power) to cl. 75, amt. lost, B. rep. from Com. with amts. (Mr. Wilson) 1007; 3rd R.*, 1011; Commons amts. concurred in, 1681; R.A., 1738 (c. 65).

(OO) An Act to amend the Chinese Immigration Act (Sir R. Cartwright). Int., 817; 2nd R., 874; in Com., Mr. Wilson, Mr. McMullen, Sir R. Cartwright, Sir M. Bowell, 1046, 1050; B. rep. from Com. (Mr. Coffey), 3rd R.*, 1050; M. to concur in Commons amts. (Mr. Scott), 1321; rem., Sir M. Bowell, Mr. Campbell Mr. Bostock, 1322; Mr. Power, M. agreed to, 1323; R.A., 1737 (c. 14).

(PP) An Act to amend the Railway Act as regards the preferential charge created by the issue of securities (Mr. Casgrain). Int., 817; 1st R., 818; M. 2nd R. (Mr. Casgrain), rem., Mr. Lougheed, Mr. Kerr, Mr. Béique, 863; Mr. Power, M. agreed to, 865; in Com., rem., Mr. Casgrain, 937; Mr. Lougheed, 938; Mr. Béique, 939; Mr. Wilson, Mr. Scott, 940; Mr. Ferguson, 941; Sir M. Bowell, 944; on cl. 141, Mr. Béique, Sir M. Bowell, 956; (Mr. Ross, Middlesex), 957; Mr. Lougheed, Mr. Scott, 959; Mr. Ferguson, 961; Sir M. Bowell, 933; Mr. Casgrain, Mr. Lougheed, Mr. Power, Mr. Scott, 1064; Sir M. Bowell, 1065; Mr. Ferguson, 1066; Mr. Power, 1068; Mr. Béique, Mr. Cloran, 1071; Mr. Wilson, Mr. Casgrain, 1073; Mr. Casgrain, Mr. Gibson, 1359; Mr. Ross (Middlesex) ,1360; Mr. Scott, 1361; Sir M. Bowell, 1363; Mr. Baird, Mr. Cloran, 1364; Mr. Béique, 1366; Mr. Ferguson, 1370; Mr. Domville, 1371; Mr. Watson, 1371; M. that Com. rise, carried, B. dropped, 1373.

(QQ) An Act respecting Juvenile Delinquents (Mr. Béique). 1st R., M. 2nd R. (Mr. Béique), 971; rem., Mr. Coffey, 975; Mr. MacDonald (B.C.), Mr. Lougheed, 979; Mr. Kerr, 981; M. agreed to, 982; in Com., Mr. DeBoucherville, Mr. Power, Mr. Scott, Mr. Béique, Mr. Wilson, 1037-1039; Mr. Béique, Mr. DeBoucherville, Mr. Power, Mr. Wilson, Sir M. Bowell, Mr. Ellis, 1042-1046; B. rep. from Com. (Mr. Roy), 1046; M .3rd R. (Mr. Béique), 1149; M. in amt. (Mr. DeBoucherville) for 3 m. h., 1152; rem., Mr. Béique, 1152; Mr. Ross (Middlesex), 1153; Mr. Landry, 1155; Mr. Béique, M. for 3 m. h. lost (c. 4, n.c. 41), 1156; amt. Mr. Scott, carried, amt. Mr. Power, rem., Mr. Béique, 1157; amt. to amt. Mr. Landry, rem., Mr. Power, 1158; Mr. Ferguson, 1160; Mr. Ross (Middlesex), 1163; amt. to amt. rejected, 1164; amt to amt. Mr. David carried, amt. Mr. Power carried, M. 3rd R. carried and B. passed, 1165; R.A., 1738 (c. 40).

(RR) An Act for the relief of Catherine Ann Cannon (Mr. Baird). Int., 876; 2nd R.*, 926; 3rd R.*, 928; R.A., 1737 (c. 97).

(SS) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company (Mr. Belcourt). Int., 876; 2nd R.*, 986; 3rd R.*, 1042; R.A., 1738 (c. 122).

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(TT) An Act respecting certain patents of the General Chemical Company (Mr. Kerr). Int., 876; 2nd R.*, 926; 3rd R.*, 971; R.A., 1737 (c. 111).

(UU) An Act for the relief of Mary Alexander (Mr. Derbyshire). Int., 876; 2nd R.*, 926; 3rd R.*, 928; R.A., 1737 (c 80).

(VV) An Act for the relief of Ada Katurah Stewart Paulding (Mr. Derbyshire). Int., 876; 2nd R.*, 926; 3rd R.*, 928; R.A., 1737 (c. 144).

(WW) An Act to amend the Canada Temperance Act (Mr. McGregor). Int., 876; 2nd R., 965; in Com., rem., Mr. McGregor, 1105; Mr. McSweeney, Mr. Comeau, Mr. Cloran, 1106; Mr. Domville, 1107; Mr. Wilson, Mr. Cloran, 1109; Mr. Ferguson, 1110; Mr. Ross (Middlesex), Mr. Power, 1111; general discussion, 1112, 1128; B. rep. without amt. (Mr. Talbot), 1129; M. 3rd R. (Mr. McGregor), amt. Mr. Power, amt. to amt. Mr. Scott, amt. withdn., amt. to amt. carried. M. 3rd R. carried, 1129; R.A., 1738 (c. 71).

(XX) An Act to incorporate the Traders' Life Insurance Company (Mr. Jaffray). Int., 898; 2nd R.*, 951.

(YY) An Act respecting the Crown Life Insurance Company (Mr. Lougheed). Int., 899; 2nd R.*, 946; 3rd R.*, 1004; R.A., 1148 (c. 99).

(ZZ) An Act to amend the Manitoba Grain Act (Sir R. Cartwright). Int., 905; M. 2nd R. (Sir R. Cartwright), 982; rem., Mr. Perley, 983; Sir M. Bowell, 985; M. agreed to, 986; in Com., Sir R. Cartwright, Mr. Young, 1012; Mr. Davis, Mr. Young, 1013; Mr. Young, Mr. Davis, Mr. Gibson, 1015; Mr. Watson, Mr. Perley, 1016, 1017; Mr. Young, Sir. R. Cartwright, 1018; Mr. Campbell, Mr. Davis, 1019; Mr. Davis, Mr. Young, Mr. Perley, 1020, 1024; Mr. Davis, Mr. Perley, Sir R. Cartwright, 1035 to 1037; amt. Mr. Davis, 1084; rem., Mr. Gibson, 1084; Mr. Béique, Mr. Davis, 1087; Mr. Perley, Sir R. Cartwright, 1089; amt. withdn., amt. Mr. Talbot, 1091; amt. carried, 1092; amt. Mr. Davis, 1093; Sir R. Cartwright, Mr. Young, 1095; amt. withdn., 1097; B. rep. from Com. (Mr. McSweeney), 1098; 3rd R.*, 1105; M. to concur in Commons Amts. (Sir R. Cartwright), rem., Mr. Young, 1648; Mr. Davis, Sir M. Bowell, M. agreed to, 1649; R.A., 1738 (c. 45).

(AAA) An Act respecting the sale and marking of Manufactures of Gold and Silver, and Gold and Silver Plated Ware (Mr. Scott). 1st R., M. 2nd R. (Mr. Scott), rem., Mr. Ferguson; M. agreed to, 1054; in Com., rem., Mr. Scott, 1212; Mr. Gibson, 1215; Sir M. Bowell, 1216; Mr. Ferguson, 1217; general discussion, 1218, 1221; discussion on cls. 3 to 9, 1237-1239; rem., Mr. Kerr, 1239; Mr. Scott, Mr. Gibson, 1241; Mr. Lougheed, 1243; Mr. Power, 1245; Mr. Ferguson, 1247; Mr. Béique, 1249; Mr. Scott on cl. 9, 1343; rem., Mr. Kerr, 1344; Mr. Scott, 1347; Mr. Gibson, 1349; Sir M. Bowell, 1350; Mr. Power, 1351; B. rep. from Com. (Mr. Belcourt), 1352; 3rd R.*, 1353; R.A., 1738 (c. 30).

(BBB) An Act for the relief of Hattie Spratte (Mr. Perley). Int., 965; 2nd R., 1011; M. 3rd R. (Mr. Perley), amt. (Mr. Cloran), 1025; rem., Mr. Kirchhoffer, 1031; Mr. Domville, 1033; Mr. McMullen, 1033; Mr. Ross (Halifax), 1034; amt. lost, M. for 3rd R. agreed to, 1035; R.A., 1737 (c. 158).

(CCC) An Act to amend the Inspection and Sale Act as regards grain (Sir R. Cartwright). 1st R., 2nd R.*, 1053; in Com., rem., Sir R. Cartwright, Mr. Perley, Mr. Lougheed, 1131; Mr. Watson, Mr. Douglas, Mr. Campbell, 1133; general discussion, 1134-1142; Mr. Perley, Mr. Douglas, 1299; Mr. Young, Sir R. Cartwright, 1300; Mr. Davis, Mr. Perley, 1301; Mr. Young, 1303; discussion on amt., Mr. Davis, 1304 to 1306; amt. lost, 1307; Mr. Talbot, Mr. Young, 1308; amt. Mr. Campbell to cl. 16, 1310; amt. lost, 1310; amt. Mr. Davis, 1311; Mr. Poirier, Mr. Power, 1312; Mr. Watson, Mr. Wilson, 1314; Mr. Douglas, 1315; Mr. Davis, 1340; amt. Sir R. Cartwright carried, 1374; amt. Mr. Davis carried, 1375; B. rep. from Com. (Mr. Roy), 1377; B. referred back, 1411; in Com., Sir R. Cartwright, Mr. Watson, Mr. Perley, 1411; Mr. Power, B. rep. from Com. (Mr. Roy), 1412; M. to concur in amts. (Sir R. Cartwright), amt. Mr. Davis, 1416; Sir R. Cartwright, 1419; Mr. Douglas, 1421; Mr. Watson, 1422; Mr. Perley, 1425; Mr. McHugh, Mr. Wilson, 1427; Mr. Power, 1428; sub-amt. Mr. Bernier, rem., Mr. Davis, 1429; Mr. Landry, Mr. Ferguson, Mr. Domville, 1432; Mr. Douglas, sub-amt. lost (c. 18; n. c. 30), 1435; amt. lost, M. to concur carried, 1437; M. to suspend rules (Sir R. Cartwright), rem., Mr. Davis, 1437; M. agreed to, M. 3rd R. (Sir R. Cartwright), 1444; amt. Mr. Douglas, 1444; rem., Mr. Watson, 1445; Mr. Davis, Sir M. Bowell, amt.

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withdn., 1446; M. 3rd R. agreed to, 1447; Commons amts. concurred in, 1650; R.A., 1738 (c. 36).

(DDD) An Act to incorporate the Alberta and British Columbia Railway Company (Sir M. Bowell). Int., 1025; 2nd R.*, 1053; 3rd R.*, 1172; R.A., 1738 (c. 78).

(EEE) An Act respecting the Hamilton, Waterloo and Guelph Railway (Mr. Gibson). Int., 1172; 2nd R.*, 1222; R.A., 1738 (c. 118).

(FFF) An Act respecting a certain patent of William B. Smith (Mr. Power). Int., 1276; M. 2nd R. (Mr. Power), rem., Sir M. Bowell, Mr. Wilson, 1342; M. 2nd R. agreed to, 1343; B. rep. from Com. (Mr. Cloran), 1378; M. 3rd R. (Mr. Power), rem., Sir M. Bowell, 1415; M. 3rd R. agreed to, 1416; R.A., 1738 (c. 156).

(GGG) An Act for the relief of Arthur James Townsend (Mr. Campbell). Int., 1276; 2nd R.*, 3rd R.*, 1343; R.A., 1738 (c. 163).

(HHH) An Act respecting certain patents of the Metallic Shingle and Siding Company, Limited (Mr. Compbell). 1st R.*, 1414; 2nd R.*, 1476; 3rd R.*, 1486; R.A., 1738 (c. 128).

(III) An Act respecting Agricultural Fertilizers (Mr. Scott). 1st R.*, 1447; M. 2nd R. (Mr. Scott), rem., Mr. Ferguson, Mr. Lougheed, 1487; M. 2nd R. agreed to, 1488.

(JJJ) An Act respecting the Canadian Patriotic Fund Association (Mr. Scott). 1st R.*, 1514; 2nd R.*, 1582; M. 3rd R. (Mr. Cox), amt. Mr. Scott, amt. carried, M. 3rd R. agreed to, 1582; R.A., 1738 (c. 96).

(3) An Act to amend the Railway Act (Mr. Young). Int., 97; M. 2nd R. (Mr. Young), rem., Mr. McMullen, 152; Mr. Wilson, Mr. Ferguson, 153; Mr. McMullen, Mr. Ellis, Mr. Watson, 154; Mr. Davis, Mr. Power, 155; Mr. Casgrain, 156; Mr. Ferguson, 157; Mr. Jones, 160; Mr. Ferguson, 163; Mr. Béique, 164; Mr. Scott, M. agreed to, 167; M. to refer (Mr. Young), rem., Mr. Ferguson, 167; Mr. Watson, Mr. Davis, 168; Mr. McMullen, 169; Mr. Kerr, 170; Mr. Edwards, Mr. Wilson, 171; Mr. McSweeney, Mr. Power, 173; Mr. Béique, Mr. Domville, 174; M. agreed to, 174; B. reported (Mr. Casgrain), 308; rem.. Mr. Ferguson, Sir M. Bowell, 309; Mr. Ferguson, Mr. Poirier, Mr. Speaker, amt. (Mr. Landry), 310; rem., Mr. Ellis, Mr. Béique, 311; Mr. Power, Sir M. Bowell, 312; Mr. Cloran, 313; Mr. Speaker, amt. carried, 315; on report of Com., amt., Mr. Béique, 504; rem., Mr. Ferguson, 508, 560; amt. ta amt. (Mr. Ferguson), 585; rem., Mr. Poirier, 585; Mr. Béique, 587; Mr. Bostock, 589; Mr. Kerr, 591; Mr. Casgrain, 597; Mr. Power, 599; Mr. McMullen, 602; Mr. McGregor, Mr. Douglas, 604; Mr. Cloran, 605; Mr. Scott, 609; Mr. Ferguson, 613; amt. (Mr. Ferguson) to amt. declared lost, 614; amt. to amt. (Mr. Power), 632; rem., Mr. Béique, 633; Mr. Ferguson, 635; Mr. Sullivan, 639; amt. (Mr. Power) to amt. declared lost, 639; amt. to amt. (Mr. Belcourt), amt. declared lost, 640; rem., Mr. Davis, 685; Mr. Ellis, 686; Mr. Wood, 690; Mr. Sullivan, 692; Mr. Poirier, 693; amt. (Mr. Béique) carried, 694; rem., Mr. Ferguson, 694; Mr. Gibson, 699; amt. (Mr. Ferguson) declared lost, 701; amt. (Mr. Ellis) lost (c. 14; n. c. 42), report of Com. concurred in, 702; M. 3rd R. (Mr. Young), amt. (Mr. Cloran), 718; amt. lost, 720; rem., Mr. Casgrain, 720; M. carried, 721.

(5) An Act respecting Co-operation (Mr. Scott). Int., 479; M. 2nd R. (Mr. Scott), 619; rem., Mr. McMullen, 620; Mr. Bostock, 622; Mr. Béique, 623; Mr. Cloran, 624; Mr. Lougheed, 625; Mr. Sullivan, 626; Mr. Macdonald (B.C.), Mr. Derbyshire, 627; Sir M. Bowell, 627; Mr. Wood, 630; Mr. Owens, 631; Mr. Power, M. agreed to, 632; M. to concur in report (Mr. Gibson), 1252; rem., Mr. Power, Sir M. Bowell, n p. of order (Mr. Power), 1253; rem., Mr. Ferguson, Mr. Speaker, 1254; Mr. Gibson, Mr. Wilson, 1255; Mr. Béique, Mr. Poirier, Mr. McMullen, 1257; Mr. Lougheed, Mr. Kerr, Mr. Landry, 1260; rem., Sir M. Bowell, 1332; Mr. Ferguson, Mr. Speaker, 1335; Mr. Wilson, Mr. Ferguson, amt. to refer back (Mr Casgrain), 1337; amt. carried, 1338; M. Mr. Scott, 1573; Mr. Ross (Middlesex), 1577; Mr. Ferguson, 1583; Sir M. Bowell, 1586; Mr. Lougheed, 1587; Mr. Kerr, 1588; Mr. Landry, 1592; Mr. Wilson, 1595; Mr. McMullen, 1596; M. (Mr. Scott) rejected (c. 18; n. c. 19), report of Com. adopted, 1596.

(7) An Act to incorporate the North Empire Fire Insurance Company (Mr. Young). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 136).

(8) An Act respecting the Tobique Manufacturing Company and to change its name to 'Fraser Lumber Company, Limit-

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ed' (Mr. Thompson). Int., 231; 2nd R.*, 266; 3rd R.*, 380; R.A., 541 (c. 162).

(9) An Act respecting the survey of public lands of the Dominion and Surveyors entitled to make such survey (Mr. Scott). Int., 97; M. 2nd R. (Mr. Scott), rem., Mr. Ferguson, Mr. Lougheed, 216; Mr. Scott, Mr. Casgrain, 217; Mr. Scott, M. agreed to, 218; in Com., rem., Mr. Lougheed, Mr. Scott, Mr. Power, Mr. Casgrain, 275, 276; Mr. Casgrain, Mr. Sullivan, 277; Mr. Lougheed, Mr. Scott, 278; amt. to cl. 21 (Mr. Kerr), 280; rem., Mr. Power, Mr. Lougheed, 280; Mr. Scott, Mr. Ross (Middlesex), 281; Mr. Scott, Mr. Bernier, 283; Mr. Landry, Mr. Ross, Mr. Kerr, 284; Mr. Lougheed, Mr. Sullivan, Mr. Power, 285; Mr. Scott, Mr. Kerr, amt. lost, 286; on cl. 22, rem., Mr. Casgrain, Mr. Power, Mr. Scott, cl. struck out, 307; on cl. 44, amt. (Mr. Power), 307; amt. adopted, B. reported with amts. concurred in (Mr. Ellis), 308; M. 3rd R. (Mr. Scott), rem., Mr. McMullen, M. agreed to, 331; R.A., 541 (c. 21).

(13) An Act respecting the British Columbia Southern Railway Company (Mr. Young). Int., 97; 2nd R.*, 174; 3rd R.*, 213; R.A., 293 (c. 87).

(14) An Act respecting the Campbellford, Lake Ontario and Western Railway Company (Mr. Beith). Int., 97; 2nd R.*, 174; 3rd R.*, 213; R.A., 293 (c. 90).

(15) An Act respecting the Esquimalt and Nanaimo Railway Company (Mr. Young). Int., 98; 2nd R.*, 175; 3rd R.*, 213; R.A., 1738 (c. 107).

(16) An Act respecting the South Ontario Pacific Railway Company (Mr. McMullen). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 157).

(19) An Act to incorporate the Bank of Winnipeg (Mr. Young). Int., 329; M. 2nd R. (Mr. Watson), rem., Mr. Lougheed, 337; Mr. Scott, Mr. McMillan, M. agreed to, 338; 3rd R.*, 523; R.A., 779 (c. 173).

(20) An Act respecting the Belleville Prince Edward Bridge Company (Mr. Ross, Middlesex). Int., 1083; M. 2nd R., (Mr. Ross), 1222; rem., Mr. Derbyshire, Mr. Wilson, 1223; Mr. Ross, Mr. Poirier, 1224; Mr. Power, amt. (Mr. Davis) for 6 m. h., 1225; Mr. Kerr, Mr. Perley, Mr. Cloran, 1226; amt. withdn., M. 2nd R. carried, 1227; 3rd R.*, 1396; R.A., 1737 (c. 85).

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(21) An Act respecting the British Yukon Railway Company (Mr. Belcourt). Int., 382; 2nd R.*, 430; B. rep. from Com. (Mr. Casgrain), 480; 3rd R.*, 503; R.A., 541 (c. 88).

(22) An Act respecting the Macleod, Cardston and Montana Railway Company (Mr. Talbot). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 125).

(23) An Act respecting the Ministers', widows and orphans fund of the Presbyterian Church of Canada (Mr. Watson). Int., 329; 2nd R.*, 364; 3rd R.*, 487; R.A., 541 (c. 148).

(24) An Act respecting the West Ontario Pacific Railway Company (Mr. McMullen). Int., 98; 2nd R.*, 175; 3rd R.*, 213; R.A., 293 (c. 169).

(25) An Act respecting the Hamilton Radial Electric Railway Company (Mr. Gibson). Int., 479; 2nd R.*, 539; 3rd R.*, 778; R.A., 1147 (c. 117).

(26) An Act respecting the Manitoba and Northwestern Railway Company of Canada (Mr. Watson). Int., 98; 2nd R., 175; 3rd R.*, 213; R.A., 293 (c. 126).

(27) An Act to amend the Government Railways Act (Mr. Scott). Int., 617; 2nd R., 679; in Com., rem., Mr. Ferguson, Mr. Scott, 704; Mr. Wilson, Mr. Watson, B. rep. from Com. (Mr. McKay, Truro), 705; 3rd R.*, 721; R.A., 779 (c. 31).

(28) An Act to amend the Copyright Act (Mr. Power). 1st R.*, 329; M. 2nd R. (Mr. Power), rem., Mr. Lougheed, 380; M. agreed to, 381; in Com., rem., Mr. Ross (Middlesex), 454; B. rep. from Com. (Mr. Baker), 455; 3rd R., R.A., 541 (c. 17).

(32) An Act to incorporate the Bank of Vancouver (Mr. Bostock). Int., 501; 2nd R.*, 539; 3rd R.*, 703; R.A., 779 (c. 166).

(33) An Act respecting the Calgary and Fernie Railway Company (Mr. Bostock). Int., 231; 2nd R.*, 266; 3rd R.*, 318; R.A., 541 (c. 89).

(34) An Act respecting the Lindsay, Bobcaygeon and Pontypool Railway Company (Mr. McHugh). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 123).

(35) An Act to incorporate the Travellers' Life Assurance Company of Canada (Mr. David). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 165).

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(36) An Act respecting the Boundary, Kamloops and Cariboo Central Railway Company (Mr. Bostock). Int., 231; 2nd R.*, 266; 3rd R.*, 318; R.A., 541 (c. 86).

(37) An Act to incorporate the Canada Weather Insurance Company (Mr. Beith). Int., 640; 2nd R.*, 703; 3rd R.*, 781; R.A., 1147 (c. 91).

(38) An Act respecting the Edmonton, Dunvegan and British Columbia Railway Company (Mr. Roy). Int., 246; 2nd R.*, 270; 3rd R.*, 318; R.A., 541 (c. 104).

(39) An Act respecting the Kamloops and Yellowhead Pass Railway Company (Mr. Bostock). Int., 211; 2nd R.*, 219; 3rd R.*, 318; R.A., 541 (c. 120).

(40) An Act respecting the Pacific Coast Fire Insurance Company (Mr. Bostock). Int., 793; 2nd R.*, 805; 3rd R.*, 928; R.A., 1147 (c. 143).

(41) An Act to incorporate the Standard Plate Glass Insurance Company of Canada (Mr. Jaffray). Int., 793; 2nd R.*, 805; 3rd R.*, 919; R.A., 1147 (c. 161).

(44) An Act to incorporate the Alberta and Brazeau Railway Company (Mr. Young). Int., 246; 2nd R., 308; B. rep. from Com. (Mr. Casgrain), 355; amts. concurred in, 381; 3rd R.*, 430; R.A., 541 (c. 79).

(45) An Act respecting the Canadian Pacific Railway Company (Mr. Young). Int., 246; 2nd R.*, 270; 3rd R.*, 318; R.A., 541 (c. 95).

(46) An Act respecting the Cumberland Railway and Coal Company (Mr Power). Int., 246; 2nd R., 270; In Com., amts. concurred in, 455; 3rd R., R.A., 541 (c. 100).

(47) An Act respecting the Montreal, Ottawa and Georgian Bay Canal Company (Mr. Kerr). Int., 479; 2nd R.*, 539; 3rd R., 684; R.A., 779 (c. 130).

(48) An Act respecting the Niagara Grand Island Bridge Company (Mr. Kerr). Int., 231; 2nd R.*, 266; 3rd R.*, 318; R.A., 541 (c. 133).

(49) An Act to incorporate the Shuswap and Thompson Rivers Boom Company (Mr. Bostock). Int., 714; 2nd R., 740; M. to concur in report (Mr. Casgrain), amt. to refer back (Mr. Bostock), rem., Mr. Ellis, Sir M. Bowell, 994; Mr. Kerr, 995; Mr. Béique, 997; Mr. Cloran, 999; Mr. Landry, 1000; Mr. Belcourt, 1001; Mr. McMullen, amt. to refer back carried (c. 29; n. c. 15), 1002; M. to concur in amts.

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(Mr. Casgrain), 1183; amt. (Mr. Comeau) for 3 m. h., 1184; rem., Mr. Bostock, 1184; Mr. Baird, 1186; Mr. David, 1187; Mr. Gibson, 1188; Mr. Béique, 1190; Mr. McMullen, 1192; Sir M. Bowell, 1193; Mr. Kerr, 1195; Mr. Lougheed, 1197; Mr. Wilson, 1201; amt. rejected (c. 9; n. c. 23), M. agreed to, 1202; M. 3rd R. (Mr. Bostock), amt. Mr. Landry, 1206; rem., Mr. Béique, 1207; Mr. Cloran, 1208; Mr. Belcourt, 1209; Sir M. Bowell, 1210; amt. rejected (c. 10; n. c. 29), M. 3rd R. carried, 1211; R.A., 1737 (c. 155).

(50) An Act respecting the Dominion Atlantic Railway Company (Mr. Power). Int., 479; 2nd R.*, 520; 3rd R.*, 684; R.A., 779 (c. 101).

(51) An Act respecting the Erie, London and Tilsonburg Railway Company (Mr. Wilson). Int., 480; 2nd R.*, 520; 3rd R.*, 591; R.A., 779 (c. 106).

(52) An Act respecting the patent of Eugene François Giraud (Mr. McMullen). Int., 231; 2nd R.*, 291; 3rd R.*, 380; R.A., 541 (c. 113).

(53) An Act respecting the New Brunswick Southern Railway Company (Mr. Ellis). Int., 735; 2nd R.*, 761; 3rd R.*, 920; R.A., 1147 (c. 132).

(56) An Act to incorporate the Bank of Hamilton Pension Fund (Mr. McMullen). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 116).

(57) An Act respecting a certain convention between His Majesty and the President of the French Republic (Sir R. Cartwright). Int., 480; 2nd R., 703; in Com., rem., Sir R. Cartwright, 705; Sir M. Bowell, 707; Sir R. Cartwright, 713; B. rep. from Com. (Mr. Wood), 714; 3rd R.*, 714; R.A., 779 (c. 28).

(58) An Act respecting the Ashcroft, Barkerville and Fort George Railway Company (Mr. Bostock). Int., 231; 2nd R.*, 291; 3rd R.*, 368; R.A., 541 (c. 83).

(60) An Act respecting patents of the Goodwin Car Company (Mr. Kerr). Int., 329; 2nd R., 354; 3rd R.*, 380; R.A., 541 (c. 114).

(61) An Act respecting patents of Montague Moore and Thomas James Heskett (Mr. Kerr). Int., 329; 2nd R., 354; 3rd R.*, 380; R.A., 541 (c. 129).

(62) An Act respecting the Subsidiary High Court of the Ancient Order of Foresters

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in the Dominion of Canada (Mr. McHugh). Int., 617; 2nd R.*, 679; 3rd R.*, 781; R.A., 1147 (c. 108).

(67) An Act respecting the Canadian Northern Ontario Railway Company (Mr. Gibson). Int., 480; 2nd R.*, 520; 3rd R.*, 703; R.A., 1147 (c. 93).

(68) An Act respecting the Edmonton, Yukon and Pacific Railway Company (Mr. Davis). Int., 501; M. 2nd R. (Mr. Wilson), rem., Mr. Power, Mr. Wilson, M. agreed to, 539; 3rd R.*, 951; R.A., 1148 (c. 105).

(69) An Act to incorporate the Ruthenian Catholic Mission of St. Basil the Great in Canada (Mr. Talbot). Int., 355; 2nd R.*, 566; amts. concurred in (Mr. Cloran), 800; 3rd R.*, 805; R.A., 1147 (c. 152).

(70) An Act to incorporate the Saskatoon, Saskatchewan, Peace River and Dawson Railway Company (Mr. Roy). Int., 501; 2nd R.*, 786.

(71) An Act respecting the Standard Mutual Fire Insurance Company, and to change its name to the 'Standard Fire Insurance Company' (Mr. Kerr). 1st R.*, 2nd R., 993; 3rd R.*, 1340; R.A., 1737 (c. 160).

(72) An Act respecting the patent of the Windsor Pump and Foundry Company, Limited (Mr. Beith). Int., 231; 2nd R.*, 291; 3rd R.*, 380; R.A., 541 (c. 172).

(73) An Act respecting the Quebec Railway, Light and Power Company (Mr. Choquette). Int., 480; 2nd R.*, 520; 3rd R.*, 919; R.A., 1147 (c. 150).

(74) An Act respecting the Ottawa, Brockville and St. Lawrence Railway Company (Mr. Derbyshire). Int., 480; 2nd R.*, 520; 3rd R.*, 721; on Commons amts., M. (Mr. Derbyshire) to agree with Commons and restore original cl. 4, 795; rem., Sir M. Bowell, Mr. McMillan, 796; Mr. Cloran, Mr. Béique, Mr. Kerr, 797; amended M. (Mr. Derbyshire) carried, 798; R.A., 1147 (c. 140).

(75) An Act to incorporate the Women's Auxiliary to the Misisonary Society of the Church of England in Canada (Mr. Baker) Int., 329; 2nd R.*, 338; 3rd R.*, 380; R.A., 541 (c. 98).

(76) An Act respecting the Interprovincial Railway Bridge Company of New Brunswick (Mr. Costigan). Int., 480; 2nd R.*, 520; 3rd R.*, 591; R.A., 779 (c. 119).

(77) An Act respecting the Canadian Northern Quebec Railway Company (Mr. Tessier). Int., 480; 2nd R.*, 520; 3rd R.*, 591; R.A., 779 (c. 94).

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(81) An Act respecting the Canadian Northern Railway Company (Mr. Young). Int., 480; 2nd R.*, 520; 3rd R.*, 684; R.A., 779 (c. 92).

(82) An Act respecting the Niagara, St. Catharines and Toronto Railway Company (Mr. Kerr). Int., 617; 2nd R.*, 679; M. to concur in report (Mr. Ellis), amt. to refer back (Mr. Kerr), 987; amt. agreed to, 988; 3rd R.*, 1060; R.A., 1737 (c. 134).

(83) An Act respecting the Owen Sound and Meaford Railway Company (Mr. McMullen). Int., 480; 2nd R.*, 520; 3rd R.*, 684; R.A., 779 (c. 141).

(86) An Act to incorporate the Northern Empire Railway Company (Mr. DeVeber). Int., 714; 2nd R.*, 740; 3rd R.*, 920; R.A., 1147 (c. 138).

(87) An Act to incoporate the Vancouver Island and Eastern Railway Company (Mr. Bostock). Int., 480; 2nd R.*, 520; 3rd R.*, 721; R.A., 1147 (c. 167).

(88) An Act to incorporate the Architectural Institute of Canada (Mr. Béique). Int., 759; 2nd R.*, 778; 3rd R.*, 971; R.A., 1147 (c. 82).

(89) An Act to authorize the sale to the Grand Trunk Railway Company of Canada of a portion of Major's Hill Park, in the City of Ottawa, as a hotel site (Mr. Scott). Int., 1453; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1533; M. 2nd R. carried, 1534; in Com., rem., Sir M. Bowell, Mr. Frost, 1555; Mr. Lougheed, Mr. Sullivan, 1556; Mr. Power, 1557; Mr. Ferguson, 1558; Mr. Watson, 1558; Mr. McMullen, 1559; Mr. Ferguson, 1560; Mr. Power, 1561; Sir M. Bowell, 1562; Mr. Kerr, Mr. Ross (Halifax), 1563; B. rep. from Com. (Mr. Comeau), 1563; 3rd R., 1564; R.A., 1738 (c. 44).

(94) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 31st March, 1908 (Mr. Scott). M. 1st R. (Mr. Scott), rem., Mr. Lougheed, Sir M. Bowell, 287; Sir R. Cartwright, Mr. Ferguson, 288; M. agreed to, 289; 2nd R.*, 289; M. 3rd R. (Mr. Scott), rem., Mr. Lougheed, Mr. McMullen, 289; Mr. Douglas, 290; M. agreed to, 291; R.A., 283 (c. 1).

(99) An Act to amend the Irrigation Act (Mr. Scott). Int., 501; 2nd R., 566; B.

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rep. from Com. (Mr. McKay, Alma), 679; 3rd R.*, 684; R.A., 779 (c. 38).

(101) An Act respecting the Fort William Terminal Railway and Bridge Company (Mr. Watson). Int., 793; 2nd R.*, 805; 3rd R.*, 920; R.A., 1147 (c. 109).

(102) An Act to amend the Winding Up Act (Mr. Scott). Int., 455; 2nd R., 487; B. rep. from Com. (Mr. Wilson) 539; 3rd R.*, 550; R.A., 779 (c. 74).

(109) An Act to authorize a bounty to Volunteers who served the Crown in South Africa (Mr. Scott). Int., 1651; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, M. agreed to, 3rd R., 1680; R.A., 1738 (c. 67).

(111) An Act respecting the National Battlefields at Quebec (Sir R. Cartwright). Int., 480; M. 2nd R. (Sir R. Cartwright), rem., Mr. Choquette, Mr. Lougheed, 520; M. agreed to, 521; in Com., rem., Sir R. Cartwright, 524; Mr. Lougheed, 525; Mr. Scott, 526; Mr. Dandurand, 528; Mr. Bernier, 528; Mr. Macdonald (B.C.), Mr. Poirier, 529; on cl. 1, rem., Mr. Ferguson; on cl. 5, rem., Mr. Lougheed, 532; on cl. 9 and 10, rem., Mr. Power, 535; on cl. 16, rem., Mr. Power, 536; B. rep. from Com. (Mr. Roy), 537; 3rd R.*, 537; R.A., 541 (c. 57).

(112) An Act to amend the Railway Act as Com. (Mr. Roy), 537; 3rd R.*, 537; R.A., respects the constitution of the Board of Railway Commissioners (Mr. Scott). Int., 946; 2nd R., 993; in Com., Mr. Lougheed, Mr. Ferguson, Mr. Casgrain, 1397; Mr. McMullen, 1399; Mr. Ellis, 1400; Mr. Ferguson, 1401; Mr. Power, 1402; Mr. Béique, 1403; Mr. Scott, 1404; discussion on clauses, 1405-1407; Mr. Ferguson, 1407; Mr. Scott, Mr. Béique, 1408; B. rep. from Com. (Mr. Bolduc), 1409; M. 3rd R. (Mr. Scott), amt. Mr. Béique carried, 1453; amt. Mr. Ferguson, rem., Mr. Scott, 1454; Mr. Ferguson, 1455; amt. adopted, amt. Mr. Landry rejected, M. 3rd R. carried, 1457; R.A., 1738 (c. 62).

(113) An Act to amend the Land Titles Act (Mr. Scott). Int., 815; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 834; M. agreed to, 835; in Com., rem., Mr. Lougheed, Mr. Power, Mr. Ellis, 911; Mr. Scott, 912; Sir M. Bowell, B. rep. from Com. (Mr. Ellis), 987; 3rd R.*, 1004; R.A., 1147 (c. 41).

(115) An Act to amend the Dominion Elections Act (Mr. Scott). 1st R.*, 1681; M.

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2nd R. (Mr. Scott), 1686; rem., Mr. Lougheed, 1687; Mr. Watson, 1689; Mr. Perley, 1694; Sir M. Bowell, 1697; Mr. Ferguson, 1700; Mr. Béique, M. 2nd R. agreed to, 1701; in Com., on subcl. 4, Mr. Ferguson, Mr. Scott, subcl. adopted, on subcl. 6, Mr. Watson, cl. adopted, 1702; on cl. 8, Mr. Kerr, Mr. Ross (Middlesex), Sir M. Bowell, 1704; Mr. Ferguson, Mr. Scott, Mr. Lougheed, 1706; Mr. Scott, Mr. Lougheed, cl. adopted, 1711; on cl. 21, amt. Sir M. Bowell, Mr. Ross (Middlesex), 1712; Sir M. Bowell, Mr. Watson, 1713; amt. lost, cl. adopted, 1714; on cl. 26, Mr. Perley, Mr. Watson, 1714; cl. adopted, on cl. 36, Sir M. Bowell, 1715; B. rep. from Com., 3rd R.*, 1716, R.A., 1738 (c. 26).

(116) An Act to amend the Exchequer Court Act (Mr. Scott). Int., 946; 2nd R., 993; in Com., Mr. Scott, Mr. Ferguson, Sir M. Bowell, 1051; Mr. Scott, Mr. Ferguson, Mr. Ellis, B. rep. from Com. (Mr. Talbot), 1052; M. 3rd R. (Mr. Scott), rem., Sir M. Bowell, M. 3rd R. agreed to, 1053; R.A., 1147 (c. 27).

(117) An Act to amend the Intercolonial Railway and Prince Edward Island Railway Employees' Provident Fund Act (Mr. Scott). Int., 550; 2nd R., 616; 3rd R.*, 653; R.A., 779 (c. 37).

(118) An Act to amend the Railway Act with respect to Telegraphs and Telephones and the jurisdiction of the Railway Commissioners (Mr. Scott). Int., 1391; 2nd R., 1410; in Com., rem., Sir M. Bowell, Mr. Scott, Mr. Béique, 1465; B. rep. from Com. (Mr. Campbell), 1467; 3rd R., 1467; R.A., 1738 (c. 61).

(119) An Act to encourage the construction of Dry Docks (Mr. Scott). Int., 1221; M. 2nd R. (Mr. Scott), 1287; rem., Mr. Lougheed, 1288; Sir M. Bowell, 1290; Mr. McMullen, M. 2nd R. agreed to, 1291; in Com., on cl. 3, rem., Mr. Power, 1329; Mr. Béique, Mr. Ross (Middlesex). Mr. McSweeney, 1330; cl. adopted, 1331; on cl. 8, rem., Sir M. Bowell, Mr. Béique, Mr. Scott, 1331; cl. adopted, 1332; B. rep. from Com. (Mr. Cox), 1332; 3rd R.*, 1340; R.A., 1737 (c. 24).

(120) An Act to authorize the issue of Government Annuities for old age (Sir R. Cartwright). Int., 1453; M. 2nd R. (Sir R. Cartwright), 1488; rem., Mr. Ferguson, 1489; M. 2nd R. agreed to, 1491; in Com., rem., Mr. Ferguson, 1535; Sir R. Cartwright, 1536; on cl. 4, Mr. Ferguson, Mr. Cox, Sir R. Cartwright, 1538; cl. adopted,

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1539; discussion on clauses, 1540-1543; on cl. 11, Sir R. Cartwright, Mr. Béique, Mr. Sullivan, cl. adopted, 1544; B. rep. from Com. (Mr. Forget), 3rd R.*, 1544; R.A., 1738 (c. 5).

(121) An Act to amend the Supreme Court Act (Mr. Scott). 1st R.*, 682; 2nd R., 703; 3rd R.*, 739; R.A., 779 (c. 70).

(135) An Act to amend the Immigration Act (Mr. Scott). 1st R.*, M. to suspend rules (Mr. Scott), rem., Sir M. Bowell, 805; Mr. Scott, 807; Mr. Landry, 808; Mr. Béique, 809; 2nd and 3rd R.*, 810; R.A., 1738 (c. 33).

(136) An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively March 31, 1908, and March 31, 1909 (Mr. Scott). 1st R.*, 738; 2nd R., 3rd R.*, 739; R.A., 779 (c. 2).

(142) An Act to amend the Bills of Exchange Act (Mr. Scott). 1st R.*, 2nd R., 3rd R.*, 814; R.A., 816 (c. 8).

(143) An Act to amend the Inland Revenue Act (Mr. Scott). 1st R.*, 2nd R., 810; in Com., rem., Sir M. Bowell, Mr. Power, 812; B. rep. from Com. (Mr. Kerr), M. 3rd R. (Mr. Scott), 813; rem., Sir M. Bowell, 813; M. agreed to, 814; R.A., 816 (c. 34).

(144) An Act to amend the Winding-Up Act (Mr. Scott). Int., 815; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 833; M. agreed to, 834; in Com., B. rep. from Com. (Mr. Mitchell), 855; 3rd R., 862; R.A., 1147 (c. 75).

(145) An Act to amend the Act relating to Ocean Steamships Subsidies (Mr. Scott). 1st R.*, 2nd R., rem., Sir M. Bowell, 3rd R.*, 815; R.A., 816 (c. 68).

(146) An Act respecting proprietary or patent medicines (Mr. Scott). Int., 1535; M. 2nd R. (Mr. Scott), rem., Mr. Roy, M. agreed to, 1565; in Com., Mr. Power, Mr. Sullivan, Mr. McMillan, Mr. Béique, 1566, 1567; Mr. Sullivan, 1568; discussion on clauses, Mr. McMullen, Mr. Scott, Mr. Power, Mr. Wilson, Mr. Douglas 1569-1573; Mr. McMullen, Mr. Scott, Mr. Sullivan, 1641; Mr. Kerr, Mr. Derbyshire, Mr. Roy, 1643; Mr. Scott, 1644; Mr. Cox, Mr. Sullivan, 1645; Mr. Ross (Middlesex), Sir M. Bowell, 1647; Mr. Coffey, 1648; on cl. 7 reconsidered, amt. Mr. Sullivan, rem., Mr. McMullen, Mr. Béique, 1667; amt. lost, amt. Mr. Derbyshire, on pt. of order (Mr. Landry), Chairman's ruling upheld (c. 28; n. c. 6), 1669; rem., Mr. Roy, Mr. Kerr, 1669; Mr. Scott, Mr. Power, 1670; Mr. Ferguson, 1671; amt. Mr. Derbyshire carried, B. rep. from Com. (Mr. David), 3rd R., 1672; R.A., 1738 (c. 56).

(147) An Act to repeal the Canned Goods Act (Mr. Scott). Int., 817; 2nd R., 875; 3rd R.*, 928; R.A., 1147 (c. 13).

(148) An Act to amend the Inspection and Sale Act (Mr. Scott). Int., 1202; 2nd R., 1228; in Com., rem., Mr. Lougheed Mr. Ferguson, 1294; Mr. Power, 1295; B. rep. from Com. (Mr. McSweeney), 1296; 3rd R.*, 1298; R.A., 1737 (c. 35).

(149) An Act to amend the Meat and Canned Foods Act (Mr. Scott). Int., 817; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, Mr. Gibson, 875; M. agreed to, 876; in Com., rem., Mr. Lougheed, Mr. Scott, 920; Mr. Ferguson, 921; Mr. Power, Mr. Bostock, Mr. Baird, 922; Mr. Jaffray, Mr. Lougheed, 923; Mr. Scott, Mr. Ferguson, 924; Mr. Cloran, 925; B. rep. from Com. (Mr. Ellis), 926; 3rd R.*, 928; R.A., 1147 (c. 47).

(150) An Act to amend the Yukon Placer Mining Act (Mr. Scott). Int., 1202; 2nd R., 1229; in Com., rem., Mr. Scott, Sir M. Bowell, 1296; Mr. Lougheed, 1297; B. rep. from Com. (Mr. Béique), 1332; 3rd R.*, 1340; R.A., 1737 (c. 77).

(152) An Act respecting Signal Dues at Halifax (Mr. Scott). Int., 946; 2nd R., 993; B. rep. from Com. (Mr. Sullivan), 1008; 3rd R.*, 1011; R.A., 1147 (c. 66).

(158) An Act respecting the Meaford Harbour (Mr. Scott). Int., 946; 2nd R., 994; in Com., Mr. Scott, Sir M. Bowell, 1009; B. rep. from Com. (Mr. Bostock), 1010; 3rd R.*, 1011; R.A., 1147 (c. 46).

(159) An Act respecting the issue of Dominion Notes (Mr. Scott). 1st R.*, 1230; M. 2nd R. (Mr. Scott), 1261; Mr. Lougheed, 1262; Mr. Domville, 1264; Mr. Watson, 1265; Mr. Scott, 1268; Mr. Ferguson, 1269; Sir M. Bowell, 1274; Mr. Gibson, 1275; M. 2nd R. agreed to, 3rd R.*, 1276; R.A., 1737 (c. 23).

(160) An Act to amend the Bank Act (Mr. Scott). Int., 1276; M. 2nd R. (Mr. Scott), 1318; rem., Mr. Ferguson, 1319; Mr. Campbell, 1320; Mr. Béique, Mr. Power, M. 2nd R. agreed to, 1321; in Com., rem., Mr. Ferguson, 1354; Sir R. Cartwright, 1354, 1355; B. rep. from Com. (Mr. Coffey), 3rd R.*, 1356; R.A., 1737 (c. 7).

BILLS—SERIATIM—*Con.*

(162) An Act to amend the Post Office Act (Mr. Scott). Int., 1221; M. 2nd R. (Mr. Scott), 1291; rem., Mr. Lougheed, Sir R. Cartwright, Sir M. Bowell, Mr. Power, M, 2nd R. agreed to, 1292; in Com., rem., Mr. McMullen, 1377; B. rep. from Com. (Mr. Legris), 1378; 3rd R.*, 1378; R.A., 1738 (c. 53).

(163) An Act to authorize the Exchange of School Lands for other Dominion Lands (Mr. Scott). Int., 946; 2nd R., in Com., rem., Sir M. Bowell, Mr. Scott, B. rep. from Com. (Mr. Sullivan), 1053; 3rd R.* 1060; R.A., 1147 (c. 22).

(165) An Act respecting the Court of Appeal of British Columbia (Mr. Scott). Int., 1276; 2nd R., 1321; B. rep. from Com. (Mr. Kerr), 3rd R.*, 1357; R.A., 1737 (c. 10).

(168) An Act to authorize the payment to the Provinces of Saskatchewan and Alberta of part of the Assurance Fund under the Land Titles Act, 1894 (Mr. Scott). Int., 1149; 2nd R., 1211; B. rep. from Com. (Mr. Young), 1236; 3rd R.*, 1297; R.A., 1737 (c. 42).

(169) An Act to amend the Yukon Act (Mr. Scott). Int., 1149; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1233; M. agreed to, 1234; in Com., B. rep. from Com. (Mr. Derbyshire), 1318; 3rd R.*, 1340; R.A., 1737 (c. 76).

(171) An Act respecting Government Guaranteed Bonds of the Grand Trunk Railway Company (Mr. Scott). 1st R.*, 1221; M. 2nd R. (Mr. Scott), 1292; rem., Mr. Lougheed, Sir M. Bowell, 1293; M. 2nd R. agreed to, 1294; 3rd R.*, 1340; R.A., 1737 (c. 32).

(173) An Act to restrain the use of tobacco by young persons (Mr. Scott). Int., 1391; M. 2nd R. (Mr. Scott), 1409; rem., Mr. Ross (Middlesex), 1409; Mr. Ellis, Mr. Lougheed, M. 2nd R. agreed to, 1410; in Com., on 1st cl., amt. Mr. Power, 1457; rem., Mr. Scott, Mr. Lougheed, Mr. Mc Mullen, 1458; Mr. Ross (Halifax), Mr. Ross (Middlesex), 1459; Mr. Power, Sir M. Bowell, Mr. Lougheed, 1460, Mr. Béique, amt. lost, 1461; on cl. 2, amt. (Mr. McMullen), rem., Mr. Gibson, 1462; amt. carried and cl. adopted, 1463; amt. Mr. Ross (Middlesex), 1463; rem., Mr. Gibson, amt. carried, 1464; B. rep. from Com. (Mr. Wilson), 1464; M. 3rd R. (Mr. Scott), 1479; amt. Mr. Power, 1479; rem., Mr. Scott, Mr. David, Mr. Lougheed, 1481; Mr. Kerr, 1483; Mr. Ross (Middlesex), 1483; Mr. Edwards, 1484; Mr. Sullivan, Mr. Wilson, 1485; amt. carried (c. 32, n.c. 13), M. 3rd R. carried, 1486; R.A. 1738 (c. 73).

BILLS—SERIATIM—*Con.*

(181) An Act to consolidate and amend the Acts respecting the Public Lands of the Dominion (Mr. Scott). 1st R.*, 1511; on notice of 2nd R., rem., Mr. Lougheed, Sir M. Bowell, Mr. Scott, 1512; M. 2nd R. (Mr. Scott), 1625; Sir M. Bowell, 1627; Mr. Davis, M. agreed to, 1628; in Com., on cl. 15, Mr. Lougheed, Mr. Scott, Mr. Béique, 1631; Sir M. Bowell, Mr. Ferguson, cl. adopted, 1633; on cl. 32, Mr. Lougheed, Sir R. Cartwright, cl. adopted, 1634; on cl. 39, Sir M. Bowell, Mr. Scott, cl. adopted, 1635; on cl. 42, amt. (Mr. Lougheed) 1635; Mr. Landry, Mr. Watson, 1637; Mr. Lougheed, Mr. Scott, amt. rejected (c. 3, n.c. 15), B. rep. from Com. (Mr. Coffey), 1638; M. 3rd R. (Mr. Scott), rem., Mr. Lougheed, 1654; amt. Mr. Lougheed, 1657; Mr. Scott, 1658; Mr. Ross (Middlesex) 1659; Mr. Watson, Mr. Ferguson, 1661; Sir M. Bowell, 1662; Mr. Kerr, 1664; Mr. Landry, 1665; amt. lost, M. 3rd R. carried, 1666; R.A., 1738 (c. 20).

(186) An Act for granting to His Majesty certain sums of money for the public service of the financial year ending March 31, 1909 (Mr. Scott). 1st R.*, M. to suspend rules (Mr. Scott), rem., Mr. Lougheed, 1143; Mr. Scott, 1144; Mr. Miller, 1145; Mr. Scott, 1146; M. agreed to, 2nd R.*, 3rd R.*, 1147; R.A., 1148 (c. 3).

(189) An Act to amend the Civil Service Act (Mr. Scott). Int., 1453; M. 2nd R. (Mr. Scott), 1516; rem., Mr. Lougheed, 1518; M. in amt. (Mr. Lougheed), 1521; rem., Mr. Power, 1521; (Mr. Béique), 1525; Mr. Ross (Middlesex), 1526; Sir M. Bowell, 1528; Mr. Ferguson, 1531; amt. lost, M. 2nd R. agreed to, 1533; in Com., on cl. 6, rem., Sir M. Bowell, cl. adopted, 1600; on cl. 8, rem., Sir M. Bowell, Mr. Lougheed, cl. amended adopted, 1601; on cl. 9, rem., Sir M. Bowell, Mr. Power, 1602; Mr. Ferguson, Mr. Béique, 1603; Mr. Lougheed, Mr. McSweeney, Sir M. Bowell, 1605; Mr. Watson, Sir R. Cartwright, 1607; Mr. Kerr, Mr. Domville, 1609; cl. adopted, 1610; on cl. 11, Mr. Ross (Middlesex), Mr. Scott, cl. adopted, 1611; on cl. 38, Mr. Power, Sir M. Bowell, 1615; Mr. Scott, Mr. McMullen, 1617; Mr. Ross (Middlesex), 1618; cl. adopted, 1619; on cl. 41, Sir M. Bowell, 1619; Mr. Power, Sir R. Cartwright, 1620; cl. adopted, 1621; on cl. 45, Mr. Lougheed, Mr. Ferguson, 1621; Mr. Power, Mr. Scott, 1622; Sir M. Bowell,

BILLS—SERIATIM—*Con.*

Mr. Power, 1623; Mr. Ferguson, Mr. Wilson, cl. adopted, B. rep. from Com. (Mr. Campbell), 3rd R.*, 1624; R.A., 1738 (c. 15).

(191) An Act respecting the bounties on lead contained in lead-bearing ores mined in Canada (Mr. Scott). Int., 1453; M. 2nd R. (Mr. Scott), rem., Mr. McMullen, Mr. Ellis, 1491; Sir M. Bowell, Sir R. Cartwright, 1493; M. 2nd R. agreed to, 1494; B. rep. from Com. (Mr. Landry), 3rd R.*, 1534; R.A., 1738 (c. 43).

(193) An Act to amend the Timber Marking Act (Mr. Scott). Int., 1495; 2nd R., 3rd R.*, 1534; R.A., 1738 (c. 72).

(194) An Act to amend the Customs Act (Mr. Scott). 1st R.*, 1413; M. 2nd R. (Mr. Scott), 1467; rem., Sir M. Bowell, 1468; Mr. Gibson, 1469; Mr. Power, 1470; Mr. Lougheed, Mr. Ellis, Mr. McMullen, 1471; Mr. Scott, 1473; Mr. Béique, Mr. Jaffray, 1474; Sir M. Bowell; M. 2nd R. agreed to, 1475; in Com., rem., Mr. Lougheed, Mr. Scott, 1494; B. rep. from Com. (Mr. McSweeney), 1495; M. 3rd R. (Mr. Scott), rem., Sir M. Bowell, 1515; M. 3rd R. carried, 1516; R.A., 1738 (c. 19).

(199) An Act to provide for the payment of bounties on crude petroleum (Mr. Scott). 1st R.*, 1513; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, Mr. Domville, 1544; M. agreed to, 1545; in Com., rem., Sir M. Bowell, Mr. Wilson, Mr. Scott, 1545; B. rep. from Com. (Mr. Domville), 3rd R.*, 1546; R.A., 1738 (c. 52).

(200) An Act respecting the salary of the Superintendent of Insurance (Mr. Scott). 1st R.*, 1511; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, Mr. Cox, 1546; M. agreed to, 1547; 3rd R.*, 1547; R.A., 1738 (c. 69).

(201) An Act to assist in maintaining an independent and efficient service of telegraphic news from Great Britain for publication in the Canadian Press (Mr. Scott). 1st R.*, 1511; 2nd R., 1548; 3rd R.*, 1549; R.A., 1738 (c. 12).

(202) An Act to authorize the construction of a branch line of the Prince Edward Island Railway from Harmony on the Souris branch to Elmira (Mr. Scott). 1st R.*, 1511; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, Mr. Lougheed, 1547; Mr. Ferguson, Mr. Scott, M. agreed to, 1548; 3rd R., 1624; R.A., 1738 (c. 54).

(204) An Act to amend chap. 38 of the Statutes, 1907, in amendment to the Railway Act (Mr. Scott). Int., 1597; 2nd R., 3rd R.*, 1638; R.A., 1738 (c. 60).

BILLS—SERIATIM—*Con.*

(205) An Act to prohibit the importation, manufacture and sale of opium for other than medicinal purposes (Mr. Scott). 1st R.*, 1549; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, 1597; M. 2nd R. carried, 1597; in Com., rem., Mr. Scott, 1672; Sir M. Bowell, 1673; Mr. Domville, Mr. Kerr, 1676; Mr. Sullivan, Mr. Ferguson, B. rep from Com. (Mr. McKay, Alma), 1677; 3rd R., 1678; R.A., 1738 (c. 50).

(206) An Act to amend the Judges Act (Mr. Scott) . Int., 1598; 2nd R., 3rd R.*, 1639; R.A., 1738 (c. 39).

(208) An Act respecting the Office of Auditor General (Mr. Scott). 1st R.*, 1513; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, Mr. Ferguson, Sir M. Bowell, M. agreed to, 3rd R.*, 1549; R.A., 1738 (c. 6).

(209) An Act to amend the Canada Shipping Act (Mr. Scott). Int., 1651; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1678; Sir M. Bowell, Mr. Ferguson, 1679; M. agreed to, 3rd R.*, 1680; R.A., 1738 (c. 64).

(210) An Act to amend the Northwest Territories Act (Mr .Scott). Int., 1598; 2nd R.*, 3rd R.*, 1639; R.A., 1738 (c. 49).

(211) An Act to amend the Act of the present Session entitled An Act respecting the Dominion Guarantee Company, Limited. B. received, rem., Mr. Baker, Sir M. Bowell, Mr. Landry, Mr. Power, Mr. Speaker, 1650; Mr. Speaker, Mr. Landry, Mr. Power, 1651, Mr. Ferguson, Mr. Baker, Mr. Speaker, 1652.

(212) An Act to amend the Criminal Code and to repeal section 415 of the Railway Act (Mr. Scott). Int., 1649; 2nd R.*, 3rd R.*, 1678; R.A., 1738 (c. 18).

(213) An Act respecting aid for the extension of the Edmonton, Yukon and Pacific Railway (Mr. Scott). 1st R.*, 2nd R., 3rd R.*,1717; R.A., 1738 (c. 25).

(214) An Act respecting certain aid for the extension of the Canadian Northern Railway (Mr. Scott). 1st R.*, 2nd R., 3rd R.*, 1717; R.A., 1738 (c. 11).

(215) An Act to authorize the granting of subsidies in aid of the construction of the lines of railway therein mentioned (Mr. Scott). 1st R.*, 1717; M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, 1718; Mr. Landry, Mr. Scott, 1719; Mr. Ferguson, M. agreed to, 3rd R.*, 1720; R.A., 1738 (c. 63).

BILLS—SERIATIM—*Con.*

(217) An Act respecting the Quebec Bridge and Railway Company (Mr. Scott). 1st R.*, M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, 1720; Mr. Scott, Mr. Landry, 1721; Mr. Scott, 1725; M. agreed to, 3rd R.*, 1726; R.A., 1738 (c. 59).

(218) An Act to authorize the sale or other disposition of certain Ordnance lands in the cities of Toronto and Montreal (Mr Scott). 1st R.*, 2nd R.*, 3rd R.*, 1681; R.A., 1738 (c. 51).

(219) An Act respecting the National Battlefields at Quebec (Mr. Scott). 1st R.*, M 2nd R. (Mr. Power), rem., Mr. Landry, Mr. Ferguson, Sir M. Bowell, 1707; Mr. Scott, Mr. Lougheed, 1708; M. 2nd R. agreed to, 3rd R.*, 1710; R.A., 1738 (c. 58).

(220) An Act for granting to His Majesty certain sums of money for the public service for the financial year ending 31st March, 1909 (Mr. Scott). 1st R.*. 1726; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, 1726; Mr. Scott, Sir M. Bowell, 1729; Mr. Ferguson, 1731; Sir M. Bowell, 1732; Mr. Ross (Middlesex), 1733; Mr. Scott, M. 2nd R. agreed to, 1736; 3rd R., 1737; R.A., 1738 (c. 4).

BIC HARBOUR WHARF: inq. (Mr. Landry), reply (Mr. Scott), 1358.

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